

**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: