

reconsideration, the Commission stated that although it had the authority under Section 276 to require federal tariffs for payphone services, it delegated some of the tariffing requirements to the state jurisdiction. The *Order on Reconsideration* required that state tariffs for payphone services meet the requirements outlined above. The *Order on Reconsideration* provides that states that are unable to review these tariffs may require the LECs to file the tariffs with the Commission.

11. The Bureau clarified that, for purposes of meeting all of the requirements necessary to receive payphone compensation, the question of whether a LEC has effective intrastate tariffs is to be considered on a state-by-state basis. Under this approach, assuming the LEC has complied with all of the other compliance list requirements, if a LEC has effective intrastate tariffs in State X and has filed tariffs in State Y that are not yet in effect, then the LEC PSP will be able to receive payphone compensation for its payphones in State X but not in State Y. The intrastate tariffs for payphone services, including unbundled features, and the state tariffs removing payphone equipment costs and subsidies must be in effect for a LEC to receive compensation in a particular state.

#### Ordering Clauses

12. Accordingly, it is ordered, pursuant to Sections 4(i), 5(c), 201-205, 276 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(c), 201-205, 276, and Sections 0.91 and 0.291 of the Commission's rules, 47 CFR 0.91 and 0.291, that limited waiver of the Commission's requirements to be eligible to receive the compensation provided by the *Payphone Reclassification Proceeding*, CC Docket No. 96-128, is granted to the extent stated herein.

13. It is further ordered that each individual BOC must file an *ex parte* document with the Secretary, by April 10, 1997, advising on the status of intrastate tariffs for the unbundled features and functions that it has not yet federally tariffed, and stating that it commits to filing federal tariffs for such unbundled features and functions within 45 days of the release date of this Order.

14. It is further ordered that this limited waiver shall be effective upon release.

15. It is further ordered that the Motion of APCC requesting that the Commission conclude that the BOCs are disqualified from receiving interim compensation under the *Payphone Reclassification Proceeding* is denied.

#### List of Subjects in 47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 68

[CC Docket No. 93-268; FCC 97-126]

#### Inclusion of Terminal Equipment Connected to Basic Rate Access Service Provided via Integrated Services Digital Network Access Technology and Terminal Equipment Connected to Public Switched Digital Service

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

**SUMMARY:** This document contains corrections to the final rules which were published in the **Federal Register** August 15, 1996. (61 FR 42386). The rules related to the effective dates after which new or modified equipment connected to the Integrated Services Digital Network (ISDN) or to the Public Switched Digital Service (PSDS) must comply with the rules released in a Report and Order on March 7, 1996. (FCC 96-1).

**DATES:** Effective on June 5, 1997.

**FOR FURTHER INFORMATION CONTACT:** Bill von Alven, Senior Engineer, Network Services Division, Common Carrier Bureau, (202) 418-2342.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 10, 1997, the Commission released an Order on Reconsideration (FCC 97-126) to change the dates defining grandfathered equipment and thereby provide Part 68 applicants 18 months to comply with the new registration requirements. To retain the 18-month period necessary for an orderly transition of equipment to the new requirements, the Commission amends its rules to extend the time frame for equipment governed by the rules. The dates January 1, 1996 and July 1, 1997, are thus changed to November 13, 1996 and May 13, 1998, respectively. Consequently, equipment connected by November 13, 1996 will be considered grandfathered and not subject to our registration rules under Part 68.

#### Need for Correction

As published, the final rules need to be clarified to allow part 68 applicants the customary 18 months to comply with new registration requirements.

#### List of Subjects in 47 CFR Part 68

Federal Communications Commission, Registered terminal equipment, Telephone.

Accordingly, 47 CFR part 68 is corrected by making the following correcting amendments:

#### PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

1. The authority citation for Part 68 is amended to read as follows:

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

2. Section 68.2 is amended by revising paragraphs (j) and (k) as follows:

##### § 68.2 Scope

\* \* \* \* \*

(j)(1) Terminal equipment, including its premises wiring directly connected to PSDS (Type I, II or III) on or before November 13, 1996, may remain for service life without registration, unless subsequently modified. Service life means the life of the equipment until retired from service. Modification means changes to the equipment that affect compliance with part 68 rules.

(2) New installation of terminal equipment, including its premises wiring, may occur until May 13, 1998, without registration of any terminal equipment involved, provided that the terminal equipment is of a type directly connected to PSDS (Type I, II or III) as of November 13, 1996. This terminal equipment may remain connected and be reconnected to PSDS (Type I, II or III) for service life without registration unless subsequently modified.

(k)(1) Terminal equipment, including premises wiring directly connected to ISDN BRA or PRA on November 13, 1996, may remain connected to ISDN BRA or PRA for service life without registration, unless subsequently modified.

(2) New installation of terminal equipment, including premises wiring, may occur until May 13, 1998, without registration of any terminal equipment involved, provided that the terminal equipment is of a type directly connected to ISDN BRA or PRA as of November 13, 1996. This terminal equipment may remain connected and be reconnected to ISDN BRA or PRA for service life without registration unless subsequently modified.

