

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

10. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337, unless otherwise noted.

§ 27.1 [Amended]

11. In § 27.1 remove paragraph (b)(7).

12. Section 27.4 is amended by revising the definition of “Band Manager” to read as follows:

§ 27.4 Terms and definitions.

* * * * *

Band Manager. The term *Band Manager* refers to a licensee in the paired 1392–1395 MHz and 1432–1435 MHz bands and the unpaired 1390–1392 MHz, and 1670–1675 MHz bands that functions solely as a spectrum broker by subdividing its licensed spectrum and making it available to system operators or directly to end users for fixed or mobile communications consistent with Commission Rules. A *Band Manager* is directly responsible for any interference or misuse of its licensed frequency arising from its use by such non-licensed entities.

* * * * *

§ 27.5 [Amended]

13. In § 27.5 remove paragraph (g).

§ 27.6 [Amended]

14. In § 27.6 remove paragraph (g).

§ 27.11 [Amended]

15. In § 27.11 remove paragraph (h).

16. Section 27.12 is amended by revising paragraph (b) introductory text to read as follows.

§ 27.12 Eligibility.

* * * * *

(b) *Band Manager licenses.* For the 1392–1395 MHz and 1670–1675 MHz bands and the paired 1392–1395 MHz and 1432–1435 MHz bands, applicants applying for an initial license may elect to operate as a Band Manager, subject to the rules governing Guard Band Managers under subpart G, *provided however*, that the following rules do not apply to Band Managers:

* * * * *

§ 27.13 [Amended]

17. In § 27.13 remove paragraph (f).

§ 27.50 [Amended]

18. In § 27.50 remove paragraph (f), and redesignate paragraph (g) as paragraph (f).

§ 27.53 [Amended]

19. Section 27.53 is amended by removing paragraph (j) and by redesignating paragraph (k) as paragraph (j).

Subpart K [Removed]

20. Subpart K is removed.

PART 87—AVIATION SERVICES

21. The authority citation for part 87 continues to read as follows:

Authority: 47 U.S.C. 154, 303 and 307(e), unless otherwise noted.

§ 87.173 [Amended]

22. Section 87.173 is amended by revising the entry “2310–2390 MHz” to read “2310–2395 MHz” in paragraph (b).

23. Section 87.303 is amended by revising paragraph (d)(1) to read as follows:

§ 87.303 Frequencies.

* * * * *

(d)(1) Frequencies in the bands 1435–1525 MHz and 2360–2395 MHz are assigned primarily for telemetry and telecommand operations associated with the flight testing of aircraft and missiles, or their major components. The bands 1525–1535 MHz and 2310–2360 MHz are also available for these purposes on a secondary basis. Permissible uses of these bands include telemetry and telecommand transmissions associated with the launching and reentry into the Earth’s atmosphere, as well as any incidental orbiting prior to reentry, of manned or unmanned objects undergoing flight tests. In the band 1435–1530 MHz, the following frequencies are shared with flight telemetry mobile stations: 1444.5, 1453.5, 1501.5, 1515.5, 1524.5, and 1525.5 MHz. In the band 2360–2390 MHz, the following frequencies may be assigned on a co-equal basis for telemetry and associated telecommand operations in fully operational or expendable and re-usable launch vehicles, whether or not such operations involve flight testing: 2364.5, 2370.5 and 2382.5 MHz. In the band 2360–2395 MHz, all other mobile telemetry uses are secondary to the above stated launch vehicle uses.

* * * * *

PART 97—AMATEUR RADIO SERVICE

24. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

25. Section 97.303 is amended by revising paragraph (j)(2)(iii) to read as follows:

§ 97.303 Frequency sharing requirements.

* * * * *

(j) * * *

(2) * * *

(iii) The 2390–2417 MHz segment is allocated to the amateur service on a primary basis.

(A) The 2390–2395 MHz segment is shared with Federal and non-Federal Government mobile services on a co-equal basis. See 47 CFR 2.106, footnote US276.

(B) Amateur stations operating in the 2400–2417 MHz segment must accept harmful interference that may be caused by industrial, scientific and medical equipment.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1152

[STB Ex Parte No. 537 (Sub-No. 1)]

Public Participation in Railroad Abandonment Proceedings

AGENCY: Surface Transportation Board.
ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (Board) is proposing to amend its regulations concerning the service of a notice of intent to abandon or discontinue rail service by removing an obsolete reference to a labor organization and making technical changes.

DATES: Comments are due October 2, 2003.

