submission. The diskette should be accompanied by a cover letter.

73. Written comments by the public must be submitted at the same time as those of the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before 60 days after publication of the NPRM in the **Federal Register**. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725–17th Street, NW., Washington, DC 20503 or via the Internet to fain__t@al.eop.gov.

XII. Ordering Clauses

74. *It is ordered* that pursuant to sections 1, 4(i), 4(j), 224, 303 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 224, 303 and 403, *notice is hereby given* of the proposals described in this Notice of Proposed Rulemaking.

75. *It is further ordered* that the Secretary shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act, 5 U.S.C. 603 (2).

76. For additional information regarding this proceeding, contact Larry Walke, Policy and Rules Division, Cable Services Bureau (202) 418–7200.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Note: This attachment will not be published in the Code of Federal Regulations.

Attachment—Pole Attachment Formulas (Modified as Proposed)

Telecommunications Companies:

Maximum Rate = (Space Occupied by Attachment × Carrying Charge Rate × Net Pole Investment × .95) ÷ Total # of Poles

Total Carrying Charge Rate = Administrative + Maintenance + Depreciation + Taxes + Return

Administrative Carrying Charge Rate = (Total Administrative and General (Accounts 6710+6720 + 6110+6120 + 6534+6535)) ÷ (Gross Plant Investment − Accum. Depreciation, Account 3100 − Accum. Deferred Taxes, Plant)

Maintenance Carrying Charge Rate = (Account 6411 − Rental Expense, Poles) ÷ Net Pole Investment

Depreciation Carrying Charge Rate = Depreciation Rate, Poles

Tax Carrying Charge Rate = Operating Taxes, Account 7200 ÷ (Gross Plant Investment − Accum. Depreciation, Account 3100 − Accum. Deferred Taxes, Plant)

Return Carrying Charge Rate = Applicable Rate of Return

Space Occupied by Attachment = 1 foot

Total Usable Space = 13.5 feet (Subject to Rebuttal)

Gross Plan Investment = Account 2001

Gross Pole Investment = Account 2411

Net Pole Investment = Account 2411 − Accum. Depreciation, Poles − Accum. Deferred Income Taxes, Poles

[FR Doc. 97–21818 Filed 8–15–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 960730210–7194–03; I.D. 012595A]

RIN 0648–XX65

Endangered and Threatened Species: Notice of Partial 6-Month Extension on the Final Listing Determination for Several Evolutionarily Significant Units (ESUs) of West Coast Steelhead

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

ACTION: Proposed rule; partial extension of final determination.

SUMMARY: NMFS has made final listing determinations for five Evolutionarily Significant Units (ESUs) of west coast steelhead under the Endangered Species Act (ESA). The ESUs listed as threatened or endangered species are the Upper Columbia River (endangered), Snake River Basin (threatened), Central California Coast (threatened), South-Central California Coast (threatened) and Southern California (endangered).

NMFS has also determined that substantial scientific disagreement exists regarding the sufficiency and accuracy of data relevant to listing five other west coast steelhead ESUs. Specifically, NMFS has determined that substantial scientific disagreements exist regarding the sufficiency and accuracy of data relevant to final listing determinations for the Lower Columbia River, Oregon Coast, Klamath Mountains Province, Northern California, and California's Central Valley ESUs. These scientific disagreements concern the data needed to determine the status of these species, the threats to their continued existence, and the geographic boundaries of certain ESUs. Consequently, NMFS extends the deadline for a final listing determination for these ESUs for 6 months to solicit, collect, and analyze additional information from NMFS scientists, co-management scientists, and scientific experts on this species enabling NMFS to make the final listing determination based on the best available data.

Several efforts are underway that may resolve scientific disagreement regarding the sufficiency and accuracy of data relevant to these listings. NMFS has undertaken an intensive effort to analyze data received during and after the comment period on the proposed ESUs from the States of Washington, Oregon, and California, as well as from peer reviewers. This work will include evaluating new population models, analyzing population abundance trends where new data are available, and examining new genetic data relative to the relationship between winter and summer steelhead and between hatchery and wild fish. Results of these analyses are anticipated within the next two to three months. NMFS will also receive and analyze additional genetic samples for California's Central Valley ESU as well as rigorously evaluate ecological characteristics to determine if further subdivision of this ESU is warranted.

