

8. Section 1005.21 is amended by revising paragraph (d) to read as follows:

**§ 1005.21 Appeal to DAB.**

\* \* \* \* \*

(d) There is no right to appear personally before the DAB or to appeal to the DAB any interlocutory ruling by the ALJ, except on the timeliness of a filing of the hearing request.

\* \* \* \* \*

**PART 1006—[AMENDED]**

D. Part 1006 is amended as follows:

1. The authority citation for part 1006 continues to read as follows:

**Authority:** 42 U.S.C. 405(d), 405(e), 1302 and 1320a-7a.

2. Section 1006.4 is amended by republishing the introductory text of paragraph (b) and by revising paragraph (b)(2) to read as follows:

**§ 1006.4 Procedures for investigational inquiries.**

\* \* \* \* \*

(b) Investigational inquiries are non-public investigatory proceedings. Attendance of non-witnesses is within the discretion of the OIG, except that—

\* \* \* \* \*

(2) Representatives of the OIG are entitled to attend and ask questions.

\* \* \* \* \*

Dated: April 19, 1999.

**June Gibbs Brown,**  
*Inspector General.*

Approved: November 24, 1999.

**Donna E. Shalala,**  
*Secretary.*

[FR Doc. 00-10142 Filed 4-25-00; 8:45 am]

BILLING CODE 4150-04-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 90**

[GN Docket No. 93-252, PR Docket No. 93-144, PR Docket No. 89-553; FCC 00-106]

**Commercial Mobile Radio Service (CMRS)**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; dismissing various petitions for reconsideration.

**SUMMARY:** This document dismisses or denies fourteen of the fifteen petitions for reconsideration filed against an earlier Federal Communications Commission (Commission) order. The Commission takes this action because most of the issues raised in the petitions

have been addressed in or rendered moot by action taken in other Commission orders. Other issues raised in the petitions are being considered in ongoing Commission proceedings. The Commission does, however, amend its rules to clarify the station identification requirements applicable to CMRS providers licensed under its private land mobile radio services rules.

**DATES:** Effective June 26, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Wilbert E. Nixon, Jr., Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240.

**SUPPLEMENTARY INFORMATION:** In this document released on April 7, 2000, the Commission, resolves various petitions for reconsideration of Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Third Report and Order, 59 FR 59945 (November 21, 1994) (CMRS Third Report and Order). The primary goal of the CMRS Third Report and Order was to establish the regulatory framework for implementing the mandate of the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI § 6002(b), 107 Stat. 312, 392 (1993) (1993 Budget Act), to treat “substantially similar” CMRS providers in a similar regulatory manner. In the five years since the release of the CMRS Third Report and Order, this task has been accomplished through the revision of scores of Commission rule sections in several Commission proceedings. In fact, the majority of the issues raised in the petitions have been addressed in or rendered moot by Commission action taken in Amendment of Part 90 of the Commission’s Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, Implementation of Sections 3(n) and 322 of the Communications Act—Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93-253, First Report and Order, Eighth Report and Order and Second Further Notice of Proposed Rulemaking, 61 FR 6212 (February 16, 1996) (800 MHz Report and Order), Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission’s Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Service, WT Docket No. 98-20, Report and Order, 63 FR 68904 (December 14, 1998) (ULS Report and Order), and other Commission orders released subsequent

to the release of the CMRS Third Report and Order. Other issues raised in the petitions are being considered in ongoing Commission proceedings. For these reasons, with one exception, the Commission dismisses or denies all of the pending petitions for reconsideration. The Commission does, however, amend §§ 90.425 and 90.647 of our rules to clarify the station identification requirements applicable to CMRS providers licensed under part 90. The amended rule language appears below.

This Order (FCC 00-106), adopted March 17, 2000 and released on April 7, 2000, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text may be purchased from the Commission’s copy contractor, International Transcription Service, Inc. 1231 20th Street, NW, Washington DC 20036 (202) 857-3800. The document is also available via the Internet at <http://www.fcc.gov/Bureaus/Wireless/Orders/>.

**I. Final Regulatory Flexibility Certification**

1. Final Regulatory Flexibility Certification. In this Memorandum Opinion and Order on Reconsideration, we amend §§ 90.425 and 90.647(d) of the Commission’s rules as set forth in the Rule Changes below. The amended rules clarify that all part 90 CMRS providers licensed by geographic area are exempt from station identification requirements, and that other part 90 CMRS providers need comply only with the streamlined station identification requirements of § 90.425(e). Specifically, the amendments clarify that station identification need only occur once an hour instead of once every 15 minutes and that the affected CMRS providers need not comply with other detailed technical requirements. We therefore certify, pursuant to the Regulatory Flexibility Act, that the rules adopted in this Order will not have a significant economic impact on a substantial number of small entities.

