

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[WT Docket 98–20 and WT Docket 98–100; DA 98–1687]

Streamlining of Wireless Regulations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; request for comments.

SUMMARY: In this *Public Notice*, DA 98–1687, the Wireless Telecommunications Bureau seeks public comment on the Personal Communications Industry Association's (PCIA) July 31, 1998 letter proposing streamlining of wireless regulations.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW, Room 222, Washington, DC 20554.

DATES: Comments are due September 23, 1998.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW, Room 222, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jeffrey Steinberg, Commercial Wireless Division, Wireless Telecommunications Bureau, (202) 418–0620.

SUPPLEMENTARY INFORMATION: This *Public Notice*, DA 98–1687, released on August 21, 1998, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 5608, 2025 M Street NW, Washington, DC. The complete text, including attachments, may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231–20th Street, NW, Washington, DC 20037, (202) 857–3800.

Summary of Public Notice

1. In numerous proceedings, the Commission has emphasized its desire to take a "common sense" approach to regulation, committing to streamlining its regulations to the greatest extent possible in order to reduce unnecessary regulatory costs and burdens consistent with the public interest. The Commission has also encouraged and received industry input on these issues.

2. On July 31, 1998, Mary McDermott, Senior Vice President & Chief of Staff, Public Relations, PCIA submitted a letter to Daniel B. Phythyon, Chief, Wireless Telecommunications Bureau (PCIA Letter) concerning potential streamlining or elimination of certain wireless regulations. In the letter, PCIA identified three categories of regulations that it regards as administratively unnecessary: (1) Regulations that have

been the subject of comment in the Commission's Universal Licensing System (ULS) rulemaking; (2) other regulations that PCIA contends could be eliminated or modified by the Commission without the need for prior notice and comment; and (3) regulations that PCIA believes should be eliminated or modified but that may require prior notice and comment.

3. We note that many of the specific proposals in the PCIA letter are already the subject of ongoing Commission proceedings, including the ULS rulemaking and the Commission's Notice of Proposed Rulemaking, 63 FR 43025 (August 11, 1998) seeking comment on additional areas where it could apply streamlining or forbearance to its wireless regulations (Wireless Forbearance). In the interest of furthering these and other initiatives, the Bureau believes it serves the public interest to seek public comment on the PCIA Letter, and on the proposals made therein for streamlining and elimination of Commission regulations. We note that this will not delay any streamlining action that the Bureau or the Commission may elect to take without further notice and comment. In addition, we will incorporate comments on the PCIA Letter into the record of our ULS and Wireless Forbearance proceedings, and will incorporate them into other proceedings as appropriate.

Federal Communications Commission.

Rosalind Allen,

Deputy Chief, Wireless Telecommunications Bureau.

[FR Doc. 98–24005 Filed 9–4–98; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

[DFARS Case 98–D400]

Defense Federal Acquisition Regulation Supplement; Flexible Progress Payments

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to remove references to the flexible progress payments method of contract financing. The current DFARS coverage does not permit its use for contracts awarded as a result of solicitations issued on or after November 11, 1993.

DATES: Comments on the proposed rule should be submitted in writing to the address specified below on or before November 9, 1998, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments on the proposed rule to: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. E-mail comments submitted over the Internet should be addressed to:

dfars@acq.osd.mil. Please cite DFARS Case 98–D400 in all correspondence related to this issue. E-mail correspondence should cite DFARS Case 98–D400 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

The Director of Defense Procurement established a special interagency team to review existing policies and procedures related to progress payments, to make them easier to understand and to minimize the burdens imposed on contractors and contracting officers. Regulatory requirements pertaining to progress payments that were not required by statute, required to ensure adequately standardized government business practices, or required to protect the public interest were considered for revision or elimination.

An advance notice of proposed rulemaking (ANPR) was published in the **Federal Register** on May 1, 1997 (62 FR 23740). The ANPR solicited comments from industry and government personnel on how the Federal Acquisition Regulation (FAR) could be revised to result in a simplified and streamlined process of applying for and administering progress payments.

After reviewing progress payment policies and public comments received in response to the ANPR, the team identified potential changes to the FAR and the DFARS. One of the changes for consideration was to eliminate DFARS coverage for flexible progress payments. A second ANPR was published in the **Federal Register** on March 5, 1998 (63 FR 11074), that solicited comments on the potential changes identified in the notice. The ANPR also announced a public meeting, that was subsequently held on April 23, 1998.

After considering written comments received in response to the two notices, and verbal comments provided during the public meeting, the working group

submitted a report to the Defense Acquisition Regulations Council.

This proposed rule reflects the conclusion of the working group that references to flexible progress payments as a method of contract financing should be removed from the DFARS. This financing method is administratively complex and burdensome, and may be replaced with the less cumbersome financing method of performance-based payments in some situations. In addition, as indicated in Table 32-1 at DFARS 232.502-1-71, flexible progress payments currently are not permitted for use for contracts awarded as a result of solicitations issued on or after November 11, 1993.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most contracts awarded to small entities have a dollar value less than the simplified acquisition threshold, and, therefore, do not use the flexible progress payments method of financing. In addition, flexible progress payments currently are not permitted for use for contracts awarded as a result of solicitations issued on or after November 11, 1993. An initial regulatory flexibility analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite 5 U.S.C. 601, *et seq.* (DFARS Case 98-D400), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any information collection requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 232 and 252 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 232—CONTRACT FINANCING

2. Section 232.501 is revised to read as follows:

§ 232.501 General.

§ 232.501-1 [Amended]

3. Section 232.501-1 is amended by removing paragraph (a)(iii).

§ 232.501-2 [Amended]

4. Section 232.501-2 is amended in the second sentence by revising the parenthetical “(232.171)” to read “(see 232.071)”.

§ 232.502-1-71 [Removed]

5. Section 232.502-1-71 is removed.

§ 232.502-4-70 [Amended]

6. Section 232.502-4-70 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

§ 252.232-7003 [Removed and Reserved]

7. Section 252.232-7003 is removed and reserved.

8. Section 252.232-7004 is amended by revising the introductory text to read as follows:

§ 252.232-70004 DoD progress payment rates.

As prescribed in 232.502-4-70(b), use the following clause:

* * * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 082698D]

RIN 0648-AK05

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 9

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the South Atlantic Fishery Management

Council (Council) has submitted Amendment 9 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before November 9, 1998.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 9, which includes a final supplemental environmental impact statement, an initial regulatory flexibility analysis, a regulatory impact review, and a social impact/fishery impact statement, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 727-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any fishery management plan or amendment to the Secretary of Commerce for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the **Federal Register** stating that the amendment is available for public review and comment.

Amendment 9 would: increase the minimum size for red porgy, black sea bass, gag, and black grouper for all participants; increase the minimum size for vermilion snapper for a person subject to the bag limit; establish bag limits for red porgy and black sea bass; during March and April, prohibit harvest and possession in excess of the bag limit and prohibit purchase and sale of red porgy, gag grouper, and black grouper; for greater amberjack, reduce the bag limit, establish a commercial quota and trip limit, prohibit sale of greater amberjack caught under the bag limit when the commercial fishery is closed, prohibit harvest and possession in excess of the bag limit during April, change the beginning of the fishing year to May 1, and prohibit coring (removal of the head from the carcass); restrict possession of gag and black grouper within the aggregate grouper bag limit; establish an aggregate bag limit for all