

**SUPPLEMENTARY INFORMATION:** On February 29, 1996, the Commission adopted a report and order that streamlined the international Section 214 authorization process and tariff requirements, a summary of which was published in the **Federal Register**. See 61 FR 15724, April 9, 1996. The report and order contained new paperwork burdens. The Commission sought and received approval from the Office of Management and Budget (OMB) for all but two of the information collections contained in the report and order. Through a clerical error, 47 CFR 63.19 and 63.53(c) were inadvertently omitted from the Commission's information collection submission to OMB. The Commission subsequently sought OMB approval for 47 CFR 63.19 and 63.53(c). The information collections for these two rules were approved by OMB on August 17, 1999. See OMB Nos. 3060-0686. This publication satisfies the statement that the Commission would publish a document announcing the effective date of the rules.

#### List of Subjects in 47 CFR Part 63

Communications common carriers.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99-24233 Filed 9-16-99; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[PR Docket No. 92-235; FCC 99-203]

#### Private Land Mobile Radio Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; stay.

**SUMMARY:** By this document, the Commission grants petitions to stay rule changes providing that frequencies formerly assigned on a shared basis to the Power Radio Service, Petroleum Radio Service, or Railroad Radio Service must be coordinated by the frequency coordinator formerly solely responsible for the service in question (or be coordinated with that coordinator's prior written concurrence). The stay will remain in effect pending resolution of petitions for reconsideration of the rule changes, during which time any Industrial/Business Pool coordinator may coordinate these frequencies.

**DATES:** Effective August 5, 1999. The Commission will publish a document announcing the termination of this stay.

**FOR FURTHER INFORMATION CONTACT:** Scot Stone of the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, at (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Fourth Memorandum Opinion and Order* in PR Docket No. 92-235, FCC 99-203, adopted August 4, 1999, and released August 5, 1999. The complete text may be purchased from the Commission's copy contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, telephone (202) 857-3800, facsimile (202) 857-3805. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or at mcontee@fcc.gov. The full text of the *Fourth Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th St., SW, Room CY-A257, Washington, DC 20554. The full text of the *Fourth Memorandum Opinion and Order* can also be downloaded at:

<http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc99203.txt> or  
<http://www.fcc.gov/Bureaus/Wireless/Orders/1998/fcc99203.wp>

#### Summary of the Fourth Memorandum Opinion and Order

1. On July 7 and 9, 1999, respectively, MRFAC, Inc. (MRFAC) and Forest Industries Telecommunications (FIT) requested that the Commission stay the effective date of recent amendments to 47 CFR 90.35, 90.175, until the issues raised in their petitions for reconsideration are addressed.

2. Formerly, the Private Land Mobile Radio service frequencies in the bands below 512 MHz were divided into twenty separate radio services, including the Power, Petroleum, Forest Products, Manufacturers, and Railroad Radio Services. The Commission certified one frequency coordinator to make frequency recommendations for each service. The coordinators for the services mentioned were, respectively, UTC, the Telecommunications Association (UTC), the American Petroleum Institute (API), FIT, MRFAC, and the American Association of Railroads (AAR).

3. In the *Second Report and Order* in this proceeding, 62 FR 18834 (rel. April 17, 1997), the Commission consolidated the twenty services into two broad frequency pools, Public Safety and Industrial/Business. All of the services

listed above were consolidated into the Industrial/Business Pool. Generally, the Commission allowed coordination of any Industrial/Business frequency by any of the coordinators of the services that were consolidated into that pool, who would then notify the other in-pool frequency coordinators within one business day. The Commission provided, however, that frequencies formerly allocated *solely* to the Power, Petroleum, or Railroad Radio Service could be coordinated only by the relevant frequency coordinator. The Commission made this exception in order to ensure that licensees in those services, who sometimes use radio as a critical tool for responding to emergencies that could be extremely dangerous to the general public, not incur harmful interference from other licensees.

4. API sought reconsideration of the *Second Report and Order*, on the grounds that this exception did not provide sufficient protection to incumbent petroleum operations because most of the frequencies formerly allocated to the Petroleum Radio Service were shared with other services. In the *Second Memorandum Opinion and Order* in this proceeding, 64 FR 36258 (rel. July 6, 1999), the Commission amended the rules to require that frequencies formerly allocated to the Power, Petroleum, or Railroad Radio Services on an exclusive or shared basis be coordinated only by the frequency coordinator of the relevant service, or, at the relevant frequency coordinator's discretion, with its written concurrence.

5. MRFAC and FIT have raised substantial issues regarding the propriety and utility of the rule changes adopted in the *Second Memorandum Opinion and Order*. It is likely that they will incur much greater harm if the rules are permitted to take effect than might accrue to UTC and API if they are stayed. We conclude, therefore, on balance, that MRFAC and FIT have shown that it is in the public interest to grant the requested stay while the Commission examines these issues, in order to permit frequency coordinators to continue coordinating frequencies they have coordinated for years, and preserve coordination customers' options. We also find that limiting the stay to certain frequency coordinators or certain frequencies would engender greater confusion than it would avoid. Therefore, we shall stay in their entirety the changes to §§ 90.35 and 90.175 of the Commission's Rules requiring that frequencies formerly allocated on a shared basis to the Power, Petroleum, or Railroad Radio Services be coordinated

by UTC, API, or AAR, respectively (or, at their discretion, with their written concurrence). The stay will be in effect until the Commission resolves their Petitions for Reconsideration of the *Second Memorandum and Order* in this proceeding.

