

Environmental Protection Specialist (OAQ-107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204-1390.

FOR FURTHER INFORMATION CONTACT: Catherine Woo, Office of Air Quality, (OAQ-107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553-1814.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Dated: January 15, 1997.

Charles Findley,

Acting Regional Administrator.

[FR Doc. 97-4520 Filed 2-24-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 81

[PA034-4054b; FRL-5688-6]

Clean Air Act Promulgation of Extension of Attainment Date for the Pittsburgh-Beaver Valley Moderate Ozone Nonattainment Area; Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to extend the attainment date for the Pittsburgh-Beaver County moderate ozone nonattainment area in Pennsylvania to November 15, 1997. This extension is based in part on monitored air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1996. Accordingly, EPA proposes to update the table in 40 CFR part 81 concerning attainment dates in the State of Pennsylvania. A detailed rationale for the approval is set forth in the direct final rule and accompanying technical support document. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

EPA will not institute a second comment period on this action. Any

parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 27, 1997.

ADDRESSES: Written comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink at (215) 566-2104, or by e-mail at spink.marcia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671.

Dated: February 5, 1997.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 97-4120 Filed 2-24-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96-115, DA 97-385]

Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Request for Further Comment on Specific Questions in CPNI Rulemaking

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission's Common Carrier Bureau is issuing this Public Notice seeking further comment to supplement the record in the rulemaking proceeding that the Commission initiated on May 17, 1996 to implement the customer proprietary network information ("CPNI") requirements of section 222 of the Telecommunications Act of 1996 ("1996

Act"). The objective of the Public Notice is to provide an additional opportunity for public comment on specific issues in that rulemaking and to provide a record for a Commission decision on those issues.

DATES: Comments are due on or before March 17, 1997, and reply comments are due on or before March 27, 1997.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W. Washington, D.C. Comments and reply comments should reference CC Docket No. 96-115. Parties should also send two copies of their comments and reply comments to Janice M. Myles of the Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, (202)418-1577, as well as one copy to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037, at (202)857-3800. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Janice M. Myles of the Common Carrier Bureau and to International Transcription Service at the above addresses. Each such submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, and date of submission. The diskette should be accompanied by a cover letter.

FOR FURTHER INFORMATION CONTACT: Dorothy TTyne Attwood, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418-1580.

SUPPLEMENTARY INFORMATION: This is text of the Commission's Common Carrier Bureau's Public Notice adopted and released February 20, 1997 (DA 97-385).

Text of Public Notice

Common Carrier Bureau Seeks Further Comment on Specific Questions in CPNI Rulemaking

CC DOCKET No. 96-115

Comment Date: March 17, 1997.

Reply Comment Date: March 27, 1997.

1. On May 17, 1996, the Commission released *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, Notice of Proposed Rulemaking, 61 FR 43031, August 20, 1996 (NPRM), initiating a proceeding to implement the customer proprietary network information (CPNI) requirements of section 222 of the Telecommunications Act of 1996 (1996 Act). The CPNI NPRM sought comment on, among other things: (1) the scope of the phrase "telecommunications service," as it is used in section 222; (2) when telecommunications carriers may use, disclose, or permit access to individually identifiable CPNI absent customer approval; and (3) the requirements for customer approval.

2. On December 24, 1996, the Commission released *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, First Report and Order and Further Notice of Proposed Rulemaking, 62 FR 2991, January 21, 1997 (*Non-Accounting Safeguards Order*), which adopted rules and policies governing the Bell Operating Companies' (BOCs') provision of certain services through section 272 affiliates. In paragraph 222 of that Order, the Commission concluded that the nondiscrimination provisions of section 272(c)(1) govern the BOCs' use of CPNI and that BOCs must comply with the requirements of both section 222 and section 272(c)(1). Section 272(c)(1) requires that a BOC not discriminate between its section 272 affiliate and other entities in, among other things, the provision of services and information. In paragraph 222 of the *Non-Accounting Safeguards Order*, however, the Commission deferred to the CPNI rulemaking proceeding issues concerning the interplay between section 222 and section 272(c)(1). In paragraph 300 of that Order, the Commission deferred to the CPNI proceeding issues that concern the interplay between the joint marketing restrictions of section 272(g) and section 222. The Commission emphasized, however, that if a BOC markets or sells the services of its section 272 affiliate pursuant to section 272(g), it must comply with the statutory requirements of section 222 and any rules promulgated thereunder.

