SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, Docket 94–44, adopted September 21, 1995 and released September 29, 1995. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1919 M Street NW., Washington, DC 20554.

List of Subjects in 47 CFR Part 76

Cable television.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority for Part 76 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§76.51 Major television markets.

2. Section 76.51 is amended by revising paragraph (a)(32) to read as follows:

Federal Communications Commission. William H. Johnson,

Deputy Chief, Cable Services Bureau. [FR Doc. 95–24643 Filed 10–3–95; 8:45 am] BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[I.D. 092895B]

Endangered and Threatened Species; West Coast Pink Salmon Petition Determination

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

ACTION: Notice of determination.

SUMMARY: NMFS has determined that neither Elwha River nor lower Dungeness River pink salmon, as petitioned, constitute a "species" under the Endangered Species Act of 1973 (ESA). However, Elwha River and lower Dungeness River pink salmon are part of a larger evolutionarily significant unit

(ESU) that includes all odd-year pink salmon stocks in Washington as far west as the Elwha River and in southern British Columbia, Canada (including the Fraser River and eastern Vancouver Island), as far north as Johnstone Strait. Further, NMFS has identified a second pink salmon ESU which includes evenyear pink salmon residing in the Snohomish River, WA. NMFS has determined that, at the present time, neither of these ESUs warrant listing as a threatened or endangered species. ADDRESSES: Environmental and Technical Services Division, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Environmental and Technical Services Division, 503/231-2005 or Marta Nammack, Protected

2005 or Marta Nammack, Protected Species Management Division, 301/713-1401.

SUPPLEMENTARY INFORMATION:

Petition Background

On March 14, 1994, the Secretary of Commerce received a petition from Professional Resources Organization-Salmon (PRO-Salmon), to list as threatened or endangered nine naturally spawning populations of salmon indigenous to northwestern Washington and to designate critical habitat under the ESA (PRO-Salmon, 1994). Two of the petitioned populations included pink salmon (Oncorhynchus gorbuscha) stocks residing in the Elwha River and the lower Dungeness River on Washington's Olympic Peninsula. NMFS published a document on September 12, 1994 (59 FR 46808) that the petition presented substantial scientific information indicating that listings may be warranted. Concurrently, NMFS also announced its intention to initiate comprehensive status reviews of all species of Pacific salmon and anadromous trout in Washington, Oregon, Idaho, and California.

In announcing these comprehensive status reviews, NMFS requested comments from any party having relevant information concerning (1) whether any salmon stock qualifies as a "species" under the ESA and (2) whether any salmon stock is endangered or threatened based on NMFS' listing criteria. In addition, NMFS specifically solicited information on the petitioned stocks. NMFS also requested information on areas that may qualify as critical habitat for all stocks of pink, chum, sockeye, and chinook salmon, and sea-run cutthroat trout in Washington, Oregon, Idaho, and California. Status reviews for west coast

coho salmon and steelhead are nearing completion.

Biological Background

The NMFS' Northwest Fisheries Science Center Biological Review Team (BRT) has reviewed the status of west coast pink salmon (Northwest Fisheries Science Center BRT, 1995), the prominent results of which are summarized below. A copy of the draft BRT report is available upon request (see ADDRESSES).

Pink salmon occur in oceanic and freshwater areas around the Pacific rim of Asia and North America. Spawning populations range from Puget Sound, WA to Norton Sound, AK in North America and from North Korea to the Anadyr Gulf, Russia in Asia (Heard, 1991; Mathisen, 1994). In Washington, pink salmon regularly spawn as far south as southern Puget Sound and on the Olympic Peninsula along the Strait of Juan de Fuca (Williams et al., 1975, Washington Department of Fisheries (WDF) et al., 1993), with about 70 percent of the spawning in north Puget Sound (WDF et al., 1993).

Across its natural range, pink salmon spawn in both large and small river systems in the late summer and fall. Spawning occurs in shallow pools and riffles exposed to moderately fast currents. Water temperatures during peak spawning activity range from about 5°-15° C. Pink salmon mature at the smallest average size of any species of Pacific salmon (1.0-2.5 kg) and show marked sexual dimorphism (Davidson, 1935; Pritchard, 1937; Beacham and Murray, 1985). Spawning populations throughout much of the range of pink salmon may be extremely large, often exceeding hundreds of thousands of adults (Heard, 1991; WDF et al., 1993).

Upon emerging from gravel, juvenile pink salmon migrate rapidly downstream, generally in schools. After a few weeks to a few months in estuaries and nearshore habitat, pink salmon migrate to sea where they reside for 12–16 months (Heard, 1991).

In addition to their small size, extreme sexual dimorphism, and short freshwater residence as juveniles, pink salmon differ from other salmonids in that they lack a variable age structure. Almost all pink salmon are 2 years of age at maturity (Gilbert, 1914; Bilton and Ricker, 1965; Turner and Bilton, 1968). The most significant result of this rigid age structure has been the development of two separate, and often distinctive, broodlines of pink salmon. Fish in the broodline that mature in even-numbered years are referred to as "even-year" pink salmon while those that mature in alternate, odd-numbered