

proceedings before the Commission involving a recommendation from a Joint Board are classified as "permit-but-disclose." 47 CFR 1.1206(a)(8). Ex parte presentations to decisionmakers are permissible but must be disclosed on the record in accordance with the procedures set forth in the rules. 47 CFR 1.1206(a). Accordingly, all persons, including the states, must file copies of written ex parte presentations<sup>1</sup> to Joint Boards or the Commission for inclusion in the record and must file memoranda of new arguments or data contained in oral ex parte presentations.<sup>2</sup>

3. The Commission believes that the public interest served by this joint federal-state decisionmaking would be further enhanced by allowing appropriate persons from individual states somewhat more freedom to communicate informally with the Joint Board and the Commission. Specifically, as with Congress and the Executive Branch, the Commission proposes that presentations from state commissions, their members, and their staffs in Joint Board proceedings only be required to be disclosed if they are of substantial significance and clearly intended to affect the ultimate decision. This will allow the states a greater opportunity, for example, to discuss issues informally with the Commission and state Joint Board members and staff and thus will lead to a deeper, more vigorous level of federal-state cooperation. These states may also elect to participate in the process by filing formal comments, but the proceedings involved are policy-oriented rulemakings, rather than the kind of adjudicatory proceedings in which the significance of party status would be more pronounced.

4. The Commission therefore invites the states and other interested persons to comment on the following question: should the ex parte rules for Joint Board proceedings and proceedings before the Commission involving a recommendation from a Joint Board be modified to provide that those presentations made by states to Joint Boards or the Commission (or their respective staffs) must be disclosed only if they are of substantial significance and clearly intended to affect the ultimate decision?

<sup>1</sup> 47 CFR 1.1206(b)(1). Written ex parte presentations are written communications directed to the merits or outcome of a proceeding that are not served on all parties to the proceeding. 47 CFR 1.1202(b)(1).

<sup>2</sup> 47 CFR 1.1206(b)(2). Oral ex parte presentations are oral communications directed to the merits or outcome of a proceeding that are made without giving advance notice to the parties and an opportunity for them to be present. 47 CFR 1.1202(b)(2).

### Initial Regulatory Flexibility Certification

5. Section 603 of the Regulatory Flexibility Act, as amended, requires a final regulatory flexibility analysis in a notice and comment rulemaking proceeding unless we certify that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." 5 U.S.C. 605(b). We believe that the rule we propose today will not have a significant economic impact on a substantial number of small entities.

6. As noted above, our purpose in proposing to modify the ex parte rules is to facilitate the participation of states in Joint Board proceedings and proceedings before the Commission involving a recommendation from a Joint Board. The proposed rule does not impose any additional compliance burden on persons dealing with the Commission, including small entities. The new rule would reduce the reporting requirements applicable to the states under the current rules and would not otherwise affect the rights of persons participating in Commission proceedings. There is no reason to believe that operation of the new rule would impose any costs on parties to Commission proceedings.

7. Accordingly, we certify, pursuant to section 605(b) of the Regulatory Flexibility Act, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Pub. L. 104-121, 110 Stat. 847 (1996), that the rules will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). The Commission shall send a copy of this Notice of Proposed rulemaking, including this certification, to the Chief Counsel for Advocacy of the SBA. 5 U.S.C. 605(b).

### List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Radio, Telecommunications, Television.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

### Rule Changes

Part 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

### PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.1206 is amended by revising paragraph (a)(8) and paragraph (b)(3) to read as follows:

### § 1.1206 Permit-but-disclose proceedings.

(a) \* \* \*

(8) A proceeding before a Joint Board, a proceeding before the Commission involving a recommendation from a Joint Board or a proceeding before the Commission involving further actions that may be required in any such proceeding;

(b) \* \* \*

(3) Notwithstanding paragraphs (b)(1) and (b)(2) of this section, in permit-but-disclose proceedings presentations made by members of Congress or their staffs or by an agency or branch of the Federal Government or its staff shall be treated as ex parte presentations only if the presentations are of substantial significance and clearly intended to affect the ultimate decision. In proceedings before a Joint Board, proceedings before the Commission involving a recommendation from a Joint Board or proceedings before the Commission involving further actions that may be required in any such proceeding, presentations from a state commission, one or more of its members or its staff regarding the proceeding shall be treated as ex parte presentations only if the presentations are of substantial significance and clearly intended to affect the ultimate decision. The Commission staff shall prepare a written summary of such oral presentations covered by this subparagraph and place them in the record in accordance with paragraph (b)(2) of this section and place such written presentations covered by this subparagraph in the record in accordance with paragraph (b)(1) of this section.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 14

### Importation, Exportation, and Transportation of Wildlife

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** This document announces the U.S. Fish and Wildlife Service's (Service) intent to review aspects of the wildlife importation and exportation

regulations pertaining to domesticated species, certain captive-bred and captive-born species. In addition, the Service intends to review the current user fee structure. The Service intends for this review to lead to proposed changes in the wildlife importation and exportation regulations that would ease the burden on importers and exporters dealing in wildlife that involves no conservation risk, and allow the Service to focus its resources on areas of greater concern. This review will assess whether proposed changes in the current method of assessing user fees are warranted. Any proposed changes in the regulation of domesticated species and certain captive bred or captive-born species, will be addressed in a separate rule from any possible proposed changes to the user fee structure.

