

VIII. Statutory Basis

The amendment to Rule 3a12-8 is being proposed pursuant to 15 U.S.C. 78a *et seq.*, particularly Sections 3(a)(12) and 23(a), 15 U.S.C. 78c(a)(12) and 78w(a).

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of the Proposed Amendment

For the reasons set forth in the preamble, the Commission is proposing to amend Part 240 of Chapter II, Title 17 of the *Code of Federal Regulations* as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z-2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j-1, 78k, 78k-1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u-5, 78w, 78x, 78ll(d), 78mm, 79q, 79t, 80a-20, 80a-23, 80a-29, 80a-37, 80b-3, 80b-4 and 80b-11, unless otherwise noted.

* * * * *

2. Section 240.3a12-8 is amended by removing the word "or" at the end of paragraph (a)(1)(xx), removing the period at the end of paragraph (a)(1)(xxi) and adding "; or" in its place, and adding paragraph (a)(1)(xxii), to read as follows:

§ 240.3a12-8 Exemption for designated foreign government securities for purposes of futures trading.

(a) * * *

(1) * * *

(xxii) The Republic of Portugal.

* * * * *

Dated: July 23, 1999.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

Note: Appendix A to the Preamble will not appear in the Code of Federal Regulations.

Appendix A

Regulatory Flexibility Act Certification

I, Arthur Levitt, Jr., Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendment to Rule 3a12-8 (Rule) under the Securities Exchange Act of 1934 (Exchange Act), which would define the government debt securities of the Republic of Portugal (Portugal) as exempted securities under the Exchange Act for the purpose of trading futures on such securities, will not have a significant economic impact on a substantial number of small entities for the following reasons. First, the proposed amendment imposes no record-keeping or

compliance burden in itself and merely allows, in effect, the marketing and trading in the United States of futures contracts overlying the government debt securities of Portugal. Second, because futures contracts on the twenty-one countries whose debt obligations are designated as "exempted securities" under the Rule, which already can be traded and marketed in the United States, still will be eligible for trading under the proposed amendment, the proposal will not affect any entity currently engaged in trading such futures contracts. Third, because those primarily interested in trading such futures contracts are large, institutional investors, neither the availability nor the unavailability of these futures products will have a significant economic impact on a substantial number of small entities, as that term is defined for broker-dealers in 17 CFR 240.0-10.

Dated: July 21, 1999.

Arthur Levitt, Jr.,

Chairman.

[FR Doc. 99-19415 Filed 7-28-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, 24, 26, 27, 73, 74, 80, 87, 90, 95, 97, and 101

[WT Docket No. 99-87, RM-9332, RM-9405; DA 99-1431]

Comments Requested on Licensing of PMRS Channels in the 800 MHz Band for Use In Commercial SMR Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; request for additional comments.

SUMMARY: This document supplements the *Notice of Proposed Rule Making* ("NPRM") published in the **Federal Register** of May 3, 1999, regarding Revised Competitive Bidding Authority. This document requests comment on whether the Commission should amend its licensing rules for the 800 MHz band to allow the incorporation of Private Mobile Radio Service channels into a Commercial Mobile Radio Service system.

DATES: Comments must be filed on or before August 2, 1999 and reply comments must be filed on or before September 16, 1999.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gary D. Michaels, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660, or Ramona Melson, Public

Safety and Private Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0680.

SUPPLEMENTARY INFORMATION: This is a summary of a *Public Notice* (DA 99-1431) released on July 21, 1999. The full text of the *Public Notice* is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 Twelfth Street, S.W., Washington, D.C. 20554, and may also be purchased from the Commission's duplicating contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, (202) 857-3800. The *Public Notice* is also available on the Internet at the Commission's web site: <http://www.fcc.gov/wtb/documents.html>.

Synopsis of Document

1. On July 21, 1999, the Wireless Telecommunications Bureau ("Bureau") issued an *Order* (DA 99-1404) conditionally granting in part and denying in part 50 Requests for Waiver submitted by Nextel Communications, Inc. ("Nextel") in conjunction with applications seeking the Commission's consent to assignment of Part 90 Private Mobile Radio Service ("PMRS") Business channels from various entities to Nextel ("Nextel Order"). In its waiver requests, Nextel indicated that it desired to utilize these PMRS frequencies for Commercial Mobile Radio Service ("CMRS") operation in its 800 MHz Specialized Mobile Radio ("SMR") systems. Nextel sought waiver of Sections 90.617 and/or 90.619 of the Commission's rules, 47 CFR 90.617 and 90.619, because these rules do not permit the authorization of SMR systems on Business Radio Category and Industrial/Land Transportation Category channels.

2. In the *Nextel Order*, the Bureau conditionally granted Nextel's waiver requests to the extent that Nextel will use the PMRS frequencies predominantly to relocate incumbent licensees on the upper 200 channels of the 800 MHz band. However, the Bureau denied Nextel's waiver requests to the extent that Nextel sought a waiver for the purpose of incorporating PMRS Business channels in its CMRS system.

3. In the *Nextel Order*, the Bureau concluded that the practical effect of granting Nextel's waiver requests would have been to establish a policy of general applicability for all Private Land Mobile Radio ("PLMR") channels. Thus, the Bureau determined that the issue of incorporating PMRS channels into CMRS systems was better addressed in a rulemaking proceeding than in a rule waiver proceeding. The Bureau noted

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]

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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]

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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.