

established by the Small Business Administration.⁷

16. The Commission has not developed a definition of small entities applicable to satellite service licensees. Therefore, the applicable definition of small entity is the definition under the Small Business Administration ("SBA") rules applicable to Communications Services "Not Elsewhere Classified." This definition provides that a small entity is one with \$11 million or less in annual receipts.⁸

17. If the Commission adopts the proposed rules permitting U.S. carriers and users to obtain direct access to INTELSAT, the Commission would require Comsat Corporation ("Comsat") to take appropriate actions within INTELSAT to give effect to these rules. Comsat's 1996 revenues were in excess of \$11 million. Thus, Comsat does not qualify as a small entity under the SBA's definition. U.S. carriers and users that may benefit from the Commission's adoption of the proposed rules, may include small entities that offer communications services. According to the SBA, the Census Bureau estimates that there are approximately 848 entities providing communications services, not elsewhere classified. Of those, approximately 775 reported annual receipts of less than \$9.999 million or less and would qualify as small entities subject to the proposed rules.⁹ More precise data is not available.

Description of Projected Reporting, Recordkeeping or Other Compliance Requirements

18. The proposals in the *NPRM* are not expected to result in any additional reporting, recordkeeping and other compliance.

Steps Taken To Minimize Significant Economic Burden on Small Entities, and Significant Alternatives Considered

19. The *NPRM* considers two alternatives for U.S. carriers and users to obtain direct access to INTELSAT: Level 3 direct access and Level 4 direct access. Level 3 direct access permits a customer to enter into a contractual agreement with INTELSAT for ordering, receiving and paying for INTELSAT space segment capacity at the same rate that INTELSAT charges its Signatories. Level 4 direct access permits a customer to

make a capital investment in INTELSAT in proportion to its customers' utilization of the INTELSAT system at INTELSAT tariff rates. The *NPRM* proposes rules that would permit U.S. carriers and users to obtain Level 3 direct access to INTELSAT. The *NPRM* does not propose a rule permitting Level 4 direct access to INTELSAT because the *NPRM* tentatively concludes that such a rule would contravene the requirement under the Communications Satellite Act of 1962 that Comsat be the sole U.S. participant in INTELSAT. The proposed rules would permit small entities to obtain Level 3 direct access to INTELSAT, however, as a Level 3 direct access customer of INTELSAT, such small entities would not be required to undertake any of the financial obligations or be entitled to participate in the INTELSAT governance process as are Signatories. We believe that the proposed rules will permit authorized carriers and users, including small entities, to benefit from direct access through greater choice and lower rates in connection with use of the INTELSAT system and we seek comment on these and other benefits that may result from direct access. We recognize that other issues not raised in the *NPRM* may be significant to carriers and users, including small entities, and we also request comment on issues relating to direct access that are not raised in the *NPRM*. We do not expect the proposed rules to cause any economic burden to small entities, and seek comment on any issues pertinent to this.

Federal Rules That Overlap, Duplicate, or Conflict With These Proposed Rules

20. None.

Ordering Clauses

21. Accordingly, it is ordered that pursuant to the authority contained in sections 4(i), 4(j) 201, 214, 301 *et seq.*, and 403, and sections 201(c)(5) and (c)(11) and 401 of the Communications Satellite Act of 1962, 47 U.S.C. 721(c)(5) and (c)(11) and 741 of the applicable procedures set forth in sections 1.415 and 1.3-419 of the Commission's rules, 47 CFR 1.415 and 1.419 that this *Notice of Proposed Rulemaking* is hereby adopted.

22. It is further ordered that interested parties may comment until December 18, 1998 and file reply comments until January 8, 1999.

23. It is further ordered that the Commission's Office of Public Affairs Reference Operations Division shall send a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to Chief

Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 103098A]

RIN 0648-AL49

Fisheries Off West Coast States and in the Western Pacific; Pelagic Fisheries, Amendment 8; Crustacean Fisheries, Amendment 10; Bottomfish and Seamount Groundfish Fisheries, Amendment 6; Precious Corals Fisheries, Amendment 4

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of fishery management plan amendments; request for comments.

SUMMARY: NMFS issues this notice that the Western Pacific Fishery Management Council (Council) has submitted for Secretarial review Amendment 8 to the Pelagic Fisheries Management Plan (FMP), Amendment 10 to the Crustaceans Fisheries FMP, Amendment 4 to the Precious Corals Fisheries FMP, and Amendment 6 to the Bottomfish and Seamount Groundfish Fisheries FMP and is requesting comments from the public. The amendments were prepared so that the FMPs would comply with provisions of the Sustainable Fisheries Act (SFA) regarding bycatch, fishing sectors, essential fish habitat, fishing communities, and overfishing. Copies of the amendments may be obtained from the Council (See **ADDRESSES**).

DATES: Written comments on the amendments must be received on or before January 4, 1998.

ADDRESSES: Written comments should be sent to Charles Karnella, Administrator, Pacific Islands Area Office, National Marine Fisheries Service, 2570 Dole Street, Room 106, Honolulu, HI 96822-2396. Copies of the comprehensive amendment document are available from, Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164

⁷ See 15 U.S.C. 632.

⁸ 13 CFR 121.201, Standard Industrial Classification (SIC) Code 4899.

⁹ U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table D, Employment Size of Firms: 1992, SIC Code 4899 (May 1995).

Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, Fishery Management Specialist, Pacific Islands Area Office, NMFS, at (808) 973-2985 or Kitty Simonds at (808) 522-8220.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any amendment to a FMP to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a notice that the amendment is available for public review and comment. NMFS will consider all public comments received during the comment period in determining whether to approve the amendments for implementation.

The SFA amended the requirements for FMPs in section 303(a) of the Magnuson-Stevens Act. The SFA

established a 2-year deadline by which the FMPs had to be in compliance with the SFA/Magnuson-Stevens Act requirements. The proposed amendments are intended to supplement the FMPs to conform to the new requirements in section 303(a) of the Magnuson-Stevens Act. The proposed amendments: address bycatch and bycatch mortality issues by presenting an overview of the type and amount of bycatch in each managed fishery, assessing the adequacy of bycatch reporting, and examining the existing and possible new measures to minimize bycatch and mortality of bycatch in each fishery; describe the likely effects of management measures on fishing communities; specify overfishing criteria to determine whether a fishery is overfished; identify commercial, recreational, and charter fishing activity in each sector; identify pertinent data associated with the fishing activity in each sector; and identify essential fish habitat/areas of particular concern for management unit

species. The new overfishing criteria are not expected to result in major changes to allowable catches in these fisheries. Specifically, the amendments would add or revise existing definitions in the four Western Pacific FMPs for: "Bycatch," "Charter fishing," "Commercial fishing," "Recreational fishing," "Essential fish habitat," "Fishing community," "Individual fishing quota," "Optimum," "Overfishing," "Overfished," and "Pacific Insular Area."

Recommendations are also presented for obtaining additional data that would enable NMFS and the Council to implement effectively the new requirements under the proposed amendments.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 2, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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