

stay. First, without prejudging a separate petition for reconsideration filed by TIA, the Commission concludes that TIA has not shown that the petition is likely to prevail on the merits. In particular, TIA's argument that the Commission should adopt anti-fraud rules based on authentication procedures does not require abandonment of ESN protection rules; instead, if TIA's alternative methodology proves effective, it offers a potentially complementary level of protection against fraud rather than a substitute for ESN regulation.

10. Second, the Commission is not persuaded that either manufacturers or cellular customers will be irreparably harmed if the stay motion is not granted. The new ESN rule applies only to new equipment receiving type acceptance after January 1, 1995. Thus, manufacturers may continue to produce equipment under previous type-acceptances without being required to install hardened ESNs. Finally, the cost of allowing ESN "cloning" to go virtually unchecked is far greater than the cost of implementing the new rule. The Commission therefore concludes that TIA's motion for stay should be denied.

#### Ordering Clauses

11. Accordingly, *it is ordered* that the effective date of new Section 22.541 of our Rules, the application of new Section 22.131 of our Rules insofar as it applies to 931 MHz paging applications, and the 60-day amendment procedure for all pending 931 MHz paging applications described in paragraph 98 of the *Part 22 Order* are stayed, effective as of the adoption date of this Order, until further notice.

12. *It is further ordered* That action on the Petition for Partial Stay filed by the Personal Communications Industry Association on December 19, 1994, with respect to implementation of new 931 MHz processing rules is deferred until future notice.

13. *It is further ordered* That the effective date of the policy prohibiting two licensees from sharing a single transmitter, as described in paragraph 71 of the *Part 22 Order*, is stayed, effective as of the adoption date of this order, until further notice.

14. *It is further ordered* That the Motion for Stay filed by the Mobile and Personal Communications 800 Section of the Telecommunications Industry Association on December 19, 1994, is denied.

#### List of Subjects in 47 CFR Part 22

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

For the reasons set forth in the preamble, 47 CFR part 22 is amended as follows:

#### PART 22—PUBLIC MOBILE SERVICES

1. The authority citation for part 22 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 22.541 is stayed until further notice.

[FR Doc. 95-1218 Filed 1-13-95; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 92-148; RM-8022]

#### Radio Broadcasting Services; Ludlow, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 261B1 to Ludlow, California, as that community's second local FM broadcast service, in response to a petition for rule making filed on behalf of Miracle Broadcasting. See 57 FR 31996, July 20, 1992. Coordinates used for Channel 261B1 at Ludlow are 34-47-31 and 116-03-56. Ludlow is located within 320 kilometers (199 miles) of the Mexican border, and therefore, concurrence of the Mexican government to this proposal was obtained. With this action, the proceeding is terminated.

**DATES:** Effective date:

February 27, 1995. The window period for filing applications on Channel 261B1 at Ludlow, California, will open on February 27, 1995, and close on March 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process for Channel 261B1 at Ludlow, California, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 92-148, adopted January 4, 1995, and released January 12, 1995. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 261B1 at Ludlow.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-1155 Filed 1-17-95; 8:45 am]

BILLING CODE 6712-01-F

#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AC23

#### Endangered and Threatened Wildlife and Plants; *Gymnoderma Lineare* (Rock Gnome Lichen) Determined To Be Endangered

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

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) determines the lichen *Gymnoderma lineare* (rock gnome lichen) to be an endangered species under the authority of the Endangered Species Act of 1973, as amended (Act). This lichen, which is limited to 25 populations in North Carolina and 7 populations in Tennessee, is threatened by collection, logging, and habitat disturbance due to heavy use by hikers and climbers. It is also indirectly threatened by exotic insect pests and possibly air pollution, which are contributing to the demise of the Fraser fir forests at higher elevations in the