messaging services that may be affected by these rules.

19. *Resellers*. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable definition under the SBA's rules is for all telephone communications companies. The most reliable source of information regarding the number of toll resellers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS. According to our most recent data, 710 companies reported that they were engaged in the resale of telephone services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 710 small entity resellers that may be affected by this order.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

20. The Commission has discussed generally in the *Third Further NPRM, supra* paras. 143–147, the possibility that its tentative policies and rules, if adopted, might entail additional obligations for carriers. The Commission asks for comment on any reporting, record keeping, or compliance requirements that might arise that could impact any entities, large and small, affected by such requirements.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

21. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

22. Section 222 applies to all telecommunications carriers, and therefore, any rules that we adopt will be applicable to all carriers. Accordingly, the Commission cannot exempt small entities from complying with any rules that we adopt. It has, however, taken the limited resources of small entities into account in promulgating certain existing CPNI rules, and intend to do so again in addressing the issues that are addressed in the *Third Further NPRM*. In response to the IRFA issued in connection with the *Clarification Order and Second Further Notice of Proposed Rulemaking* (66 FR 53545, October 23, 2001 and 66 FR 50140, October 2, 2001), the Commission notes that some commenters asserted that, because the statute requires a universal standard, it had not adequately taken notice of the issues of small entities in this area. That is untrue; it is of particular concern to the Commission that the interests of small entities be addressed.

23. In this *Third Further NPRM*, the Commission seeks comment on whether it should regulate the foreign storage or foreign-based access to the CPNI of U.S. customers who use domestic telecommunications services. Specifically, it seeks comment on whether foreign storage or foreign access to domestic CPNI should be permitted only upon informed customer approval. The Commission also requests comment upon whether it should require that copies of domestic CPNI should be maintained within the United States. If it adopts rules governing foreign storage of and access to CPNI, all telecommunications carriers, including small entities, must comply with such rules. While additional rules could place a burden upon small entities in terms of developing, tracking and maintaining customer consent or in terms of creating copies of customer CPNI, such actions would only be required to the extent carriers choose to store domestic CPNI outside of the United States. Carriers could decide whether the burdens of any such regulations outweigh the benefit to the carrier of foreign storage of or access to domestic CPNI.

24. The Commission also seeks to refresh the record on what, if any, additional safeguards may be needed to protect the confidentiality of carrier proprietary information, as well as what further enforcement mechanisms, if any, may be necessary. In addition, it seeks comment on the use and disclosure of CPNI in the event a carrier goes out of business or sells its assets. Because the Commission has not proposed any rules at this time, it is unable to forecast the economic impact on small entities. Overall, comments are requested in response to this IRFA on what competitive or economic impact any proposed rules in these areas would have on small entities and on whether there is any alternative form or proposals that we should consider to minimize the economic impact on them. Further, while the Commission does not anticipate that any adopted rules will have a different impact upon small entities, it seeks comment in particular from small entities that have concerns about the affect the proposed policies or rules, if adopted, might have on them if they later go out of business or sell their assets.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Ordering Clauses

25. Accordingly, pursuant to the authority contained in sections 2, 4(i)–4(j), 201, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 152, 154(i)–4(j), 201, 303(r), this Third Further Notice of Proposed Rulemaking *is adopted*.

26. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this Third Further NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–23200 Filed 9–19–02; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AI27

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Carbonate Plants From the San Bernardino Mountains in Southern California

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on the proposed designation of critical habitat for five carbonate plants from the San Bernardino Mountains in Southern California: *Astragalus albens* (Cushenbury milk-vetch), *Erigeron parishii* (Parish's daisy), *Eriogonum*

ovalifolium var. *vineum* (Cushenbury buckwheat), *Lesquerella kingii* ssp. *bernardina* (San Bernardino Mountains bladderpod), and Oxytheca parishii var. goodmaniana (Cushenbury oxytheca) (hereafter: ''carbonate plants''); and the availability of the draft economic analysis of the proposed designation of critical habitat. We are reopening the comment period on the critical habitat for these species to allow all interested parties to comment simultaneously on the proposed rule and the associated draft economic analysis. Comments previously submitted need not be resubmitted as they have been 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 public comments until 5 p.m. on October 21, 2002.

