(ii) In exercising its authority, NTIA shall consult with the Secretary of Defense, the Secretary of State, or other appropriate officers of the Federal Government

(5) If these requirements are not met, NTIA shall notify the petitioner that the request is declined and why.

(6) If NTIA does not issue a determination under this section within 6 months of the filing of a petition for relocation, the petition for relocation is deemed to be denied.

(7) In making its determination under this section, NTIA shall consult with the affected Federal entity and, as appropriate, the Office of Management and Budget and other executive branch agencies.

(b) *Petition after agreement between the parties.* The auction winner may file a petition for relocation pursuant to § 301.140 of this subpart at anytime after the parties have reached agreement on relocation in negotiations or mediation as provided in § 301.120 of this subpart and submit the agreement as evidence of having met the requirements of the petition for relocation.

(c) *Petition after failure to reach an agreement.* If the parties fail to reach an agreement as provided in § 301.120 and non-binding arbitration has occurred pursuant to § 301.130, the auction winner may file a petition for relocation with NTIA after a decision has been rendered by the arbitrator. Any recommended decision by the arbitrator may be requested by NTIA as part of the record in a petition for relocation under § 301.140. The recommended decision may be a factor, among others, in the NTIA determination on the petition for relocation.

§ 301.150 Request for withdrawal.

If the parties reach an agreement in negotiations or mediation or agree with the decision of the arbitrator, the Federal entity may seek voluntary withdrawal of the assignments that are the subject of the relocation.

Dated: January 11, 2001.

Gregory L. Rohde,

Assistant Secretary for Communications and Information.

[FR Doc. 01–1306 Filed 1–17–01; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG71

Endangered and Threatened Wildlife and Plants; Determinations of Whether Designation of Critical Habitat is Prudent for 81 Plants and Proposed Designations for 76 Plants From the Islands of Kauai and Niihau, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice of a public hearing on the prudency determinations for 81 plants and the proposed critical habitat designations for 76 plants from the islands of Kauai and Niihau, Hawaii. In addition, the comment period which originally closed on January 8, 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 governmental 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 February 19, 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 Tuesday, February 6, 2001, on the island of Kauai, Hawaii. Prior to the public hearing, the Service will be available from 12:30 to 1:00 p.m. and from 5:30 to 6:00 p.m. to provide information and to answer questions.

ADDRESSES: The public hearing will be held at the Radisson Kauai Beach Resort, Pakalana Room, 4331 Kauai Beach Drive, Lihue, Kauai. 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.

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

SUPPLEMENTARY INFORMATION:

Background

On November 7, 2000, the Service published a notice of prudency determinations for 81 plants species and proposed designations of critical habitat for 76 plant species from the islands of Kauai and Niihau, Hawaii, pursuant to the Endangered Species Act of 1973, as amended (Act) in the **Federal Register** (65 FR 66808). The original comment period closed on January 8, 2001. The comment period now closes on February 19, 2001. Written comments should be submitted to the Service (see **ADDRESSES** section).

A total of 95 species historically found on Kauai and Niihau were listed as endangered or threatened species under the 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.

Due to litigation, we reconsidered our previous prudency determinations for the 95 plants. From this review, we are proposing 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. We are proposing that the designation of critical habitat is not prudent for five species. 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.

This proposed rule also proposes designation of critical habitat for the 76 species. Twenty-three critical habitat units, covering a total of 24,539.23 hectares (60,636.42 acres), are proposed for designation on the islands of Kauai and Niihau.

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

to provide a written copy of their statement and present it to the Service at the hearing. In the event there is a large attendance, the time allotted for oral statements may be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearing or mailed to the Service. Legal notices announcing the date, time, and location of the hearing will be published in newspapers concurrently with the **Federal Register** notice.

Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

(1) The reasons why critical habitat for any of these species is prudent or not prudent;

(2) The reasons why any particular area should or should not be designated as critical habitat for any of these species;

(3) Specific information on the amount and distribution of habitat for any of these species;

(4) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(5) Any economic or other relevant impacts resulting from the proposed designations of critical habitat, including any impacts on small entities or families; and

(6) Economic and other potential values associated with designating critical habitat for the 76 plant species such as those derived from non-consumptive uses (*e.g.,* hiking, camping, birding, enhanced watershed protection, increased soil retention, ''existence values'', and reductions in administrative costs).