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

In the final rule published on July 6, 1999, in amendatory instruction 4 on page 36262 beginning in the second column the following amendments to § 90.35 are stayed effective August 5, 1999: 153.035 MHz through 153.4025 MHz, 153.4025 MHz through 153.4625 MHz, 153.485 MHz through 153.5225 MHz, 153.545 MHz through 153.5825 MHz, 153.605 MHz through 153.6425 MHz, 153.665 MHz through 153.6675 MHz, 158.145 MHz through 158.1825 MHz, 158.205 MHz through 158.2425 MHz, 158.265 MHz through 158.3325 MHz, 158.355 MHz through 158.3775 MHz, 158.415 MHz through 158.4375 MHz, 173.250 MHz, 173.300 MHz, 173.350 MHz, 451.175 MHz, 451.225 MHz, 451.275 MHz, 451.375 MHz, 451.425 MHz, 451.475 MHz, 451.525 MHz, 451.550 MHz, 451.575 MHz, 451.600 MHz, 451.625 MHz, 451.650 MHz, 451.675 MHz, 451.700 MHz, 451.750 MHz, 452.325 MHz, 452.375 MHz, 452.425 MHz, 452.475 MHz, 452.775 MHz, 452.825 MHz, 452.875 MHz, 456.175 MHz, 456.225 MHz, 456.275 MHz, 456.375 MHz, 456.425 MHz, 456.475 MHz, 456.525 MHz, 456.550 MHz, 456.575 MHz, 456.600 MHz, 456.625 MHz, 456.650 MHz, 456.675 MHz, 456.700 MHz, 456.750 MHz, 457.325 MHz, 457.375 MHz, 457.425 MHz, 457.475 MHz, 457.775 MHz, 457.825 MHz, 457.875 MHz, 462.475 MHz, 462.525 MHz, 467.475 MHz, and 467.525 MHz of paragraph (b)(3), and paragraphs (c)(80) and (c)(81).

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 22

RIN 1018-AB81

#### Eagle Transportation Permits for American Indians and Public Institutions

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

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the general eagle permit restrictions applicable to American Indians and public institutions. This final regulation provides for the issuance of eagle permits for transportation of lawfully possessed eagle parts into or out of the United States only when the eagle parts have a religious purpose, or when a public institution transports eagle parts for scientific or exhibition purposes. In these cases, we will require that the eagle parts be returned to the country of origin. We make this revision to address concerns expressed by American Indians and public institutions who have sought our permission to allow international travel of lawfully possessed eagle parts or items containing eagle parts. We have carefully considered the needs of science and education, the religious protections guaranteed by the United States Constitution, and the recommendations made by those responding to the proposed rule providing for Eagle Transportation Permits for American Indians and Public Institutions published Thursday, June 16, 1994 (**Federal Register** (59 FR 30892)).

**EFFECTIVE DATE:** This rule is effective September 17, 1999.

**ADDRESSES:** Comments received are available for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday, in Room 500, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia 22203-3247, (703) 358-1949.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

We, the U.S. Fish and Wildlife Service, will issue permits of limited duration and conditions to American Indians and public institutions for the transportation into or out of the United States of lawfully possessed dead bald eagles (*Haliaeetus leucocephalus*) or dead golden eagles (*Aquila Chrysaetos*), or their parts, nests, or dead eggs. The movement of dead eagles, their parts, nests, or dead eggs across the border of the United States without a permit will still be considered an import or export and will be unlawful. We will not issue a permit under this part that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds. We will not issue permits for one of these live eagle species if any population of that species is listed as

endangered under the Endangered Species Act.

We have the authority and responsibility for enforcing the provisions of the Bald and Golden Eagle Protection Act (Eagle Act), 16 U.S.C. 668-668d, and related regulations in 50 CFR part 22. The Act prohibits certain activities including the import and export of bald or golden eagles on their parts, nests, or eggs. The Act also authorizes us to issue permits for otherwise prohibited activities, including transporting bald and golden eagles, or their parts, nests, or eggs.

Since the adoption of the Eagle Act, its amendments, and its regulations, we have received requests to allow the transportation of dead bald and golden eagles, their parts, nests, or dead eggs into or out of the United States for scientific or exhibition purposes or for religious use by American Indian tribes. There were, however, no provisions within our regulations to allow such activity and the scientific and educational community and the Indian tribes effectively were prevented from crossing international borders with such items. We recognize that this situation creates some problems both in the sharing of science and in the exercise of religious freedoms. We intend to allow American Indians meeting the certification requirements in § 22.22 and public scientific or educational institutions to transport into or out of the United States on a temporary basis dead bald and golden eagles, their parts, nests, or dead eggs. We do not intend this "transportation into or out of the United States" provision to apply to members of foreign aboriginal, indigenous, or other tribal groups. Those individuals are unable to meet the tribal certification requirements applying to a member of an Indian entity recognized and eligible to receive services from the United States Bureau of Indian Affairs listed pursuant to 25 U.S.C. 479a-1.

In changing the applicable regulations, we strive to eliminate unreasonable restrictions placed on the scientific community and American Indians while continuing to prevent any adverse effect on eagle populations. By allowing the transportation of dead bald and golden eagles, or their parts, nests, or dead eggs into or out of the United States, we believe that both of these goals can satisfactorily be met. Other rationales for these changes are: To update part 22 to reflect official title changes of our employees, to correct minor typographical errors, and to incorporate several changes suggested by respondents.