3. On February 7, 1997, the Commission released *Implementation of the Telecommunications Act of 1996: Telemessaging, Electronic Publishing, and Alarm Monitoring Services*, First Report and Order and Further Notice of Proposed Rulemaking, 62 FR 7690, February 20, 1997 (*Electronic Publishing Order*), which adopted policies and rules governing, among other things, BOC provision of electronic publishing under section 274. Section 274 permits BOCs to provide electronic publishing services only through a "separated affiliate" or "electronic publishing joint venture" that meets certain separation, nondiscrimination, and joint marketing requirements. In paragraph 142 of that Order, the Commission deferred to the CPNI proceeding any decision on the extent, if any, that section 222 affects implementation of the joint marketing

provisions of section 274. In paragraph 169 of that Order, the Commission also deferred to this proceeding the following issues: (1) Whether the term "basic telephone service information," as defined in section 274(i)(3), includes CPNI; (2) whether section 222 requires a BOC engaged in permissible marketing activities under section 274(c)(2) to obtain customer approval before using, disclosing, or permitting access to CPNI; and (3) whether or to what extent section 274(c)(2)(B) imposes any obligations on BOCs that use, disclose, or permit access to CPNI pursuant to a "teaming" or "business arrangement" under that section.

4. Comments and reply comments in the CPNI proceeding were received on June 11, 1996 and June 26, 1996, respectively. In view of the Commission's determinations in the *Non-Accounting Safeguards and Electronic Publishing Orders*, the Common Carrier Bureau (Bureau) seeks further comment to supplement the record in the CPNI proceeding on specific issues relating to the subjects previously noticed in this proceeding and their interplay with sections 272 and 274. Specifically, interested parties are invited to file comments and reply comments on the attached list of questions. Commenters should address these questions in the order in which they are presented and should restate and highlight each question above their responses. Commenters should identify specific statutory language or legislative history that supports their arguments and address the impact of their positions on customer privacy and competition. The comments should not exceed 40 pages; reply comments should not exceed 25 pages. Comments should be filed on or before March 17, 1997. Any reply comments should be filed on or before March 27, 1997.

5. Neither this public notice nor the attached questions resolve any of the issues in the CPNI rulemaking. To help focus the parties' responses, however, certain individual questions include assumptions as to how the Commission might resolve specific issues in the rulemaking. Commenters should not construe these assumptions or any other aspect of the questions as indicating how the Bureau might advise the Commission with regard to those issues or how the Commission might resolve them.

6. Interested parties must file an original and four copies of their comments and reply comments with the Office of the Secretary, Federal Communications Commission, Room 222, 1919 M Street, N.W., Washington, D.C. 20554. Comments and reply comments should reference CC Docket No. 96-115. Parties should also send two copies of their comments and reply comments to Janice M. Myles of the Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington, D.C. 20554, (202) 418-1577, as well as one copy to the Commission's copy contractor, International Transcription Service, Room 140, 2100 M Street, N.W., Washington, D.C. 20037, at (202) 857-3800. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554.

7. Parties are also asked to submit comments and reply comments on diskette. Such diskette submissions would be in addition to and not a substitute for the formal filing requirements addressed above. Parties submitting diskettes should submit them to Janice M. Myles of the Common Carrier Bureau and to International Transcription Service at the above addresses. Each such submission should be on a 3.5 inch diskette in an IBM compatible format using WordPerfect 5.1 for Windows software in a "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, and date of submission. The diskette should be accompanied by a cover letter.

8. For further information contact: Dorothy Tynne Attwood, (202) 418-1580.

Federal Communications Commission.

A. Richard Metzger, Jr.,

Deputy Chief, Common Carrier Bureau.

* Note: This attachment will not be published in the Code of Federal Regulations.

Attachment

Questions

I. Interplay Between Section 222 and Section 272

A. Using, Disclosing, and Permitting Access to CPNI

1. Does the requirement in section 272(c)(1) that a BOC may not discriminate between its section 272 "affiliate and any other entity in the provision or procurement of * * * services * * * and information * * *" mean that a BOC may use, disclose, or permit access to CPNI for or on behalf of that affiliate only if the CPNI is made available to all other entities? If not, what obligation does the nondiscrimination requirement of section 272(c)(1) impose on a BOC with respect to the use, disclosure, or permission of access to CPNI?

2. If a telecommunications carrier may disclose a customer's CPNI to a third party only pursuant to the customer's "affirmative written request" under section 222(c)(2), does the nondiscrimination requirement of section 272(c)(1) mandate that a BOC's section 272 affiliate be treated as a third party for which the BOC must have a customer's affirmative written request before disclosing CPNI to that affiliate?