Reopening of the comment period will enable the Service to respond to the request for a public hearing on the proposed action. The comment period on this proposal now closes on February 19, 2001. Written comments should be submitted to the Service office listed in the **ADDRESSES** section.

Author

The primary authors of this notice Benton Pang and 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: January 3, 2001.

Rowan W. Gould,

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

[FR Doc. 01–659 Filed 1–17–01; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH05

Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for Sidalcea oregana var. calva (Wenatchee Mountains checker-mallow)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to designate critical habitat for *Sidalcea oregana* var. *calva* (Wenatchee Mountains checker-mallow), pursuant to the Endangered Species Act of 1973, as amended (Act). An estimated maximum of 2,486 hectares (6,137 acres) lies within the boundary of the proposed critical habitat designation, located in Chelan County, Washington. If this proposal is made final, section 7 of the Act requires Federal agencies to insure that any action they fund, authorize, or carry out does not result in the destruction or adverse modification of critical habitat. Section 4 of the Act requires us to consider economic and other impacts of specifying any particular area as critical habitat. We solicit data and comments from the public on all aspects of this proposal, including data on the economic and other impacts of the designation. We may revise this proposal to incorporate or address new information received during the comment period.

DATES: We will accept comments until March 19, 2001. Public hearing requests must be received by March 5, 2001.

ADDRESSES: Comment Submission: If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods:

You may submit written comments and information to Gerry Jackson, Manager, Western Washington Office, U.S. Fish and Wildlife Service, 510 Desmond Drive SE, Suite 102, Lacey, Washington, 98503–1263.

You may send comments by electronic mail (e-mail) to: checkermallow@fws.gov. See the Public Comments Solicited section below for file format and other information about electronic filing.

You may hand-deliver comments to our Western Washington Office at the address given above.

Comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, will be available for inspection, by appointment, during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Ted Thomas, Ecologist, Endangered Species Branch, Western Washington Office (see **ADDRESSES** section) (telephone 360/753–4327; facsimile 360/534–9331).

SUPPLEMENTARY INFORMATION:

Background

Sidalcea oregana var. *calva,* the Wenatchee Mountains checker-mallow, is known to occur at six sites (populations). It is a plant found in mid-elevation wetlands and moist meadows in central Washington. The plant communities where the species is found are usually associated with meadows that have surface water or saturated soils during the spring and early summer. The species may also be found in open conifer forests dominated by *Pinus ponderosa* (ponderosa pine) and *Pseudotsuga menziesii* (Douglas-fir), and on the margins of shrub and hardwood thickets adjacent to seeps, springs, or small drainages. Soils are primarily composed of silt loams and clay loams with a high percentage content of organic material, and they are poorly drained.

A member of the mallow family (Malvaceae), *Sidalcea oregana* var. *calva* is an herbaceous perennial with a stout taproot that branches at the root-crown giving rise to several stems. Plants range in height from 20 to 150 centimeters (cm) (8 to 60 inches (in.)). Plants vary from glabrous (lacking hairs and glands) to pubescent (hairy) or stellate (with star-shaped hairs) below, and finely stellate above. Flower clusters with one to many stalked flowers are arranged singly along a common stem. The flowers have pink petals 1 to 2 cm (0.4 to 0.8 in.) long, and are borne on stalks ranging from 1 to 10 millimeters (mm) (0.04 to 0.4 in.) in length. The calyx (outer whorl of floral parts) ranges from uniformly finely stellate to bristly with a mixture of longer, simple to four-rayed, spreading hairs. These hairs are sometimes as long as 2.5 to 3 mm (0.1 to 0.12 in.) (Hitchcock and Cronquist 1961).

Flowering begins in the middle of June and peaks in the middle to end of July. Fruits are ripe in August. The species reproduces only from seed. Based on examination of seed capsules the production of seed appears to be high (Gamon 1987). The somewhat clumped distribution of mature *Sidalcea oregana* var. *calva* plants suggests that seed dispersal is restricted to the areas near to mature plants, unless the seeds