\* \* \* \* \*

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 227

[Docket No. 950407093-6298-03; I.D. 012595A]

#### Endangered and Threatened Species; Threatened Status for Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of Coho Salmon

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

**ACTION:** Final rule.

**SUMMARY:** The NMFS is issuing a final determination that the Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of coho salmon (*Oncorhynchus kisutch*) is a "species" under the Endangered Species Act (ESA) of 1973, as amended, and is being listed as threatened. Coho salmon populations are very depressed in this ESU, currently numbering less than 10,000 naturally-produced adults. The threats to this ESU are numerous and varied. Several human-caused factors, including habitat degradation, harvest, and artificial propagation, exacerbate the adverse effects of natural environmental variability brought about by drought, floods, and poor ocean conditions. NMFS has determined that existing regulatory mechanisms are either inadequate or not implemented well enough to conserve this ESU. While conservation efforts are underway for some populations in this ESU, they are not considered sufficient to change the likelihood that the ESU as a whole will become endangered in the foreseeable future. NMFS will issue shortly protective regulations under section 4(d) of the ESA, which will apply section 9(a) prohibitions to this ESU, with certain exceptions. NMFS does not expect those regulations to become effective before July 1, 1997.

NMFS has further determined that the Oregon Coast ESU does not warrant listing at this time. Accordingly, NMFS will consider the Oregon Coast coho salmon ESU to be a candidate species in 3 years (or earlier if warranted by new information).

**EFFECTIVE DATE:** June 5, 1997.

**ADDRESSES:** Garth Griffin, NMFS, Northwest Region, Protected Species Program, 525 N.E. Oregon St., Suite 500, Portland, OR 97232-2737; Craig Wingert, NMFS, Southwest Region, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; or Joe Blum, NMFS, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:**

Garth Griffin at (503) 231-2005; Craig Wingert at (310) 980-4021; or Joe Blum at (301) 713-1401.

**SUPPLEMENTARY INFORMATION:**

#### Species Background

The coho salmon (*Oncorhynchus kisutch*) is an anadromous salmonid species that was historically distributed throughout the North Pacific Ocean from central California to Point Hope, AK, through the Aleutian Islands, and from the Anadyr River, Russia, south to Hokkaido, Japan. Historically, this species probably inhabited most coastal streams in Washington, Oregon, and northern and central California. Some populations, now extinct, are believed to have migrated hundreds of miles inland to spawn in tributaries of the upper Columbia River in Washington and the Snake River in Idaho.

Coho salmon on the west coast of the contiguous United States and much of British Columbia generally exhibit a relatively simple 3-year life cycle. Adults typically begin their freshwater spawning migration in the late summer and fall, spawn by mid-winter, and then die. The run and spawning times vary between and within populations. Depending on river temperatures, eggs incubate in "redds" (gravel nests excavated by spawning females) for 1.5 to 4 months before hatching as "alevins" (a larval life stage dependent on food stored in a yolk sac). Following yolk sac absorption, alevins emerge from the gravel as young juveniles or "fry" and begin actively feeding. Juveniles rear in fresh water for up to 15 months, then migrate to the ocean as "smolts" in the spring. Coho salmon typically spend 2 growing seasons in the ocean before returning to their natal stream to spawn as 3 year-olds. Some precocious males, called "jacks," return to spawn after only 6 months at sea.

During this century, indigenous, naturally-reproducing populations of coho salmon have been extirpated in nearly all Columbia River tributaries and they are in decline in numerous coastal streams throughout Washington, Oregon, and California. NMFS' coho

salmon status review identified six distinct population segments (i.e., ESUs) in Washington, Oregon, and California and noted that natural runs in all ESUs are substantially below historical levels (Weitkamp, et al. 1995). At least 33 populations have been identified by state agencies and conservation groups as being at moderate or high risk of extinction. In general, the impacts on West Coast coho salmon stocks decrease geographically from south to north, with the central California stocks being in the worst condition.

This **Federal Register** document focuses on listing determinations for two coho salmon ESUs—the Southern Oregon/Northern California Coast ESU and the Oregon Coast ESU—both of which were proposed as threatened species under the ESA on July 25, 1995 (60 FR 38011). The Southern Oregon/Northern California Coast ESU is composed of populations between Punta Gorda (CA) and Cape Blanco (OR). In the 1940s, estimated abundance of coho salmon in this ESU ranged from 150,000 to 400,000 naturally spawning fish. Today, coho populations in this ESU are very depressed, currently numbering approximately 10,000 naturally produced adults. Populations in the California portion of this ESU could be less than 6 percent of their abundance during the 1940s (CDFG, 1994), while Oregon populations have exhibited a similar but slightly less severe decline (ODFW, 1995); however, it is important to note that population abundance in the Rogue River Basin has increased substantially over the last 3 years (NMFS, 1997a). The bulk of current coho salmon production in this ESU consists of stocks from the Rogue River, Klamath River, Trinity River, and Eel River basins. Smaller basins known to support coho salmon include the Elk River in Oregon, and the Smith and Mad Rivers and Redwood Creek in California.

The Oregon Coast ESU is composed of populations between Cape Blanco and the Columbia River. More than one million coho salmon are believed to have returned to Oregon coastal rivers in the early 1900s (Lichatowich, 1989), the bulk of them originating in this ESU. Current production is estimated to be less than 10 percent of historical levels. Spawning in this ESU is distributed over a relatively large number of basins, both large and small, with the bulk of the production being skewed to the southern portion of its range. There, the coastal lake systems (e.g., the Tenmile, Tahkenitch, and Siltcoos basins) and the Coos and Coquille Rivers have been particularly productive for coho salmon.