2. The Commission will send a copy of this Memorandum Opinion and Order on Reconsideration, including specifically a copy of this final certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the Memorandum Opinion and Order on Reconsideration and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be

published in the **Federal Register**. See 5 U.S.C. 605(b).

**II. Ordering Clauses**

3. Accordingly, *It is Ordered*, pursuant to Sections 4(i), 303(r), 309(j), 332, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 309(j), 332, and 405, and Section 1.429(i) of the Commission's rules, 47 CFR 1.429(i), that the petition for reconsideration or clarification filed by American Mobile Telecommunications Association, Inc. IS GRANTED to the extent that American Mobile Telecommunications Association, Inc. seeks clarification of § 90.425 of the Commission's rules.

4. *It is further Ordered* that in all other respects, the petitions for reconsideration and/or clarification of the CMRS Third Report and Order in GN Docket No. 93-252 discussed herein are dismissed to the extent they are identified herein as moot, and otherwise are denied.

5. *It is Further Ordered* that the Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Memorandum Opinion and Order on Reconsideration, including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

**List of Subjects in 47 CFR Part 90**

Administrative practice and procedure, Business and industry, Reporting and recordkeeping requirements.

Federal Communications Commission.  
Deputy Secretary.  
William F. Caton,

**Rule Changes**

As discussed in the preamble, 47 CFR Part 90 is amended as follows:

**PART 90—PRIVATE LAND MOBILE RADIO SERVICES**

1. The authority citation for Part 90 continues to read as follows:

**Authority:** Secs. 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

2. Section 90.425 is amended by revising paragraphs (a) introductory text and (e)(1) to read as follows:

**§ 90.425 Station identification.**

\* \* \* \* \*

(a) *Identification procedure.* Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of

transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section. If the station is employing either analog or digital voice scrambling, or non-voice emission, transmission of the required identification shall be in the unscrambled mode using A3E, F3E or G3E emission, or International Morse, with all encoding disabled. Permissible alternative identification procedures are as follows:

\* \* \* \* \*

(e) \* \* \*

(1) Station identification will not be required for 929-930 MHz nationwide paging licensees or MTA or EA-based SMR licensees. All other CMRS stations will be required to comply with the station identification requirements of this paragraph.

3. Section 90.647 is amended by adding a paragraph (d) to read as follows:

**§ 90.647 Station identification.**

\* \* \* \* \*

(d) Notwithstanding the requirements set forth in this paragraph, systems operated by geographic area CMRS licensees are subject only to the station identification requirements of § 90.425(e).

[FR Doc. 00-10354 Filed 4-25-00; 8:45 am]  
BILLING CODE 6712-01-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

RIN-1018-AF45

**Endangered and Threatened Wildlife and Plants; Final Rule To Remove the Umpqua River Cutthroat Trout From the List of Endangered Wildlife**

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

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (FWS), are amending the current regulations by removing the entry of the Umpqua River Ecologically Significant Unit (ESU) of the coastal cutthroat trout (*Oncorhynchus clarki clarki*) from the List of Endangered and Threatened Wildlife (List). The National Marine Fisheries Service (NMFS), which has jurisdiction for this population, has determined that the Umpqua River cutthroat trout

population, formerly identified as an ESU of the species, is part of a larger population segment that previously was determined to be neither endangered nor threatened as defined by the Endangered Species Act (Act). Therefore, NMFS determined that the Umpqua River cutthroat trout should be removed from the List of Endangered and Threatened Wildlife and recommended that the Department of the Interior implement this action by amending the List accordingly. We concur with the determination by NMFS and are removing all of the Act's protections, including critical habitat designation, for this population in the Umpqua River basin.

**DATES:** This rule is effective April 26, 2000.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours, at Branch of Conservation and Classification, Division of Endangered Species, U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr., Room 420, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Nancy Gloman, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, at the above address or telephone 703/358-2171.

**SUPPLEMENTARY INFORMATION:**

**Background**

The coastal cutthroat trout subspecies (*Oncorhynchus clarki clarki*) is native to western North America and is found in the coastal temperate rainforests from southeast Alaska to northern California (Trotter 1989). The populations addressed in this document inhabit the Umpqua River basin of coastal Oregon. Details of the coastal cutthroat trout's life history and ecology, including particular aspects of the various resident and migratory life forms, can be found in published reviews by Pauley *et al.* (1989), Trotter (1989), Behnke (1992), Johnson *et al.* (1994), and Johnson *et al.* (1999).

**Previous ESA Actions Related to Coastal Cutthroat Trout**

Descriptions of previous Federal actions pertaining to coastal cutthroat trout are summarized in the **Federal Register** notice on the transfer of agency jurisdiction (65 FR 21376, April 21, 2000), final delisting rule published by NMFS (65 FR 20915, April 19, 2000), the proposed delisting rule (64 FR 16397, April 5, 1999), and the initial listing determination (61 FR 41514,