

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2-1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposal will change an existing special drawbridge operating regulation promulgated by a Coast Guard Bridge Administration Program action. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. In § 117.458, paragraphs (a) and (b) are redesignated as paragraphs (b) and (c) and a new paragraph (a) is added to read as follows:

§ 117.458 Inner Harbor Navigation Canal, New Orleans.

(a) The draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile

6.2E), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7E), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5E), shall open on signal; except that, from 6:45 a.m. to 8:30 a.m. and from 4:45 p.m. to 6:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress.

* * * * *

Dated: February 12, 2001.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 01-4331 Filed 2-21-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01-336; MM Docket No. 01-36, RM-10047]

Radio Broadcasting Services; Jamestown, Alfred, Canaseraga, NY; and DuBois, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Vox Allegany, LLC, requesting the substitution of Channel 270B1 for Channel 270A at Jamestown, New York, and the modification of Station WHUG(FM)'s license accordingly. To accommodate the upgrade, petitioner also proposes the substitution of Channel 246A for Channel 270A at Alfred, New York, and the modification of Station WZKZ(FM)'s license accordingly; the substitution of Channel 270A for vacant Channel 246A at Canaseraga, New York; and the modification of the reference coordinates of Station WMOU-FM, Channel 271B, Du Bois, Pennsylvania. Channel 270B1 can be substituted at Jamestown in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.9 kilometers (4.9 miles) south at petitioner's requested site. The coordinates for Channel 270B1 Jamestown are 42-12-40 North Latitude and 79-22-40 West Longitude. See Supplementary Information, *supra*.

DATES: Comments must be filed on or before April 2, 2001, reply comments on or before April 17, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David G. O'Neil, Esq., 1350 Connecticut Ave., NW., Suite 900, Washington, DC 20036-1701 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MM Docket No. 01-36, adopted January 31, 2001, and released February 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Additionally, Channel 246A can be substituted at Alfred with a site restriction of 7.9 kilometers (4.9 miles) south at Station WZKZ(FM)'s presently authorized site; Channel 270A can be substituted at Canaseraga with a site restriction of 8.8 kilometers (5.5 miles) east at petitioner's requested site; and the reference coordinates for Channel 271B at Du Bois can be modified with a site restriction of 20.3 kilometers (12.6 miles) east at petitioner's requested site. The coordinates for Channel 246A at Alfred are 42-11-25 North Latitude and 77-49-17 West Longitude; the coordinates for Channel 270A at Canaseraga are 42-26-21 North Latitude and 77-40-29 West Longitude; and the coordinates for Channel 271B at Du Bois are 42-11-25 North Latitude and 77-49-17 West Longitude. The allotment of Channel 270B1 at Jamestown will result in a short-spacing to Station CFNY-FM, Channel 271C1, Brampton, Ontario. Therefore, since Jamestown, Alfred, Canaseraga, and Du Bois are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested, with the allotment at Jamestown being sought as a specially negotiated, short-spaced allotment. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for the use of Channel 270B1 at Jamestown, or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 270A and adding Channel 246A at Alfred; removing Channel 246A and adding Channel 270A at Canaseraga; removing Channel 270A and adding Channel 270B1 at Jamestown.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01-4322 Filed 2-21-01; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AH70

Endangered and Threatened Wildlife and Plants; Determinations of Prudency and Proposed Designations of Critical Habitat for Plant Species From the Islands of Maui and Kahoolawe, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, and public hearing announcement.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the prudency determinations for 38 plants, and the proposed critical habitat designations for 50 plants from the islands of Maui and Kahoolawe, Hawaii. In addition, the comment period which originally closed on February 16, 2001, will be reopened. The new comment period and hearing will allow all interested parties to submit oral or written comments on the proposal. We are seeking comments or suggestions from the public, other concerned agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The comment period for this proposal now closes on April 2, 2001. Any comments received by the closing date will be considered in the final decision on this proposal. The public hearing will be held from 1:00 p.m. to 3:00 p.m. and 6:00 p.m. to 8:00 p.m. on March 20, 2001, on the island of Maui, Hawaii. Prior to the public hearing, the Service will be available from 12:30 to 1:00 p.m. and from 5:30 p.m. to 6:00 p.m. to provide information and to answer questions. The Service will also be available for questions after each hearing session.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Ecoregion Office, 300 Ala Moana Boulevard, Room 3-122, P.O. Box 50088, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

The public hearing will be held at the Renaissance Wailea Beach Resort, Wailea Ballroom, 3550 Wailea Alanui Drive, Wailea, Hawaii.

FOR FURTHER INFORMATION CONTACT: Paul Henson, at the above address, phone 808-541-3441, facsimile 808-541-3470.

SUPPLEMENTARY INFORMATION:

Background

On December 18, 2000, the Service published notice of prudency determinations for 38 plant species and proposed designations of critical habitat for 50 plant species from the islands of Maui and Kahoolawe, Hawaii, pursuant to the Endangered Species Act of 1973, as amended (Act) in the **Federal Register** (65 FR 79192). The original comment period closed on February 16, 2001. The comment period now closes

on April 2, 2001. Written comments should be submitted to the Service (see **ADDRESSES** section).

A total of 69 species historically found on Maui and Kahoolawe were listed as endangered or threatened species under the Act between 1991 and 1999. Some of these species may also occur on other Hawaiian islands. At the time each plant was listed, with the exception of six species, we determined that designation of critical habitat was not prudent because designation would increase the degree of threat to the species and/or would not benefit the species. We determined that designation of critical habitat was prudent for *Clermontia samuelii*, *Cyanea copelandii* ssp. *haleakalaensis*, *Cyanea glabra*, *Cyanea hamatiflora* ssp. *hamatiflora*, *Dubautia plantaginea* ssp. *humilis*, and *Kanaloa kahoolawensis* at the time of their listing in 1999.

Due to litigation, we reconsidered our previous prudency determinations for 63 plants. From this review, we are proposing that critical habitat is prudent for 37 of these species because the potential benefits of designating critical habitat essential for the conservation of these species outweigh the risks of designation. We are proposing that the designation of critical habitat is not prudent for one species, *Acaena exigua*, because such designation would be of no benefit to this species, which may be extinct and for which no genetic material is currently known. In another proposed rule we determined that critical habitat was prudent for 11 species that occur on Maui and/or Kahoolawe as well as on Kauai (65 FR 66808). The remaining 14 species historically found on Maui and/or Kahoolawe, no longer occur on these islands. However, these species do occur on other islands, so proposed prudency determinations will be made in future rules addressing plants on those islands.

This proposed rule also proposes designation of critical habitat for 50 plant species. Fifty-two critical habitat units, covering 13,574 hectares (33,614 acres) on Maui and 4 units covering 207 hectares (512 acres) on Kahoolawe are proposed for designation.

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to a request from a government agency of the State of Hawaii, the Service will hold a public hearing on the date and at the address described in the **DATES** and **ADDRESSES** sections above.

Anyone wishing to make an oral statement for the record is encouraged