

**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.*

[FR Doc. 03-4369 Filed 2-24-03; 8:45 am]

**BILLING CODE 6712-01-P****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:

You may mail or hand-deliver written comments to the Field Supervisor, Arizona Ecological Services Office (see **ADDRESSES** section). Hand deliveries must be made during normal business hours.

You may send comments by e-mail to [cftp\\_habitat@fws.gov](mailto:cftp_habitat@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 a return address in your e-mail message.

You may send written comments by facsimile to 602/242-2513.

Prior to making a final determination on this proposed rule, we will take into consideration all relevant comments and additional information received during the comment period. You may inspect comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, by appointment during normal business hours at our office listed in the **ADDRESSES** section.

#### Authority

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

Dated: February 20, 2003.

**Julie A. MacDonald,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 03-4539 Filed 2-24-03; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 030210027-3027-01; I.D. 012103E]

RIN 0648-AQ35

#### Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 37 to the Northeast Multispecies Fishery Management Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues this proposed rule to implement measures contained in Framework Adjustment 37 (Framework 37) to the Northeast Multispecies Fishery Management Plan

(FMP) to eliminate the Year-4 default measure for whiting in both stock areas; reinstate the Cultivator Shoal whiting fishery (CSWF) season through October 31; eliminate the 10-percent restriction on red hake incidental catch in the CSWF; adjust the incidental catch allowances in Small Mesh Areas 1 and 2 so that they are consistent with those in the Cape Cod Bay raised footrope trawl fishery; clarify the transfer-at-sea provisions for small-mesh multispecies for use as bait; and slightly modify the Cape Cod Bay raised footrope trawl fishery area.

**DATES:** Comments on this proposed rule must be received on or before March 27, 2003.

**ADDRESSES:** Copies of the Framework 37 document, its Regulatory Impact Review (RIR), the Initial Regulatory Flexibility Analysis (IRFA) and supplement to the IRFA prepared by NMFS, the Environmental Assessment, and other supporting documents for the framework adjustment are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. These documents are also available online at <http://www.nefmc.org>.

This action is also based upon analyses conducted in support of Amendment 12 to the FMP. Copies of the Amendment 12 document, its RIR, IRFA and the July 1, 1999, supplement to the IRFA prepared by NMFS, the Final Supplemental Environmental Impact Statement (FSEIS), and other supporting documents for Amendment 12 are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The Final Regulatory Flexibility Analysis for Amendment 12 consisted of the IRFA, public comments and responses contained in the final rule implementing Amendment 12 (65 FR 16766, March 29, 2000), and the summary of impacts and alternatives in that final rule.

Written comments on the proposed rule should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Framework 37." Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, Fishery Policy Analyst, 978-281-9272.

#### SUPPLEMENTARY INFORMATION:

Amendment 12 was developed to address the overfished condition of red hake and the southern stock of whiting, to reduce fishing mortality on northern whiting, which was approaching an overfished condition, and to establish management measures for offshore hake. The final rule implementing Amendment 12, which was partially approved by NMFS on behalf of the Secretary of Commerce on September 1, 1999, was published on March 29, 2000 (61 FR 16766), and became effective on April 28, 2000. The New England Fishery Management Council (Council) intended for the measures in Amendment 12 to achieve the target fishing mortality rates (F) for whiting within 4 years of implementation and to rebuild whiting and red hake stocks within 10 years.

Under Amendment 12, fishing with small mesh is regulated in the North Atlantic region through the establishment of three large "Regulated Mesh Areas." In the Gulf of Maine/ Georges Bank (GOM/GB) Regulated Mesh Area, vessels may fish for whiting with nets that have less than the minimum mesh size of 6-inch (15.24-cm) diamond mesh or 6.5-inch (16.51-cm) square mesh when participating in certain exempted fisheries. The GOM/GB exempted fisheries for whiting include: The Small Mesh Northern Shrimp Fishery, the CSWF, the Small Mesh Area 1/Small Mesh Area 2 Exemptions, and the Raised Footrope Trawl Whiting Fishery. The CSWF has a 3-inch (7.62-cm) minimum mesh size, and the Raised Footrope Trawl Whiting Fishery has a 2.5-inch (6.35-cm) minimum mesh size. In the Southern New England Regulated Mesh Area, vessels are exempt from the minimum mesh size requirement throughout the area when fishing for exempted species, which include whiting and offshore hake. Finally, in the Mid-Atlantic Regulated Mesh Area, vessels may fish for whiting and offshore hake with nets of mesh less than the minimum size when not fishing under a multispecies day-at-sea (DAS), provided that the vessel does not possess or land regulated multispecies.

Amendment 12 includes three possession limits, depending upon the minimum mesh size used. Vessels may possess and land up to a combined total of 3,500 lb (1,588 kg) of whiting and offshore hake when fishing with mesh less than 2.5 inches (6.35 cm). Vessels may possess and land up to a combined total of 7,500 lb (3,402 kg) of whiting and offshore hake when fishing with mesh equal to or greater than 2.5 inches (6.35 cm) and less than 3.0 inches (7.62