

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-367, Docket No. 02-125, RM-10447]

Radio Broadcasting Services; Sutton, NE

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, dismissal.

SUMMARY: This document dismisses a pending petition for rulemaking to add an FM allotment in Sutton, Nebraska. The Commission had requested comment on a petition filed by Sutton Radio Company, proposing the allotment of Channel 278C2 at Sutton, Nebraska. See 67 FR 41364, June 18, 2002. The petitioner filed comments in support of the proposal. No other comments were received. On November 5, 2002, petitioner filed a request for dismissal of its pending petition. This document grants that request, dismissing the petition and terminating the proceeding.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 02-125, adopted February 5, 2002, and released February 7, 2003. 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, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AI48

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Arizona Distinct Population Segment of the Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the extension of the public comment period for the proposal to designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for the Arizona distinct population segment of the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), and for the draft economic analysis for the proposed designation. We are extending the comment period for the proposal and for the draft economic analysis to allow all interested parties additional time to provide comments. Comments previously submitted need not be resubmitted, because they will be incorporated into the public record as part of this extended comment period, and will be fully considered in the final rule.

DATES: We will accept comments on both the proposed critical habitat designation and the draft economic analysis until April 25, 2003.

ADDRESSES: Send comments and information concerning the proposed critical habitat designation and draft economic analysis to the Field Supervisor, Arizona Ecological Services Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021. You also may send written comments by facsimile to 602/242-2513. For instructions on submitting comments by electronic mail (e-mail), see Public Comments Solicited in the **SUPPLEMENTARY INFORMATION** section of this notice.

You may obtain a copy of the draft economic analysis on the Internet at <http://arizonaes.fws.gov/cactus.htm>, or you may write the Field Supervisor at the above address, or call 602/242-0210 to have a copy mailed to you or made available for you to pick up at the address above. Comments and materials received will be available for public

inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Steve Spangle, Field Supervisor (see **ADDRESSES**), at telephone 602/242-0210; or by facsimile at 602/242-2513.

SUPPLEMENTARY INFORMATION: Our proposal to designate critical habitat for the Arizona distinct population segment of the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) (pygmy-owl) was published on November 27, 2002 (67 FR 71032). In the November proposal we also announced the availability of the draft economic analysis for the proposed designation of critical habitat. The current comment period on these two documents is scheduled to close on February 25, 2003.

A court order issued on September 21, 2001, vacated the critical habitat established previously for the pygmy-owl and remanded the previous designation to us for preparation of a new analysis of the economic and other effects of the designation (*National Association of Home Builders et al. v. Norton*, Civ. No. 00-903-PHX-SRB). The proposed designation that we published in November of 2002 totals approximately 488,863 hectares (ha) (1,208,000 acres (ac)) in portions of Pima and Pinal Counties, Arizona, and includes approximately 9 percent of the recognized historical range of the pygmy-owl in Arizona.

On February 3, 2003, the United States District Court for the District of Arizona ordered us to extend the comment period to allow the Plaintiffs and Intervenor in *National Home Builders Association v. Norton*, Civ. No. 00-0903-PHX-SRB (D. Az.), 60 additional days to review and comment on materials used by us to develop our critical habitat determination for the pygmy-owl. Therefore, we are extending the public comment period for 60 days, until April 25, 2003.

Public Comments Solicited

We are extending the comment period in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat designation for the pygmy-owl and the draft economic analysis of the proposal. The Public Comments Solicited section of the preamble to our proposed rule includes a list of topics for which we are particularly seeking comments. Previously submitted comments need not be resubmitted. You may submit written comments by any of several methods: