

**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: