

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?

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## 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).

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

Dated: February 14, 1997.

Thomas J. Dwyer,

*Acting Regional Director.*

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