ADDRESSES: Written comments and information should be submitted to Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, CA 92008. For the electronic mail address, and further instructions on commenting, refer to Public Comments Solicited section of this notice.

FOR FURTHER INFORMATION CONTACT: Daniel R. Brown, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, at the above address (telephone 760/431–9440; facsimile 760/431–9618).

SUPPLEMENTARY INFORMATION:

Background

The carbonate plants addressed in this notice are restricted primarily to carbonate derived soils in the San Bernardino Mountains of San Bernardino County, California (59 FR 43652). The carbonate plants are found along a 56 kilometer (km) (35 mile (mi)) portion of the San Bernardino Mountains between 1,171 and 2,682 meters (m) (3,842 and 8,800 feet (ft)) in elevation. All of the carbonate plants are endemic to California.

On June 15, 2000, the California Native Plant Society filed a lawsuit in Federal District Court for the Southern District of California for our failure to designate critical habitat for the five carbonate plants (*California Native Plant Society* v. *Berg, et al.*, 00CV1207-L (LSP)). On April 27, 2001, the Court vacated our August 24, 1994, ''not prudent'' determination for critical habitat and ordered us to reevaluate its prudency, and if prudent, to publish a final critical habitat designation on or before September 30, 2002. On February 12, 2002, we published a proposed rule in the **Federal Register** (67 FR 6578) proposing to designate approximately 5,335 hectares (13,180 acres) of land in San Bernardino County, California, as critical habitat for the carbonate plants pursuant to the Act. Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available, after taking into consideration the economic or any other relevant impact of specifying any particular area as critical habitat. Based upon the previously published proposed rule to designate critical habitat for the carbonate plants, we have prepared a draft economic analysis of the proposed critical habitat designation. The draft economic analysis is available on the Internet and from the mailing address and phone number given above.

Public Comments Solicited

We will accept written comments and information during this reopened comment period. If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

(1) You may submit written comments and information to the Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, at the address given above.

(2) You may send comments by electronic mail (e-mail) to: *carbplants@r1.fws.gov*. If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include ''Attn: RIN 1018–AI27'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Carlsbad Fish and Wildlife Office at telephone number 760/431–9440.

(3) You may hand-deliver comments to our Carlsbad Fish and Wildlife Office at the address given above.

We solicit comments or suggestions from the public, other concerned governmental agencies, tribes, the scientific community, industry, or any other interested parties concerning the proposal or the draft economic analysis. We particularly seek comments concerning:

(1) Assumptions reflected in the Carbonate Habitat Management Strategy and the draft economic analysis regarding land use practices and current, planned, or reasonably foreseeable activities in the subject areas, including comments or information relating to the potential effects that the designation could have on private landowners as a result of actual or foreseeable State and local government responses due to the California Environmental Quality Act;

(2) Land use practices and current, planned, or foreseeable activities in the subject areas and their possible impacts on proposed critical habitats;

(3) Any foreseeable economic or other impacts resulting from the proposed designation of these critical habitats, including impacts that may not have been addressed in the draft economic analysis and, in particular, any impacts on small entities or families;

(4) Economic and other values associated with designating critical habitat for *Astragalus albens, Erigeron parishii, Eriogonum ovalifolium* var. *vineum, Lesquerella kingii* ssp. *bernardina*, and *Oxytheca parishii* var. *goodmaniana*, such as those derived from non-consumptive uses (*e.g.*, hiking, camping, plant-watching/botanizing, enhanced watershed protection, improved air quality, increased soil retention, ''existence values,'' and reductions in administrative costs); and

(5) Whether our approach to critical habitat designation could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concern and comments.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. To the extent consistent with applicable law, we will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address. Copies of the draft economic analysis are available on the Internet at *http://carlsbad.fws.gov* or by writing to the Field Supervisor at the address given above.

Author

The primary author of this notice is Daniel R. Brown (see **ADDRESSES** section).

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

Dated: September 16, 2002.

Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02–23942 Filed 9–19–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the California Golden Trout as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the California golden trout (*Oncorhynchus mykiss aguabonita*) under the Endangered Species Act of 1973, as amended (Act). We find that the petition presents substantial information indicating that the listing of the California golden trout may be warranted. Therefore, we are initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, we are soliciting information and data regarding this subspecies.