**DATES:** Comments and other information received on or before September 14, 1998, will be considered by the Service in developing proposed amendments to 50 CFR part 14.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, Virginia 22203-3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Office of Law Enforcement, 4401 N. Fairfax Drive, Room 500, Arlington, Virginia, between the hours of 8 a.m. and 4 p.m. Monday through Friday. Comments may also be submitted via electronic mail (E-mail) to: r9le\_www@fws.gov.

**FOR FURTHER INFORMATION CONTACT:** Kevin R. Adams, Chief, Office of Law Enforcement, U.S. Fish and Wildlife Service, (703) 358-1949.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On June 21, 1996, the Service published a final rule (61 FR 31868) that defined "domesticated species" to include a list of certain species that would be exempt from the requirements of 50 CFR part 14, subpart B. The Service has experienced difficulty determining which species qualify as domesticated under the current definition in 50 CFR 14.4. In addition, the Service has received continual requests for additions to the list. The Service is considering creating a new definition for "domesticated species" and reviewing the list to determine whether species should be added or deleted, or whether the list should be clarified or eliminated.

The Service is interested in reviewing its role in the regulation of international trade of captive-bred and captive-born wildlife parts and products where it can

be determined that no conservation risk exists. Many species are regularly bred or born in captivity for international trade such as the Ostrich (*Struthio camelus*) and American Bison (*Bison bison bison*), but are not considered to be domesticated animals and thus are subject to all wildlife import and export regulatory requirements. The Service intends to review those species that are routinely bred or born in captivity, where the commodities in international trade are primarily produced from captive-bred or captive-born populations in order to determine whether a reduced level of regulatory control and/or user fees is warranted.

Finally, in the June 21, 1996 (61 FR 31868) final rule amendments to 50 CFR part 14, the Service also enacted new user fee requirements. All commercial importers and exporters of wildlife are required to be licensed and pay appropriate user fees for each shipment. Since the implementation of the new user fees, the Service has received numerous complaints from small businesses about the increased burden on their operation. Although the Service does not intend to change the license requirement for commercial importers and exporters, the Service is interested in reviewing the user fees charged for each shipment. The Service is exploring different user fee structures including a tiered system that would assess user fees based on various factors including quantity and value. The Service is interested in receiving comments on the current user fees including information documenting specific economic, paperwork, or other burdens that have been imposed on small businesses.

##### **List of Subjects in 50 CFR Part 14**

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: June 23, 1998.

**Donald J. Barry,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 660**

[I.D. 070198A]

#### **Western Pacific Fishery Management Council; Public Meeting**

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

**ACTION:** Public meeting; availability of documents.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold its 97th meeting in Kailua Kona, Hawaii. The Council will consider, among other things, action on new framework measures for the American Samoa pelagic and NWHI lobster fisheries. Documents for an American Samoa pelagics closure and a Northwestern Hawaiian Islands (NWHI) lobster fishery harvest limitation program are available for comment.

**DATES:** The Council meeting will be held on July 27-29, 1998. Comments on the documents describing new framework measures for the American Samoa pelagic and NWHI lobster fisheries should be received in the Council office no later than July 27, 1998.

**ADDRESSES:** The Council's 97th meeting will be held at the King Kamehameha Hotel, Kailua Kona, Hawaii; telephone: 808-329-2911. Copies of the meeting agenda and documents describing new framework measures for the American Samoa pelagic and NWHI lobster fisheries are available from the Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director; telephone 808-522-8220.

#### **SUPPLEMENTARY INFORMATION:**

##### **Times and Dates**

The Council's Standing Committees will meet on July 27, as follows: Enforcement from 7:30 a.m. to 9:00 a.m., Crustaceans from 8:00 a.m. to 10:00 a.m., VMS from 9:00 a.m. to 10:30 a.m., Pelagics and Bottomfish (concurrent) from 10:30 a.m. to 12:30 p.m., Indigenous Fishing Rights and Ecosystem & Habitat (concurrent) from 1:30 p.m. to 3:00 p.m., and Precious Corals and Executive/Budget & Programing (concurrent) from 3:00 p.m. to 5:00 p.m. The full Council will meet