3. If a telecommunications carrier may disclose a customer's CPNI to a third party only pursuant to the customer's "affirmative written request" under section 222(c)(2), must carriers, including interexchange carriers and independent local exchange carriers (LECs), treat their affiliates and other intra-company operating units (such as those that originate interexchange telecommunications services in areas where the carriers provide telephone exchange service and exchange access) as third parties for which customers' affirmative written requests must be secured before CPNI can be disclosed? Must the answer to this question be the same as the answer to question 2?

B. Customer Approval

4. If sections 222(c)(1) and 222(c)(2) require customer approval, but not an affirmative

written request, before a carrier may use, disclose, or permit access to CPNI, must a BOC disclose CPNI to unaffiliated entities under the same standard for customer approval as is permitted in connection with its section 272 affiliate? If, for example, a BOC may disclose CPNI to its section 272 affiliate pursuant to a customer's oral approval or a customer's failure to request non-disclosure after receiving notice of an intent to disclose (i.e., opt-out approval), is the BOC required to disclose CPNI to unaffiliated entities upon the customer's approval pursuant to the same method?

5. If sections 222(c)(1) and 222(c)(2) require customer approval, but not an affirmative written request, before a carrier may use, disclose, or permit access to CPNI, must each carrier, including interexchange carriers and independent LECs, disclose CPNI to unaffiliated entities under the same standard for customer approval as is permitted in connection with their affiliates and other intra-company operating units?

6. Must a BOC that solicits customer approval, whether oral, written, or opt-out, on behalf of its section 272 affiliate also offer to solicit that approval on behalf of unaffiliated entities? That is, must the BOC offer an "approval solicitation service" to unaffiliated entities, when it provides such a service for its section 272 affiliate? If so, what specific steps, if any, must a BOC take to ensure that any solicitation it makes to obtain customer approval does not favor its section 272 affiliate over unaffiliated entities? If the customer approves disclosure to both the BOC's section 272 affiliate and unaffiliated entities, must a BOC provide the customer's CPNI to the unaffiliated entities on the same rates, terms, and conditions (including service intervals) as it provides the CPNI to its section 272 affiliate?

C. Other Issues

7. If, under sections 222(c)(1), 222(c)(2), and 272(c)(1), a BOC must not discriminate between its section 272 affiliate and non-affiliates with regard to the use, disclosure, or the permission of access to CPNI, what is the meaning of section 272(g)(3), which exempts the activities described in sections 272(g)(1) and 272(g)(2) from the nondiscrimination obligations of section 272(c)(1)? What specific obligations with respect to the use, disclosure, and permission of access to CPNI do sections 222(c)(1) and 222(c)(2) impose on a BOC that is engaged in the activities described in sections 272(g)(1) and 272(g)(2)?

8. To what extent is soliciting customer approval to use, disclose, or permit access to CPNI an activity described in section 272(g)? To the extent that a party claims that CPNI is essential for a BOC or section 272 affiliate to engage in any of the activities described in section 272(g), please describe in detail the basis for that position. To the extent that a party claims that CPNI is not essential for a BOC or section 272 affiliate to engage in those activities, please describe in detail the basis for that position.

9. Does the phrase "information concerning [a BOC's] provision of exchange access" in section 272(e)(2) include CPNI as defined in section 222(f)(1)? Does the phrase

"services * * * concerning [a BOC's] provision of exchange access" in section 272(e)(2) include CPNI-related approved solicitation services? If such information or services are included, what must a BOC do to comply with the requirement in section 272(e)(2) that a BOC "shall not provide any * * * services * * * or information concerning its provision of exchange access to [its affiliate] unless such * * * services * * * or information are made available to other providers of interLATA services in that market on the same terms and conditions"?

10. Does a BOC's seeking of customer approval to use, disclose, or permit access to CPNI for or on behalf of its section 272 affiliate constitute a "transaction" under section 272(b)(5)? If so, what steps, if any, must a BOC and its section 272 affiliate take to comply with the requirements of section 272(b)(5) for purposes of CPNI?

11. Please comment on any other issues relating to the interplay between sections 222 and 272.

12. Please propose any specific rules that the Commission should adopt to implement section 222 consistent with the provisions of section 272.

II. Interplay Between Section 222 and Section 274

A. Threshold Issues

13. To what extent, if any, does the term "basic telephone service information," as used in section 274(c)(2)(B) and defined in section 274(i)(3), include information that is classified as CPNI under section 222(f)(1)?

