

must provide the following information for the Commission's public notice:

(1) Detailed description of the service to be provided, including frequency bands and satellites to be used.

(2) The diameter of the antenna.

(3) Proposed power and power density levels.

(4) Identification of any random access technique listed in § 25.134(a).

(5) Identification of any rule or rules for which a waiver is requested.

28. In § 25.274, revise paragraph (g) to read as follows:

**§ 25.274 Procedures to be followed in the event of harmful interference.**

\* \* \* \* \*

(g) Where the earth station suspected of causing interference to the operations of another earth station cannot be identified or is identified as an earth station operating on a satellite system other than the one on which the earth station suffering undue interference is operating, it is the responsibility of a representative of the earth station suffering harmful interference to contact the control center of other satellite systems. The operator of the earth station suffering undue interference is free to choose any representative to make this contact, including but not limited to the operator of the satellite system on which the earth station is operating. The operator of the earth station suffering undue interference is also free to contact the control center of the other satellite systems directly.

29. Amend § 25.277 by adding paragraph (f) to read as follows:

**§ 25.277 Temporary fixed earth station operations.**

\* \* \* \* \*

(f) Filing requirements concerning applications for new temporary fixed earth station facilities operating in frequency bands shared co-equally with terrestrial fixed stations.

(1) When the initial location of the temporary fixed earth station's operation is known, the applicant shall provide, as part of the Form 312 application, a frequency coordination report in accordance with § 25.203 for the initial station location.

(2) When the initial location of the temporary fixed earth station's operation is not known at the time the application is filed, the applicant shall provide, as part of the Form 312 application, a statement by the applicant acknowledging its coordination responsibilities under § 25.277.

**PART 25—[AMENDED]**

30. Part 25 is amended by removing subpart H.

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 10**

[Docket No. OST-96-1437; Notice 2000-1]

RIN 2105-AC57

**Privacy Act of 1974; Implementation**

**AGENCY:** Office of the Secretary, Department of Transportation (DOT).

**ACTION:** Proposed rulemaking.

**SUMMARY:** DOT proposes to exempt from certain provisions of the Privacy Act the record system designed to assist in finding Suspected Unapproved Parts used in aviation, and a record system used to manage the flow of data about commercial motor carriers. An editorial correction is also proposed to some existing language. Public comment is invited.

**DATES:** Comments are due February 20, 2001.

**ADDRESSES:** Comments should be addressed to Documentary Services Division, Attention: Docket Section, Room PL401, Docket No. OST-96-1437, Department of Transportation, SVC-124, Washington, DC 20590-0001. Any person wishing acknowledgment that his/her comments have been received should include a self-addressed stamped postcard. Comments received will be available for public inspection and copying in the Documentary Services Division, Room PL401, Department of Transportation Building, 400 Seventh Street, SW., Washington, DC, from 9 AM to 5 PM ET Monday through Friday except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Yvonne Coates, S-80, Office of the Chief Information Officer, Department of Transportation, Washington, DC 20590-0001; telephone: 202-366-6964; fax: 202-366-7024; e-mail: yvonne.coates@ost.dot.gob.

**SUPPLEMENTARY INFORMATION:** *Aviation.* To assist in the ongoing campaign of the Department's Federal Aviation Administration against defective and dangerous parts being used in aircraft, DOT is establishing a Privacy Act record system in which evidence will be gathered as investigations are conducted (DOT/FAA 852 Suspected Unapproved

Parts (SUP) Program). *Motor Carriage.* The recent establishment of DOT's Federal Motor Carrier Safety Administration has led to the development of a management information system (Motor Carrier Management Information System, DOT/FMCSA 001) that will encompass, among other things, safety investigations of commercial motor carriers and of their drivers. In both instances, investigations can result in criminal prosecutions. To facilitate the cooperation of persons who have information relevant to these investigations and who ask for confidentiality as a condition of their providing that information, DOT proposes to exempt these systems from subsections (c)(3) (Accounting for Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of the Privacy Act, 5 USC 552a. If we do not exempt this system from these provisions, persons who are subjects of investigation will be able to learn that they are and who has provided information about them, both of which could well frustrate any investigation.

Finally, in the Appendix, a reference to subsection (e)(4)(I) was inadvertently omitted from, and section (g) was inadvertently included in explanatory paragraph 2 at the end of, paragraph A.

**List of subjects in 49 CFR Part 10**

Privacy.

Accordingly, DOT proposes to amend the Appendix of Part 10 of 49 CFR as follows:

1. The authority citation for Part 10 continues to read as follows:

**Authority:** 5 USC 552a; 49 USC 322.

2. Part II A. of the Appendix is amended by adding new paragraphs 17 and 18, and by revising the first sentence of explanatory paragraph 2 to read as follows:

\* \* \* \* \*

Part II. Specific Exemptions.

A. The following systems of records are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), (I) (Agency Requirements) and (f) (Agency rules) of 5 USC 552a, to the extent that they contain investigatory material for law enforcement purposes in accordance with 5 USC 552a(k)(2):

17. Suspected Unapproved Parts (SUP) Program, maintained by the Federal Aviation Administration (DOT/FAA 852).

18. Motor Carrier Management Information System (MCMIS), maintained by the Federal Motor Carrier Safety Administration (DOT/FMCSA 001).

