

in a case under chapter 11, title 11, United States Code. Motor carriers in bankruptcy proceedings under chapter 11 must provide the following information in their response to the FMCSA:

(1) The chapter of the Bankruptcy Code under which the bankruptcy proceeding is filed (*i.e.*, Chapter 7 or 11);

(2) The bankruptcy case number;

(3) The court in which the bankruptcy proceeding was filed; and

(4) Any other information requested by the agency to determine a debtor's bankruptcy status.

**§ 386.84 Sanction for failure to pay civil penalties or abide by payment plan; suspension or revocation of registration.**

(a)(1) *General rule.* The registration of a broker, freight forwarder, or for-hire motor carrier that fails to pay a civil penalty in full within 90 days after the date specified for payment by the FMCSA's final agency order, will be suspended starting on the next (*i.e.*, the 91st) day. The suspension continues until the FMCSA has received full payment of the penalty.

(2) *Civil penalties paid in installments.* The FMCSA Service Center may allow a respondent broker, freight forwarder, or for-hire motor carrier to pay a civil penalty in installments. If the respondent fails to make an installment payment on schedule, the payment plan is void and the entire debt is payable immediately. The registration of a respondent that fails to pay the remainder of its civil penalty in full within 90 days after the date of the missed installment payment, is suspended on the next (*i.e.*, the 91st) day. The suspension continues until the FMCSA has received full payment of entire penalty.

(3) *Appeals to Federal Court.* If the motor carrier appeals the final agency order to a Federal Circuit Court of Appeals, the terms and payment due date of the final agency order are not stayed unless the Court so specifies.

(b)(1) *Notification of delinquent payment.* The FMCSA will notify a respondent broker, freight forwarder, or for-hire motor carrier in writing if it has not received payment within 45 days after the date specified for payment by the final agency order or the date of a missed installment payment. The notice will include a warning that failure to pay the entire penalty within 90 days after payment was due, will result in the suspension of the respondent's registration.

(2) The notice will be delivered by certified mail or commercial express service. If a respondent's principal place

of business is in a foreign country, it will be delivered to the respondent's designated agent.

(c) The registration of a broker, freight forwarder or for-hire motor carrier that continues to operate in interstate commerce in violation of this section may be revoked after notice and opportunity for a proceeding in accordance with 49 U.S.C. 13905(c). Additional sanctions may be imposed under paragraph IV (h) of Appendix A to part 386.

(d) This section does not apply to any person who is unable to pay a civil penalty because the person is a debtor in a case under chapter 11, title 11, United States Code. Brokers, freight forwarders, or for-hire motor carriers in bankruptcy proceedings under chapter 11 must provide the following information in their response to the FMCSA:

(1) The chapter of the Bankruptcy Code under which the bankruptcy proceeding is filed (*i.e.*, Chapter 7 or 11);

(2) The bankruptcy case number;

(3) The court in which the bankruptcy proceeding was filed; and

(4) Any other information requested by the agency to determine a debtor's bankruptcy status.

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**Appendix A to Part 386 [Amended]**

7. Add paragraph h to part IV of Appendix A to part 386 to read as follows:

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h. *Violation*—conducting operations during a period of suspension under § 386.83 or § 386.84 for failure to pay penalties.

*Penalty*—Up to \$10,000 for each day that operations are conducted during the suspension period.

[FR Doc. 00-24105 Filed 9-18-00; 8:45 am]

BILLING CODE 4910-22-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis on Proposed Critical Habitat Designation for the Great Lakes Breeding Population of the Piping Plover**

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

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

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces the availability of the draft economic analysis of the proposed designation of critical habitat for the Great Lakes breeding population of the piping plover. We also provide notice of the reopening of the comment period for the proposal to allow all interested parties to submit written comments on the proposal and on the draft economic analysis. The new comment period will allow all interested parties to submit comments on the draft Economic Analysis and proposed designation. Comments received on the proposal after the close of the original comment period but before this reopening will be incorporated into the public record as a part of this reopening and do not need to be resubmitted.

**DATES:** The original comment period for the critical habitat proposal closed on September 5, 2000. The comment period is reopened and we will accept comments received on or before October 19, 2000. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

**ADDRESSES:** Copies of the draft economic analysis for the Great Lakes breeding population of piping plovers are available by writing to Piping Plover Information, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111, on the Internet at <http://www.fws.gov/pipingplover>, or by calling (612) 713-5350. Written comments on the proposal for the Great Lakes breeding population should be sent to "Piping Plover Comments" at the above address, by e-mail to [pipingplovercomments@fws.gov](mailto:pipingplovercomments@fws.gov), or by facsimile to (612) 713-5292. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

**FOR FURTHER INFORMATION CONTACT:** Laura Ragan at the U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111-4056. Telephone: (612/713-5157); Fax: (612/713-5292)

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 6, 2000, the Service published a proposed rule to designate critical habitat for the Great Lakes breeding population of the piping plover in the

**Federal Register** (65 FR 41812). The piping plover is a small, pale-colored North American shorebird. Its breeding range extends throughout the northern Great Plains, the Great Lakes, and the north Atlantic coast in the United States and Canada. Based on its distribution, three breeding populations of piping plover have been described: the Northern Great Plains population, the Great Lakes population, and the Atlantic Coast population. Although their breeding ranges are separate, their wintering ranges overlap and extend along the Atlantic and Gulf Coasts from southern North Carolina to Mexico and into the West Indies and the Bahamas. The Great Lakes breeding population is listed as endangered under the Endangered Species Act (Act) of 1973, as amended. We proposed a total of approximately 305 kilometers (km) (189 miles (m)) of Great Lakes mainland and island shoreline as critical habitat for this population of the piping plover. The proposed critical habitat is located in 27 counties in Minnesota, Wisconsin,

Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New York.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific 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 the Great Lakes breeding population of piping plovers, we have conducted a draft economic analysis of the proposed critical habitat designation. The draft economic analysis is available at the above Internet and mailing address. In order to accept the best and most current scientific data regarding the critical habitat proposal and the draft economic analysis of the proposal, we reopen the comment period at this time.

The Fish and Wildlife Service has previously conducted and recorded seven public hearings on this critical habitat proposal as required under Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*). Due

to the expeditious treatment of this proposed critical habitat determination under Federal District Court order as described in the proposed rule, we will not conduct additional hearings and will accept only written comments during the reopened comment period. Previously submitted oral or written comments on this critical habitat proposal need not be resubmitted.

The current comment period on this proposal closes on October 19, 2000. Written comments may be submitted to the Service office in the **ADDRESSES** section.

#### **Author**

The primary author of this notice is Laura Ragan (see **ADDRESSES**.)

**Authority:** The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531–1544).

Dated: September 11, 2000.

**T.J. Miller,**

*Chief of Ecological Services, Region 3.*

[FR Doc. 00–23995 Filed 9–18–00; 8:45 am]

**BILLING CODE 4310–55–P**