

that the Commission recently adopted a *Notice of Proposed Rule Making*, seeking comment on the impact of the Balanced Budget Act of 1997 on the Commission's licensing schemes for private radio services. See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, WT Docket No. 99-87, RM-9332, RM-9405, *Notice of Proposed Rule Making*, 64 FR 23571, May 3, 1999 ("Balanced Budget Act NPRM"). In light of the ongoing proceeding examining licensing issues concerning private spectrum in the 800 MHz band, as well as other bands, the Bureau decided that it would not grant a broad waiver of existing licensing rules for the 800 MHz band.

4. In the *Balanced Budget Act NPRM*, the Commission noted Nextel's pending waiver requests in seeking comment on whether it should consider the purpose for which spectrum is used or allocated in deciding whether to implement geographic area licensing. The Bureau issues this *Public Notice* as a supplement to the *Balanced Budget Act NPRM*. The Bureau specifically incorporates the record gathered in response to Nextel's waiver requests into WT Docket No. 99-87 and seeks comment on the underlying issues raised by Nextel's waiver requests. Specifically, the Bureau seeks comment on whether the Commission should amend its licensing rules for the 800 MHz band to allow the incorporation of PMRS channels into a CMRS system. The Bureau seeks comment on whether the licensing of PMRS frequencies in the 800 MHz band for commercial SMR use would serve the public interest. If parties believe it would be in the public interest to allow PMRS channels in the 800 MHz band to be incorporated into a CMRS system, but only under certain conditions, they should describe these conditions and address how they should be implemented and enforced.

5. Comments and reply comments submitted in response to this *Public Notice* will be incorporated as part of the record in WT Docket No. 99-87, and addressed by the Commission in that proceeding. Interested parties may file comments on or before August 2, 1999. Parties interested in submitting reply comments must do so on or before September 16, 1999. Parties should limit their comments to the issue of licensing PMRS spectrum in the 800 MHz band for commercial SMR use.

6. All comments should reference WT Docket No. 99-87 and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554. In addition, courtesy copies of each filing should be

sent to Gary D. Michaels, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, and Ramona Melson, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC 20554. A copy of each filing should also be sent to International Transcription Services, Inc., 445 Twelfth Street, S.W., Room CY-B400, Washington, DC 20554.

7. Copies of comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 Twelfth Street, S.W., Washington, DC 20554. Copies also may be obtained from International Transcription Services, Inc., 445 Twelfth Street, S.W., Room CY-B400, Washington, DC 20554, (202) 314-3070.

8. This is a permit-but-disclose proceeding. *Ex-parte* presentations are permitted provided that they are disclosed as specified in the Commission's rules. See generally, 47 CFR 1.1202, 1.1203, and 1.1206.

Federal Communications Commission.

**Mark R. Bollinger,**

*Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.*

[FR Doc. 99-19496 Filed 7-28-99; 8:45 am]

BILLING CODE 6712-01-P

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**DEPARTMENT OF DEFENSE**

**48 CFR Parts 201 and 213**

[DFARS Case 99-D002]

**Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed a rule; extension of comment period.

**SUMMARY:** This extends the public comment period for the proposed rule published in the **Federal Register** at 64 FR 28134 on May 25, 1999. The rule proposed amendments to the Defense Federal Acquisition Regulation Supplement to permit use of the Governmentwide commercial purchase card for purchases valued at or below \$25,000, that are made outside the United States for use outside the United States and are for commercial items. The end of the comment period is extended from July 26, 1999, to August 25, 1999.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before

August 25, 1999, to be considered in the formation of the final rule.

**ADDRESSES:** Interested parties should submit written comments on the proposed rule to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350.

E-mail comments submitted via the Internet should be addressed to: dfars@acq.osd.mil.

Please cite DFARS Case 99-D002 in all correspondence related to this proposed rule. E-mail correspondence should cite DFARS Case 99-D002 in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan L. Schneider, (703) 602-0326. Please cite DFARS Case 99-D002.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

[FR Doc. 99-19393 Filed 7-28-99; 8:45 am]

BILLING CODE 5000-04-M

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Junaluska Salamander as Endangered With Critical Habitat**

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

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the Fish and Wildlife Service, announce a 12-month finding for a petition to list the Junaluska salamander (*Eurycea junaluska*) under the Endangered Species Act of 1973, as amended (Act). After reviewing all available scientific and commercial information, we have determined that listing is not warranted for the Junaluska salamander at this time.

The status of the Junaluska salamander is more secure than indicated by the petitioners, in a large part because the number of populations is more than twice the number previously known to exist. Further, many of the factors the petitioners identified as those threatening the species are merely conjecture or have been lessened by the finding of additional populations. The species occurs in North Carolina and Tennessee.