During the 90-day comment period following the published proposed listings rule on August 9, 1996, NMFS held sixteen public hearings at which testimony was heard from 188 commenters. Additionally, NMFS received and continues to analyze 939 written comments.

DATES: The new deadline for final action on the deferred ESUs of west coast steelhead is February 9, 1998.

ADDRESSES: Protected Resources Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503–231–2005, Craig Wingert, 310–980–4021, or Joe Blum, 301–713–1401.

SUPPLEMENTARY INFORMATION:

Background

Historically, steelhead likely inhabited most coastal streams in

Washington, Oregon, and California as well as many inland streams in these states and Idaho. However, during this century, over 23 indigenous, naturally-reproducing stocks of steelhead are believed to have been extirpated, and many more are thought to be in decline in numerous coastal and inland streams in Washington, Oregon, Idaho, and California (Nehlsen et al., 1991). Forty-three stocks of steelhead have been identified as being at moderate or high risk of extinction (Nehlsen et al. 1991).

The history of ESA listing petitions received regarding west coast steelhead is summarized in the proposed listings rule published on August 9, 1996 (61 FR 41541). The most comprehensive petition was submitted by Oregon Natural Resources Council and 15 co-petitioners on February 16, 1994. In response to this petition, NMFS collected and assessed the best available scientific and commercial data, including technical information from the Pacific Salmon Biological Technical Committee (PSBTC) and interested parties in Washington, Oregon, Idaho, and California. The PSBTC consisted primarily of scientists from Federal, state, and local resource agencies, Indian tribes, industries, universities, professional societies, and public interest groups possessing technical expertise relevant to steelhead and their habitats. A total of seven PSBTC meetings were held in the states of Washington, Oregon, Idaho, and California during the course of the west coast steelhead status review. NMFS also established a Biological Review Team (BRT) that conducted a coastwide status review for west coast steelhead (Busby et al., 1996). The BRT was composed of staff from NMFS' Northwest Fisheries Science Center and Southwest Regional Office, as well as a representative of the National Biological Survey.

Based on the results of the BRT report, and after considering other information and existing conservation measures, NMFS published a proposed listing determination (61 FR 41541, August 9, 1996) that identified 15 ESUs of steelhead in the States of Washington, Oregon, Idaho, and California. Ten of these ESUs were proposed for listing as threatened or endangered species, four were found not warranted for listing, and one was identified as a candidate for listing under the ESA.

Finding

Within 1 year from the date of a proposed listing, section 4(b)(6) of the ESA requires NMFS to take one of three actions: (1) Finalize the proposed listing; (2) withdraw the proposed listing; or (3) extend the 1-year period for not more than 6 months pursuant to section 4(b)(6)(B)(i).

Section 4(b)(6)(B)(i) of the ESA authorizes NMFS to extend the deadline for a final listing determination for not more than 6 months for the purpose of soliciting additional data. NMFS' ESA implementing regulations condition such an extension on finding ''substantial disagreement among scientists knowledgeable about the species concerned regarding the sufficiency or accuracy of the available data relevant to the determination.'' (50 CFR 424.17(a)(1)(iv)).

NMFS has now analyzed new information and public comment received in response to the August 9, 1996, proposed rule. NMFS' BRT has likewise analyzed this new information and has updated its conclusions accordingly (BRT Report memo from M. Schiewe to W. Stelle and W. Hogarth, July 7, 1997). Copies of the BRT's updated Status Review are available upon request (see **ADDRESSEES**).

Based on this analysis, NMFS has made final determinations for five ESUs of west coast steelhead. The ESUs listed as threatened or endangered are the Upper Columbia River (endangered), Snake River Basin (threatened), Central California Coast (threatened), South-Central California Coast (threatened) and Southern California (endangered). For NMFS' determination on the listing of five ESUs of west coast steelhead as threatened or endangered species, see the west coast steelhead ESU listing notice in the Rules and Regulations section of this **Federal Register**.