These exemptions are justified for the following reasons:

\* \* \* \* \*

2. From subsections (d), (e)(4)(G), (H), and (I), and (f), because granting an individual access to investigative records, and granting him/her access to investigative records with that information, could interfere with the overall law enforcement process by revealing a pending sensitive investigation, possibly identify a confidential source, disclose information that would constitute an unwarranted invasion of another individual's personal privacy, reveal a sensitive investigative technique, or constitute a potential danger to the health or safety of law enforcement personnel. \* \* \*

Dated: December 28, 2000.

**Eugene K. Taylor, Jr.,**

*Deputy Chief Information Officer, U.S.  
Department of Transportation.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Annual Notice of Findings on Recycled Petitions

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

**ACTION:** Notice of review.

**SUMMARY:** In this notice of review, we announce our recycled petition findings, as required in section 4(b)(3)(C)(i) of the Endangered Species Act of 1972, as amended. When, in response to a petition, we complete a 12-month finding that listing a species is warranted but precluded, we must make a new 12-month finding each year until we publish a proposed rule or make a determination that listing is not warranted. These subsequent 12-month findings are referred to as recycled petition findings.

Information contained in this notice of review is based on our review of the current status and threats to taxa that were the subjects of 27 outstanding warranted but precluded findings. Based on our review, we find that 26 species continue to warrant listing or changes in classification, but these activities are precluded by listing activities of higher priority as determined by our listing priority guidance. One species no longer warrants listing under the Endangered Species Act and, therefore, has been removed from the candidate list.

We announce the availability of listing priority assignment forms for candidate taxa and listing priority determinations for proposed taxa. These documents describe the status and

threats that we evaluated in order to assign a listing priority number to each taxon.

We request additional status information that may be available for these candidates as well as information on taxa that we should include as candidates in future updates of this list. We will consider this information in preparing listing documents and future recycled petition findings. This information will help us in monitoring changes in the status of candidate taxa and in conserving these taxa.

**DATES:** We will accept comments on these recycled petition findings at any time.

**ADDRESSES:** Submit your comments regarding a particular taxon to the Regional Director of the Region identified as having the lead responsibility for that taxon. You may submit comments of a more general nature to the Chief, Office of Conservation and Classification, Division of Endangered Species, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, Virginia 22203 (703/358-2171). Written comments and materials received in response to this notice will be available for public inspection by appointment at the appropriate Regional Office listed below.

Information regarding the range, status, and habitat needs of and listing priority assignment for a particular taxon is available for review at the appropriate Regional Office listed below or at the Division of Endangered Species, address listed above.

**Region 1.** California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Regional Director (TE), U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181 (503/231-6158).

**Region 2.** Arizona, New Mexico, Oklahoma, and Texas.

Regional Director (TE), U.S. Fish and Wildlife Service, 500 Gold Avenue S.W., Room 4012, P.O. Box 1306, Albuquerque, New Mexico 87102 (505/248-6920).

**Region 6.** Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Regional Director (TE), U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225-0486 (303/236-7400).

**FOR FURTHER INFORMATION CONTACT:** The Endangered Species Coordinator(s) in

the appropriate Regional Office(s) or Nancy Gloman, Chief, Office of Conservation and Classification (703/358-2171).

#### SUPPLEMENTARY INFORMATION:

#### Recycled Petition Findings

##### Background

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), provides two mechanisms for considering species for listing. First, the Act places on the Service the duty to identify and propose for listing those species which the Service finds require listing under the standards of section 4(a)(1). We implement this duty through the candidate assessment program. Candidate taxa are those taxa for which we have on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded by other higher priority listing actions. Second, the Act allows the public to petition us to add a species to the Threatened and Endangered Species List. Under section 4(b)(3)(A), when we receive such a petition, we must determine within 90 days, to the maximum extent practicable, whether the petition presents substantial information that listing is warranted (a "90-day finding"). If we make a positive 90-day finding, under section 4(b)(3)(B) we must make one of three possible findings within 12 months of the receipt of the petition (a "12-month finding").

The first possible 12-month finding is that listing is not warranted, in which case we need take no further action on the petition. Second, we may find that listing is warranted, in which case we must promptly publish a proposed rule to list the species. Once we publish a proposed rule for a species, section 4(b)(5) and (6) govern further procedures, regardless of whether or not we issued the proposal in response to a petition. Third, we may find that listing is "warranted but precluded." Such a finding means that immediate publication of a proposed rule to list the species is precluded by higher priority listing proposals, and that we are making expeditious progress to add and remove species from the Lists, as appropriate.

The standard for making a 12-month warranted but precluded finding on a petition to list a species is identical to our standard for making a species a candidate for listing. Therefore, we add all petitioned species subject to such a finding to the candidate list. Pursuant to our Petition Management Guidance, made available on July 9, 1996 (61 FR 36075), we consider a petition to list a