**DATES:** The finding announced in this document was made on July 14, 1999.

**ADDRESSES:** Send questions, comments, data, or information concerning this petition to the State Supervisor, U.S. Fish and Wildlife Service, Asheville Field Office, 160 Zillicoa Street, Asheville, North Carolina 28801. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Allen Ratzlaff at the above address or telephone 828/258-3939, ext. 229.

**SUPPLEMENTARY INFORMATION:**

**Background**

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), for any petition to revise the Federal List of Endangered and Threatened Wildlife and Plants that presents substantial scientific and commercial information, we are required to make a finding within 12 months of the date of receipt of the petition as to whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority.

On March 31, 1998, we received a petition dated March 30, 1998, from Appalachian Voices and the Biodiversity Legal Foundation. The petition requested that we list the Junaluska salamander (*Eurycea junaluska*) as an endangered species and designate critical habitat under 16 U.S.C. 1533(a)(3)(A) of the Act. The petition identified timber harvesting, predation by nonnative trout, exposure to acid-bearing rock, siltation, genetic drift, the inadequacy of current laws, and random events as immediate threats to the species' continued existence. We made a 90-day finding that the petition presented substantial information indicating that the requested action may be warranted. We announced the 90-day finding and the initiation of a status review in the **Federal Register** on October 28, 1998 (63 FR 57640).

The processing of this petition conforms with our final listing priority guidance for fiscal years 1998 and 1999, published in the **Federal Register** on May 8, 1998 (63 FR 25502). The guidance calls for giving highest priority to handling emergency situations (Tier 1); second highest priority to resolving the listing status of outstanding proposed listings, resolving the conservation status of candidate species, processing administrative findings on petitions, and processing a limited

number of delistings and reclassifications (Tier 2); and third priority to processing proposed and final designations of critical habitat (Tier 3). The processing of this petition falls under Tier 2.

We reviewed the petition, the literature cited in the petition, and other available literature and information, and consulted with biologists and researchers familiar with the Junaluska salamander. Based on the best available scientific and commercial information, we find that listing the Junaluska salamander (*Eurycea junaluska*) as endangered or threatened is not warranted at the present time.

The Junaluska salamander is an aquatic to semi-aquatic lungless (*plethodontid*) salamander known from a portion of the Blue Ridge Mountains in southwestern North Carolina and southeastern Tennessee. Bruce and Ryan (1995) described the habitat of the Junaluska salamander at three sites in North Carolina as relatively low-elevation and wide-basin streams, with sand-gravel substrates and numerous large rocks that serve as refugia and brooding sites.

Prior to receiving the petition, we had some knowledge of the status of the Junaluska salamander, principally from North Carolina. Consequently, we had already initiated a status survey for the Tennessee portion of the species' range. Through this survey and surveys being conducted by the National Park Service in the Great Smoky Mountains National Park, biologists observed the Junaluska salamander in 11 additional streams, for a total of 17 inhabited streams. Many of these streams are on National Park Service land, where the species receives considerable protection. The discovery of additional populations also lessens the potential impacts that any particular project or random event could have on the species. We do not expect any of the other threats outlined by the petitioner to occur so quickly or extensively as to pose substantial immediate threats to the Junaluska salamander's continued existence. There is no direct evidence of any population decline and no populations are known to have been lost since the species was described, though it is likely that reservoir impoundment negatively affected some populations. While small populations are inherently more vulnerable to extirpation, many of the reservoirs in the salamander's range have been in place for more than 60 years, and there is no evidence that the smaller populations are suffering from genetic problems. Additionally, there is no evidence to suggest that predation by nonnative trout is a significant threat to the species. Trout feeding studies

conducted in western North Carolina show that salamanders are a rare food item for trout (Tebo and Hassler 1963).

We now consider threats to the Junaluska salamander to be low. Listing this species as either threatened or endangered is not appropriate at this time because it is not presently in danger of extinction or likely to become so in the foreseeable future. However, in the event that conditions change and the species becomes imperiled due to the factors discussed in this finding, or other unforeseen factors, we could propose to list the species under the Act or, if circumstances warranted, invoke the emergency listing provisions of the Act.

**References Cited**

A complete list of all references cited herein, as well as others, is available upon request from the Asheville Field Office (See **ADDRESSES** section).

Author: The primary author of this document is Mr. J. Allen Ratzlaff (see **ADDRESSES** section).

**Authority**

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: July 14, 1999.

**Marshall P. Jones,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 99-19425 Filed 7-28-99; 8:45 am]

BILLING CODE 4310-55-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AC91**

**Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule To List the Least Chub as Endangered With Critical Habitat**

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

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We withdraw the September 29, 1995, proposed rule to list the least chub (*lotichthys phlegethontis*), a fish, as an endangered species with critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act). After reviewing all available scientific and commercial information we find that the least chub is no longer likely to become endangered in the foreseeable future throughout all or a significant portion of its range.

Habitat loss and degradation were significant threats to the least chub at