As a result of comments received in response to the August 9, 1996, proposal, NMFS has determined that substantial scientific disagreements exist regarding the sufficiency and accuracy of data relevant to final listing determinations for the Lower Columbia River, Oregon Coast, Klamath Mountains Province, Northern California, and California's Central Valley ESUs (BRT Report memo from M. Schiewe to W. Stelle and W. Hogarth, July 18, 1997). These scientific disagreements concern the data needed to determine the status of these species, the threats to their continued existence, and the geographic range of steelhead within certain ESUs. Therefore, NMFS extends the final listing determination deadline for the Lower Columbia River, Oregon Coast, Klamath Mountains Province, Northern California, and California's Central Valley ESUs for 6 months to solicit, collect, and analyze additional data. Several efforts are underway that may resolve scientific disagreement regarding the sufficiency and accuracy of data relevant to these ESUs. These efforts include: 1) Analysis of samples being collected this summer by the California Department of Fish and Game (CDFG) of the Central Valley ESU of steelhead to determine genetic makeup; and 2) NMFS review of the new Oregon Department of Fish and Wildlife (ODFW) risk analysis model for the Lower Columbia River, Central Oregon Coast, Klamath Mountain Province, and North California Coastal ESUs as well as outside peer review of those same models. A more detailed discussion of these efforts is provided below under ''Prospects for Resolving Existing Disagreements.''

Points of Substantial Scientific Disagreement

Some peer reviewers, in addition to some knowledgeable scientists from state fish and wildlife agencies, tribes, and the public, dispute the sufficiency and accuracy of data employed by NMFS in its proposed listing of west coast steelhead ESUs in California, Oregon, and Washington. The primary areas of dispute concern data relevant to: risk assessment, in particular the types of data used to determine abundance as well as the impacts of artificial production; and the configuration of certain ESU boundaries, including the relationship of summer and winter steelhead in the same ESUs. The following sections briefly discuss the types of data subject to substantial scientific disagreement.

Risk Assessment

Risk assessment involves the collection and analysis of data on the status of west coast steelhead and the threats presented by various human activities and natural occurrences. In its Factors for Decline report for west coast steelhead, NMFS identified the principal threats to steelhead as past and present hatchery practices, habitat loss, adverse ocean conditions, habitat blockages, and habitat fragmentation (NMFS, 1996).

With respect to abundance data, several commenters argued that NMFS lacked sufficient and accurate data to estimate current steelhead abundance. These commenters argued that NMFS failed to accurately estimate the number and effects of hatchery fish spawning in the wild, and that NMFS relied too heavily on the use of sport catch data. These commenters argued that this analysis upwardly biased NMFS assessment of the risks facing steelhead in those instances.

For example, in the Lower Columbia River ESU, the State of Oregon disagrees with NMFS' assessment of risks facing

steelhead in this ESU. ODFW argued that although steelhead populations in this ESU are depressed, their modeling suggests that recent actions protective of steelhead, together with re-analysis of updated data argue against NMFS' proposed determination. Because it received ODFW's information only in June 1997, NMFS has not fully evaluated the model or validated its results in order to assess overall abundance in this ESU shared by Oregon and Washington.

In the Oregon Coast ESU and the Oregon portion of the Klamath Mountains Province ESU, substantial scientific disagreement exists regarding the sufficiency of data used to assess the risks faced by steelhead. Specifically, ODFW criticized NMFS' assessment of these ESUs for relying on insufficient data (Chilcote, June 1997). ODFW argued that NMFS did not consider accurate data sets because NMFS was overly-reliant on sport catch data. ODFW reasoned that sport catch data, although the only complete data available, are inaccurate because of biases in its recording and because most fishing effort focuses on hatchery steelhead runs, thus reflecting poor wild steelhead abundance. ODFW also argued that NMFS analyzed a time series that was not inclusive of all the available data for these coastal steelhead populations. ODFW argued that NMFS' risk analysis, based on the available data at the time of the 1995 status review, was biased toward finding a relatively higher risk for these coastal Oregon ESUs, thus overstating the depressed condition of Oregon coastal steelhead and leading NMFS to incorrectly conclude that the proposed listing is warranted.

