

*Order*. Thus, we declined to relieve carriers of our depreciation requirements in circumstances where they elected above-the-line treatment.

In its petition for reconsideration, Qwest requests (1) that we reconsider our denial of USTA's petition for forbearance of our depreciation requirements; (2) that if USTA's petition is not granted, we reconsider our methodology for establishing service life ranges for telecommunications plant equipment; and (3) that for purposes of seeking a waiver of the depreciation requirements, we permit an above-the-line accounting treatment of the differential between regulatory and financial book reserve levels.

After review of the arguments presented on reconsideration, we conclude that Qwest has not provided any new information or arguments that require us to alter our prior rulings. The precise issues and arguments that Qwest raises on reconsideration were thoroughly considered and examined in the previous proceeding. Our analysis and reasons for our rulings are fully stated in the *Depreciation Order*, and the *November 2000 Order* further underscores the appropriateness of the decision to deny reconsideration.

Accordingly, pursuant to sections 4, 201-205, 218-220, 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 201-205, 218-220, 303(r), and 405 of the Communications Act of 1934, as amended, and §§ 1.106 and 1.429 of the Commission's rules, 47 CFR 1.106, 1.429, that the petition for reconsideration filed May 10, 2000, by US West, Inc. (now Qwest) is denied.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-5489 Filed 3-6-01; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-286; MM Docket Nos. 01-33, 01-34; RM-10060, RM-10061]

#### Radio Broadcasting Services; Warsaw, Windsor, MO, and Caro, Cass City, MI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comment on two petitions for rulemaking. One filed by Edwards Communications, L.C., licensee of Station WIDL(FM), Caro, Michigan,

proposes the substitution of Channel 221C3 for Channel 221A at Caro, Michigan, and the reallocation of Channel 221C3 from Caro to Cass City, Michigan. Channel 221C3 can be allotted at Cass City in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, at a site 4.9 kilometers (3.0 miles) northeast of the community at coordinates 48-38-20 NL and 83-08-38 WL. The second, filed by D&H Media, permittee of Station KWKJ(FM), Warsaw, Missouri, proposes the reallocation of Channel 253A from Warsaw to Windsor, Missouri. Channel 253A can be allotted at Windsor in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, without the imposition of a site restriction at coordinates 38-31-56 NL and 93-31-19 WL.

**DATES:** Comments must be filed on or before April 5, 2001 and reply comments must be filed on or before April 20, 2001.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve petitioner(s) as follows: for MM Docket No. 01-33, Edwards Communications, L.C., C/O John S. Neely, Miller and Miller, P.C., P.O. Box 33003 Washington, DC 20033; for MM Docket No. 01-34, D&H Media, C/O Howard J. Barr, Pepper and Corazzini, LLP, 1776 K Street, NW., Suite 200, Washington, DC 20006-2334.

**FOR FURTHER INFORMATION CONTACT:**

Victoria M. McCauley, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket Nos. 01-33 and 01-34, 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 Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

**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 Michigan is amended to remove Caro, Channel 221A and add Cass City, Channel 221C3.

3. Section 73.202(b), the Table of FM Allotments under Missouri is amended to remove Channel 253A at Warsaw and add Windsor, Channel 253A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-4323 Filed 3-6-01; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AG71

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of the Draft Economic Analysis for Proposed Critical Habitat for 76 Plants From the Islands of Kauai and Niihau, HI

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

**ACTION:** Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of the draft economic analysis for the proposed designations of critical habitat for 76 plants from the islands of Kauai and Niihau, Hawaii. We are also providing notice of the reopening of the comment period for the proposal to designate critical habitat for these 76 plants to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this reopened comment period and will be fully considered in the final rule.

**DATES:** We will accept public comments until April 6, 2001.

**ADDRESSES:** Written comments and information should be submitted to Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala

Moana Blvd., P.O. Box 50088, Honolulu, HI 96850-0001. For electronic mail address and further instructions on commenting, refer to Public Comments Solicited section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Paul Henson, Field Supervisor, Pacific Islands Office, at the above address (telephone: 808/541-3441; facsimile: 808/541-3470).