B. Using, Disclosing, and Permitting Access to CPNI

(i). Section 274(c)(2)(A)—Inbound Telemarketing or Referral Services

14. Does section 274(c)(2)(A) mean that a BOC that is providing "inbound telemarketing or referral services related to the provision of electronic publishing" to a separated affiliate, electronic publishing joint venture, or affiliate may use, disclose, or permit access to CPNI in connection with those services only if the CPNI is made available, on nondiscriminatory terms, to all unaffiliated electronic publishers who have requested such services? If not, what obligation does the nondiscrimination requirement of section 274(c)(2)(A) impose on a BOC with respect to the use, disclosure, or permission of access to CPNI?

(ii). Section 274(c)(2)(B)—Teaming or Business Arrangements

15. To the extent that basic telephone service information is also CPNI, should section 274(c)(2)(B) be construed to mean that a BOC, engaged in an electronic publishing "teaming" or "business arrangement" with "any separated affiliate or any other electronic publisher," may use, disclose, or permit access to basic telephone service information that is CPNI in connection with that teaming or business arrangement only if such CPNI is also made available on a nondiscriminatory basis to other teaming or business arrangements and unaffiliated electronic publishers? If not, what obligation does the nondiscrimination requirement of section 274(c)(2)(B) impose

on a BOC with respect to the use, disclosure, or permission of access to CPNI?

16. If section 222(c)(2) permits a BOC to disclose a customer's CPNI to a third party only pursuant to the customer's "affirmative written request," does section 274(c)(2)(B) require that the entities, both affiliated and non-affiliated, engaged in section 274 teaming or business arrangements with the BOC be treated as third parties for which the BOC must have a customer's affirmative written request before disclosing CPNI to such entities?

(iii). Section 274(c)(2)(C)—Electronic Publishing Joint Ventures

17. Should section 274(c)(2)(C) be construed to mean that an electronic publishing joint venture be treated as a third party for which the BOC must have a customer's approval, whether oral, written, or opt-out, before disclosing CPNI to that joint venture or to joint venture partners?

C. Customer Approval

(i). Section 274(c)(2)(A)—Inbound Telemarketing or Referral Services

18. Must a BOC that is providing inbound telemarketing or referral services to a "separated affiliate, electronic publishing joint venture, affiliate, or unaffiliated electronic publisher" under section 274(c)(2)(A) obtain customer approval pursuant to section 222(c) before using, disclosing, or permitting access to CPNI on behalf of such entities? If so, what forms of customer approval (oral, written, or opt-out) would be necessary to permit a BOC to use a customer's CPNI on behalf of each of these entities in this situation? What impact, if any, does section 222(d)(3) have on the forms of customer approval in connection with section 274(c)(2)(A) activities?

19. Must a BOC that solicits customer approval, whether oral, written, or opt-out, on behalf of its separated affiliate or electronic publishing joint venture also offer to solicit that approval on behalf of unaffiliated entities? That is, must the BOC offer an "approval solicitation service" to unaffiliated electronic publishers when it provides such a service for its section 274 separated affiliates, electronic publishing joint ventures, or affiliates under section 274(c)(2)(A)? What impact, if any, does section 222(d)(3) have on the BOC's obligations under section 274(c)(2)(A) with regard to the solicitation of a customer's approval during a customer-initiated call? What specific steps, if any, must a BOC take to ensure that any solicitation it makes to obtain customer approval does not favor its section 274 separated affiliates or electronic publishing joint ventures or affiliates over unaffiliated entities? If the customer approves disclosure to both the BOC's section 274 separated affiliates or electronic publishing joint ventures or affiliates and unaffiliated entities, must a BOC provide the customer's CPNI to the unaffiliated entities on the same rates, terms, and conditions (including service intervals) as it provides the CPNI to its section 274 separated affiliates or electronic publishing joint ventures or affiliates?

20. To the extent that sections 222(c)(1) and 222(d)(3) require customer approval, but

not an affirmative written request, before a carrier may use, disclose, or permit access to CPNI, must a BOC disclose CPNI to unaffiliated electronic publishers under the same standard for customer approval as is permitted in connection with its section 274 separated affiliate, electronic publishing joint venture, or affiliate under section 274(c)(2)(A)? If, for example, a BOC may disclose CPNI to its section 274 separated affiliate pursuant to the customer's oral or opt-out approval, is the BOC required to disclose CPNI to unaffiliated entities upon the customer's approval pursuant to the same method?

(ii). Section 274(c)(2)(B)—Teaming or Business Arrangements

21. Must a BOC, that is engaged in a teaming or business arrangement under section 274(c)(2)(B) with "any separated affiliate or with any other electronic publisher," obtain customer approval before using, disclosing, or permitting access to CPNI for such entities? What forms of customer approval (oral, written, or opt-out) would be necessary to permit a BOC to use a customer's CPNI on behalf of each of these entities in this situation?