ODFW developed two different population models in an attempt to define the risk of extinction faced by steelhead in the Oregon ESUs. The first of these models applies spawner and recruitment data to determine population abundance in the context of habitat capacity. The second modeling effort attempts to assess the risk of extinction for those populations where sufficient data exist to estimate spawner-recruitment relationships (Chilcote, June 1997). To date, the models have produced status assessments that are inconsistent with those made by NMFS for the Lower Columbia River, Oregon Coast and Oregon portion of the Klamath Mountains Province ESUs. The results of these models could have direct bearing on NMFS' final listing determinations. Having received these models in June 1997, NMFS has not had time to fully evaluate them or their usefulness.

ODFW also contended that NMFS overstated the adverse effects of hatchery fish by not considering time series data that reflect recent reductions in hatchery production. ODFW argued that, by not using more updated data sets, NMFS based its proposed listing determinations in the Lower Columbia River, Oregon Coast and Oregon portions of the Klamath Mountains Province ESUs on insufficient data. Since the data ODFW used to estimate the proportion of hatchery steelhead in the ESUs is new, NMFS needs more time to evaluate the merits of this information.

In the Northern California Coast ESU, comments from a peer reviewer presented new information on the relationship between hatchery and wild steelhead stocks in California, as well as on the genetic differences between summer and winter steelhead in the Eel River, California. This new information may affect NMFS' determination and has not yet been fully analyzed.

ESU Boundary Definitions

Two points of scientific disagreement may affect ESU boundaries. One area of disagreement concerns NMFS's treatment of diverse life history forms within the individual ESUs, specifically the relationship between winter and summer steelhead in the same river basins. Comments focused on NMFS's use of primarily genetic data in making its determination to combine winter and summer steelhead into a single ESU. The commenters argued that not all relevant life history characteristics are apparent through an analysis of discrete genetic markers. Another point of disagreement concerns whether there is significant reproductive isolation between winter and summer steelhead to warrant their designation as separate ESUs. Resolving these disagreements may affect ESU boundaries. NMFS has recently obtained new samples of winter and summer steelhead from ODFW, and will be collecting additional information over the next few months.

The scientific disagreement concerning California's Central Valley ESU is of a similar nature. Disagreements have arisen concerning the boundaries of the ESU, and whether the Sacramento and San Joaquin Rivers contain distinct populations of steelhead. NMFS expects to complete its analysis of new genetic samples of steelhead from California's Central Valley received from CDFG so that it can address questions concerning ESU configurations within the Central Valley. In combination with the genetic data, NMFS will conduct a more rigorous evaluation of habitat and ecological characteristics throughout the ESU to determine if a finer-scale subdivision of California's Central Valley ESU is warranted.

Prospects for Resolving Existing Disagreements

Several efforts are underway that may resolve scientific disagreement regarding the sufficiency and accuracy of data relevant to these listings. NMFS has undertaken an intensive effort to analyze the recently received data on the proposed ESUs from the States of Washington, Oregon, and California, as well as from peer reviewers. This work will include evaluating the ODFW models, analyzing population abundance trends where new data are available, and examining new genetic data relative to the relationship between winter and summer steelhead and between hatchery and wild fish.

For California's Central Valley ESU, NMFS will receive and analyze additional genetic samples as well as rigorously evaluate ecological characteristics to determine if further subdivision of this ESU is warranted.

Determination

The scientific disagreements about data and analysis discussed above are substantial and may alter NMFS' assessment of the status of the Lower Columbia River, Oregon Coast, Klamath Mountains Province, Northern California Coast, and California's Central Valley steelhead ESUs. In light of these disagreements and the fact that more data are forthcoming on risk assessment and ESU boundaries, NMFS extends the final determination deadline for steelhead in the Lower Columbia River, Oregon Coast, Klamath Mountains Province, Northern California Coast, and California's Central Valley ESUs for 6 months, until February 9, 1998. During this period, NMFS will collect and analyze new information aimed at resolving these disagreements. New information or analyses may indicate that changing the proposed status of one or more of these ESUs of west coast steelhead are warranted, and NMFS will either finalize, withdraw, or modify the proposed rule accordingly.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: August 11, 1997.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–21660 Filed 8–13–97; 9:14 am]

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