ADDRESSES: Send an original and 10 copies of comments referring to “STB Ex Parte No. 537 (Sub-No. 1)” to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: John Sado, (202) 565–1661. [Federal Information Relay Service for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: The regulations at 49 CFR 1152.20(a)(2) provide that applicants seeking to abandon or discontinue rail service must serve their notices of intent on certain interested parties, including, under section 1152.20(a)(2)(xi), “[t]he headquarters of the Railroad Labor

Executives' Association" (RLEA). It is the Board's understanding that RLEA no longer exists, and it is proposed that section 1150.20(a)(2)(xi) be removed. The regulations, however, still provide labor interests with notice of proposed abandonments or discontinuances, because current section 1150.20(a)(2)(xiii) requires service on "[t]he headquarters of all duly certified labor organizations that represent employees on the affected rail line."¹ This paragraph also contains language that should be moved for clarity: "For the purposes of this subsection 'directly affected states' are those in which any part of the line sought to be abandoned is located." This language would be more appropriate in section 1150.20(a)(2)(ii), and the Board proposes to move the substance of that language to that location. Finally, we propose to redesignate sections 1150.20(a)(2)(xii) and (xiii) as sections 1150.20(a)(2)(xi) and (xii), respectively. The Board certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities, because the rule simply removes an obsolete reference and makes technical changes. The Board seeks comments on all matters raised by this notice.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements, and Uniform System of Accounts.

Decided: August 25, 2003.

By the Board, Chairman Nober.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, the Surface Transportation Board proposes to amend part 1152, of title 49, chapter X, of the Code of Federal Regulations as follows:

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

1. The authority citation for Part 1152 continues to read as follows:

Authority: 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; 45 U.S.C. 744; and 49 U.S.C. 701 note (1995) (section 204 of the ICC

Termination Act of 1995), 721(a), 10502, 10903–10905, and 11161.

2. Section 1152.20 is amended by removing paragraph (a)(2)(xi) and redesignating paragraphs (a)(2)(xii) and (xiii) as paragraphs 1150.20(a)(2)(xi) and (xii), respectively.

3. Revise § 1150.20(a)(2)(ii) and newly redesignated § 1150.20(a)(2)(xii) to read as follows:

§ 1152.20 Notice of intent to abandon or discontinue service.

(a) * * *

(2) * * *

(ii) The Governor (by certified mail) of each state directly affected by the abandonment or discontinuance (for the purposes of this paragraph (a)(2) "states directly affected" are those in which any part of the line sought to be abandoned is located);

* * * * *

(xii) The headquarters of all duly certified labor organizations that represent employees on the affected rail line.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AI04

Endangered and Threatened Wildlife and Plants; Proposed Removal of the Scarlet-chested Parakeet and Turquoise Parakeet from the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to remove the scarlet-chested parakeet (*Neophema splendida*) and the turquoise parakeet (*Neophema pulchella*) from the List of Endangered and Threatened Wildlife established under the Endangered Species Act of 1973, as amended (Act), because the endangered designation no longer correctly reflects the current conservation status of these birds. Our review of the status of these species shows that the wild populations of these species are stable or increasing, trade in wild-caught specimens is strictly limited, and the species are protected through domestic regulation within the range country (Australia) and through additional national and international

treaties and laws. This determination is based on available data indicating that these species have recovered.

DATES: We must receive your written comments on this proposed rule by December 1, 2003 in order to consider them. We must receive your written request for a public hearing by October 17, 2003.

ADDRESSES: Submit comments, information, questions, and hearing requests to the Chief, Division of Scientific Authority; U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 750; Arlington, VA 22203; fax, 703–358–2276; E-mail, ScientificAuthority@fws.gov. Comments and materials received will be available for public inspection by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, VA, address.

FOR FURTHER INFORMATION CONTACT: Dr. Michael D. Kreger, Division of Scientific Authority (See **ADDRESSES** section; phone, 703–358–1708; fax, 703–358–2276; E-mail, ScientificAuthority@fws.gov).

SUPPLEMENTARY INFORMATION:

Background

Scarlet-Chested Parakeet

The splendid or scarlet-chested parakeet (*Neophema splendida*) is found from the interior southwest to southeast Australia in arid mixed mallee eucalypt (*Eucalyptus salubris*)—mulga (*Acacia* spp.) woodlands with an understory of *Triodia* spp. hummock grassland (Higgins 1999). Its habitat preference is burnt areas. It is frequently found in open areas (Garnett and Crowley 2000). The species breeds between August and January and lays four to six eggs. It may be nomadic in response to environmental conditions (e.g., rainfall; Collar 1997). Collar (1997) notes that the birds are generally rare, but large numbers have occurred in certain years, which suggests that the populations may increase relatively quickly and the species may not be as rare as thought in the more remote parts of its range. The size of the species' range is stable, but the distribution of the population within the range fluctuates according to environmental conditions such as grazing and fire regimes (Garnett and Crowley 2000).

Turquoise Parakeet

The turquoise parakeet (*Neophema pulchella*) is found in southeastern Australia from southeast Queensland to northern Victoria. It is found in open forest, woodland, and native grasslands, where it is patchily distributed (Collar 1997). It feeds on seeds, fruits, and flowers; breeds from August to

¹ Similar language for giving notice to labor representatives is found at sections 1121.4(h), 1150.32(e), 1150.35(c)(3), 1150.42(e), 1150.45(c)(3) and 1151.2(a)(6) concerning acquisition or operation of rail lines or feeder line applications.