**SUPPLEMENTARY INFORMATION:**

**Background**

We, the U.S. Fish and Wildlife Service (Service) have reconsidered our findings concerning whether designating critical habitat for 81 federally protected plant species currently found on the islands of Kauai and Niihau is prudent. A total of 95 species historically found on these two islands were listed as endangered or threatened species under the Endangered Species Act of 1973, as amended (Act), between 1991 and 1996. Some of these species may also occur on other Hawaiian islands. At the time each plant was listed, 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.

These not prudent determinations were challenged in *Conservation Council for Hawaii v. Babbitt*, 2 F. Supp. 2d 1280 (D. Haw. 1988). On March 9, 1998, the United States District Court for the District of Hawaii, directed us to review the prudency determinations for 245 listed plant species in Hawaii, including these 95 species. On August 10, 1998, the court ordered us to publish proposed critical habitat designations or non-designations for at least 100 species by November 30, 2000, and to publish proposed designations or non-designations for the remaining 145 species by April 30, 2002 (24 F. Supp. 2d 1074). Due to this litigation, we reconsidered our previous prudency determinations for the 95 plants known historically from Kauai and Niihau. From this review, we proposed that critical habitat is prudent for 76 of these species because the potential benefits of designating critical habitat essential for the conservation of these species outweigh the risks of designation. On November 7, 2000, we published in the **Federal Register** (65 FR 66807) a proposed rule to designate critical habitat for 76 plants from the islands of Kauai and Niihau. In addition, we proposed that the designation of critical habitat is not prudent for five species which are either no longer extant in the wild and such designation would not be

beneficial to the species, or because we believe that designation of critical habitat would likely increase the threat to the species from vandalism or collection. The remaining 14 species historically found on Kauai and/or Niihau, 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. The original comment period closed on January 8, 2001. Based on a request to hold a public hearing, we reopened the comment period until February 19, 2001. The public hearing was held on February 6, 2001 in Lihue, Kauai.

We have proposed to designate a total of 23 critical habitat units, 21 units on Kauai and 2 units on Niihau, covering 24,348.68 hectares (ha) (60,165.57 acres (ac)) on Kauai and 190.55 ha (470.85 ac) on Niihau.

Critical habitat receives protection from destruction or adverse modification through required consultation under section 7 of the Act (16 U.S.C. 1531 *et seq.*) with regard to actions carried out, funded, or authorized by a Federal agency. Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available, and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for 76 plants from Kauai and Niihau, and comments received during the previous comment periods, we have prepared a draft economic analysis of the proposed critical habitat designations. The draft economic analysis is available at the Internet and mailing addresses in the Public Comments Solicited section below.

**Public Comments Solicited**

We will accept written comments and information during this re-opened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

(1) You may submit written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Blvd., P.O. Box 50088, Honolulu, HI 96850-0001.

(2) You may send comments by electronic mail (e-mail) to: fw1pie\_kauai\_niihau\_crithab@r1.fws.gov. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any

form of encryption. Please also include "Attn: RIN 1018- " and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Honolulu Fish and Wildlife Office at telephone number 808/541-3441.

(3) You may hand-deliver comments to our Honolulu Fish and Wildlife Office at the address given above.

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for inspection, by appointment, during normal business hours at the address under (1) above. Copies of the draft economic analysis are available on the Internet at [www.r1.fws.gov/pacific/wesa/endspindex.html](http://www.r1.fws.gov/pacific/wesa/endspindex.html) or by request from the Field Supervisor at the address and phone number under (1 and 2) above.

**Author(s)**

The primary author of this notice is Christa Russell (see **ADDRESSES** section).

**Authority**

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 26, 2001.

**Rowan W. Gould,**

*Regional Director, Region 1, Fish and Wildlife Service.*

[FR Doc. 01-5506 Filed 3-6-01; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 622 and 635**

[I.D. 020801A]

**RIN 0648-AN83**

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to the Fishery Management Plans of the Gulf of Mexico**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of a generic amendment to the Gulf of Mexico Fishery Management Council's fishery management plans for the Gulf of Mexico regarding the Tortugas Marine Reserves; request for comments.