DATES: The finding announced in this document was made September 12, 2002. To be considered in the 12-month finding for this petition, comments and information should be submitted to us by November 19, 2002.

ADDRESSES: Data, information, comments, or questions concerning this petition should be submitted to the Field Supervisor (Attn: California golden trout), Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825. The petition finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Susan Moore or Jennifer Bain at the Sacramento Fish and Wildlife Office (see **ADDRESSES** above), or at 916/414–6600.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species, or to revise a critical habitat designation, presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to us at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the notice of the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, we are required to promptly commence a review of the status of the involved species, if one has not already been initiated, under our internal candidate assessment process. After completing the status review, we will issue an additional finding (the 12-month finding) determining whether listing is, in fact, warranted.

On October 23, 2000, we received a petition dated October 13, 2000, to list the California golden trout (*Oncorhynchus mykiss aguabonita*) as endangered. The petition was submitted by Trout Unlimited. The letter clearly identified itself as a petition, and contained the name, signature, and address of the party submitting the petition. The petition requested that we list the California golden trout as an endangered species on an emergency basis, and that critical habitat be designated concurrent with listing. Included in the petition was supporting information relating to the subspecies' taxonomy and ecology, adequacy of existing regulatory mechanisms for the subspecies, historic and current distribution, present status, and potential causes of decline.

On February 8, 2001, Trout Unlimited sent a Notice of Intent to sue the Service for violating the Act by failing to make a 90-day finding as to whether the petition to list the California golden trout presents substantial information indicating that listing may be warranted. On November 29, 2001, Trout Unlimited filed a complaint in Federal District Court alleging we had violated the Act by failing to make a 90-day finding for their petition to list the California golden trout. On June 21, 2002, the court ruled in favor of the plaintiffs and ordered us to complete the 90-day finding by September 19, 2002.

The common name golden trout is due to its brilliant gold color on the lower sides and red orange coloring on the belly, cheeks, and central lateral band. Behnke (1992) describes the California golden trout as a subspecies of the rainbow trout (*Oncorhynchus mykiss*), though it is more closely related to the interior redband subspecies of *O. mykiss* than the coastal rainbow subspecies that now dominates most drainages in the southern Sierra. It is believed that the California golden trout and Little Kern golden trout (*O.m. whitei*) evolved from an invasion of sea-run rainbow trout 20,000 years ago (Stephens 2001). Isolations between drainages resulted in the independent evolution of the subspecies (Behnke 1992).

California golden trout have historically been found in the southern Sierra Nevada in Golden Trout Creek, its tributaries, and the upper reach and tributaries of the South Fork of the Kern River. The Golden Trout Creek watershed is 155 square kilometers (60 square miles). Golden Trout Creek drainage begins around elevation 3,292 meters (m) (10,800 feet (ft)) and extends to 2,134 m (7,000 ft) elevation at the confluence of Golden Trout Creek and the Kern River. Volcano Falls, just upstream of the confluence of Golden Trout Creek and the Kern River, acts as a barrier to upstream migrating fish. The South Fork of the Kern River begins around elevation 3,170 m (10,400 ft) at Mulkey Meadows and continues until it reaches Isabella Reservoir at elevation 794 m (2,605 ft). The petition states that the historic downstream limit of California golden trout was probably the gorge section of the river close to the present day Dome Land Wilderness. Currently, California golden trout on the South Fork of the Kern River are limited to the reach above the lowest artificial fish barrier, the Schaeffer barrier. However, this barrier has proven to be ineffective, and hybrid and non-native brown trout (*Salmo trutta*) have been found upstream of this barrier. California golden trout have been widely transplanted outside of their historic range. However, the petition states that the only area where non-hybridized California golden trout occur is within the Golden Trout Creek and the South Fork of the Kern River.

The petitioners cited four threats to the California golden trout. The three major threats include: (1) Hybridization with stocked rainbow trout (*Oncorhynchus mykiss*); (2) competition with non-native brown trout; and (3) habitat degradation from cattle (*Bos*