22. Must a BOC that solicits customer approval, whether oral, written, or opt-out, on behalf of any of its teaming or business arrangements under section 274(c)(2)(B) also offer to solicit that approval on behalf of other teaming arrangements and unaffiliated electronic publishers? That is, must the BOC offer an "approval solicitation service" to unaffiliated electronic publishers and teaming arrangements when it provides such a service for any of its teaming or business arrangements under section 274(c)(2)(B)? If so, what specific steps, if any, must a BOC take to ensure that any solicitation it makes to obtain customer approval does not favor its electronic publishing teaming or business arrangements over unaffiliated entities? If the customer approves disclosure to both the BOC's electronic publishing teaming or business arrangements and unaffiliated entities, must a BOC provide the customer's CPNI to the unaffiliated entities on the same rates, terms, and conditions (including service intervals) as it provides the CPNI to its electronic publishing teaming or business arrangements?

23. To the extent that sections 222(c)(1) and 222(c)(2) require customer approval, but not an affirmative written request, before a carrier may use, disclose, or permit access to CPNI, must a BOC disclose CPNI to unaffiliated electronic publishers under the same standard for customer approval as is permitted in connection with its teaming or business arrangements under section 274(c)(2)(B)? If, for example, a BOC may disclose CPNI to a section 274 separated affiliate with which the BOC has a teaming arrangement pursuant to the customer's oral or opt-out approval, is the BOC likewise required to disclose CPNI to unaffiliated electronic publishers or teaming arrangements upon obtaining approval from the customer pursuant to the same method?

D. Other Issues

24. Does the seeking of customer approval to use, disclose, or permit access to CPNI for

or on behalf of its section 274 separated affiliate or electronic publishing joint venture constitute a "transaction" under section 274(b)(3)? If so, what steps, if any, must the BOC and its section 274 separated affiliate or electronic publishing joint venture take to comply with the requirements of section 274(b)(3) for purposes of CPNI?

25. Please comment on any other issues relating to the interplay between sections 222 and 274.

26. Please propose any specific rules that the Commission should adopt to implement section 222 consistent with the provisions of section 274?

[FR Doc. 97-4760 Filed 2-24-97; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD35

Endangered and Threatened Wildlife and Plants; Notice of Reopening of Public Comment Period on the Proposed Rule to List the Pallid Manzanita as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Rule; notice of reopening of the comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of reopening of the comment period on the proposed threatened status for *Arctostaphylos pallida* (pallid manzanita). The comment period has been reopened to acquire additional information from interested parties, and to resume the proposed listing actions.

DATES: The public comment period closes March 27, 1997. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: Written comments and materials concerning this proposal should be sent directly to the Field Supervisor, Sacramento Field Office, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340. Comments and materials received will be available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Betty Warne (see **ADDRESSES** section) at (916) 979-2120.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1995, the Service published a rule proposing threatened status for *Arctostaphylos pallida* (60 FR 39309-39314). The original comment period closed on September 25, 1995. No public hearing was requested.

Pallid manzanita is found only in the northern Diablo Range of California. It occupies 13 sites in Alameda and Contra Costa Counties. The two largest populations are located at Huckleberry Ridge and Sobrante Ridge. The plants are found in manzanita chaparral habitat that is frequently surrounded by oak woodlands and coastal scrub. The plants are threatened by shading and competition from native and non-native plants, fire suppression, habitat fragmentation, hybridization, disease, herbicide spraying, unauthorized tree cutting and inadequate regulatory mechanisms.

The Service was unable to make a final listing determination on this species because of a limited budget, other endangered species assignments driven by court orders, and higher listing priorities. In addition, a moratorium on listing actions (Pub. L. 104-6), which took effect on April 10, 1995, stipulated that no funds could be used to make final listing determinations or critical habitat determinations. Now that the funding has been restored, the Service is proceeding with a final determination for this species.

Due to the length of time that has elapsed since the close of the last comment period, changing procedural and biological circumstances, and the need to review the best scientific information available during the decision-making process, the comment period is being reopened. For these reasons, the Service particularly seeks information concerning:

(1) The known or potential effects of fire suppression and general fire management practices on the pallid manzanita and its habitat.

(2) other updated biological, commercial, or other relevant data on any threats (or lack of thereof) to the species; and

(3) the current size, number, or distribution of populations of the species.

Written comments may be submitted until March 27, 1997 to the Service office in the **ADDRESSES** section.

Author: The primary author of this notice is Betty Warne (see **ADDRESSES** section).