

regulations promulgated thereunder at 40 CFR Part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved state may exercise. Such flexibility will reduce, not increase, compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265 and 270. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved State program.

Certification under the Regulatory Flexibility Act: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Wyoming's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of RCRA, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 26, 1995.

William P. Yellowtail,  
*Regional Administrator.*

[FR Doc. 95-24657 Filed 10-3-95; 8:45 am]

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#### 40 CFR Part 300

[FRL-5311-6]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Stewco, Incorporated Superfund Site (Site) from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Site in Waskom, Texas, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the State of Texas have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Texas have determined that remedial actions conducted at the Site to date have been protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** October 4, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ernest R. Franke, Remedial Project Manager, US EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8521.

**SUPPLEMENTARY INFORMATION:** The Site to be deleted from the NPL is the "STEWCO Superfund Site," Waskom, Texas. A Notice of Intent to Delete for this Site was published on July 27, 1995, (60 FR 422). The closing date for public comment was August 25, 1995. EPA received no comments during the comment period.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of the most serious of those sites. Sites on the NPL may be the subject of remedial response actions financed using the Hazardous Substance Response Trust Fund (Fund). Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP, provides that in the event of a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a

site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response actions.

#### List of Subjects in 40 CFR Part 30

Environmental protection, Hazardous waste.

Dated: July 25, 1995.

Dated: September 20, 1995.

A. Stanley Meiburg,  
*Acting Regional Administrator,*  
*Environmental Protection Agency, Region 6.*

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(d); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580; 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing STEWCO Superfund Site, Waskom, Texas.

[FR Doc. 95-24655 Filed 10-3-95; 8:45 am]

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#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 76

[CS Docket No. 94-44; DA 95-2024]

#### Cable Television Service; List of Major Television Markets

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, through this action, amends its rules regarding the listing of major television markets, to change the designation of the Denver, Colorado television market to include the community of Castle Rock, Colorado. This action, taken at the request of LeSea Broadcasting Corporation, licensee of television station KWHD(TV), channel 53 (Independent), Castle Rock, Colorado, and after evaluation of the comments filed in this proceeding, amends the rules to designate the subject market as the Denver-Castle Rock, Colorado television market. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** November 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** William H. Johnson, Cable Services Bureau, (202) 416-0800.

**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:

\* \* \* \* \*

(a) \* \* \*

(32) Denver-Castle Rock, Colorado

\* \* \* \* \*

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

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## **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 even-year 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 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