List of Subjects in 47 CFR Part 64

Communications common carrier, Computer technology, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Proposed Rules

Part 64 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for Part 64 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply sections 201, 218, 226, 228, 48 Stat 1070, as amended, 1077; 47 U.S.C. 201, 218, 226, 228, unless otherwise noted.

2. In § 64.1501, the introductory text of paragraph (b) and paragraph (b)(5) are revised to read as follows:

§ 64.1501 Definitions.

* * * * *

(b) *Presubscription or comparable arrangement* means a contractual agreement, executed in writing with a legally competent individual, in which:

* * * * *

(5) Provided, however, that disclosure of a credit or charge card number, along with authorization to bill that number, made during the course of a call to an information service shall constitute a presubscription or comparable arrangement if the credit or charge card is both:

(i) Generally available for the purchase of consumer goods, entertainment, travel, and lodging, and

(ii) Subject to the dispute resolution procedures of the Truth in Lending Act and Fair Credit Billing Act, as amended, 15 U.S.C. section 1601 *et seq.*

3. In § 64.1504, Paragraphs (b), (c), and (d) are revised to read as follows:

§ 64.1504 Restrictions on the use of 800 numbers.

* * * * *

(b) The calling party being connected to a pay-per-call service or any other information service that is not provided in accordance with paragraph (c) of this section;

(c) The calling party or the subscriber to the originating line being charged for information conveyed during the call except pursuant to a presubscription or comparable arrangement between the information provider and the party charged;

(d) The calling party or the subscriber to the originating line being called back collect for the provision of audio or data information services, simultaneous voice conversation services, or products.

4. In § 64.1510, paragraph (b) is revised and new paragraph (c) is added to read as follows:

§ 64.1510 Billing and collection of pay-per-call and similar service charges.

* * * * *

(b) Any common carrier offering billing and collection services to an entity providing interstate information services pursuant to a presubscription or comparable arrangement shall

(1) Bill for such services only after obtaining evidence that a presubscription or comparable arrangement has been established in accordance with § 64.1501(b) with the person being billed, and address the bill to that person;

(2) In any billing that includes charges for any interstate information services provided pursuant to a presubscription or comparable arrangement:

(i) Include a statement indicating that:

(A) Such charges are for non-communications services;

(B) Neither local nor long distance services can be disconnected for nonpayment although an information provider may employ private entities to seek to collect such charges; and

(C) Access to information services may be involuntarily blocked for failure to pay legitimate charges;

(ii) Display any charges for information services obtained pursuant to a presubscription or comparable arrangement in a part of the bill that is identified as not being related to local and long distance telephone charges; and

(iii) Specify, for each presubscribed information service charge made, the type of service; the name and business telephone number of the service provider; the amount of the charge; the telephone number actually dialed; and the date, time, and, for calls billed on a time-sensitive basis, the duration of the call.

(c) Any common carrier offering billing and collection services for interstate information services provided on a collect basis shall, to the extent possible, display billing information in the manner described in paragraph (b)(2) of this section.

[FR Doc. 94-22566 Filed 9-9-94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[I.D. 081694D]

Listing Endangered and Threatened Species and Designating Critical Habitat: Initiation of Status Reviews for Pink Salmon, Chum Salmon, Sockeye Salmon, Chinook Salmon, and Sea-Run Cutthroat Trout Populations in Washington, Oregon, Idaho, and California

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

ACTION: Notice of finding; initiation of status reviews; request for comments.

SUMMARY: NMFS has received three petitions to list several populations of salmon comprising four biological species of Pacific salmon (*Oncorhynchus* spp.) from Puget Sound and the Olympic Peninsula, WA, and to designate critical habitat under the Endangered Species Act of 1973 (ESA). In accordance with section 4 of the ESA, NMFS finds that the petitions present substantial scientific information indicating that listings may be warranted. Therefore, NMFS is initiating a status review on these stocks to determine if listing is warranted. Moreover, NMFS is initiating comprehensive status reviews for populations of Pacific salmon and anadromous trout not presently undergoing status reviews in Washington, Oregon, Idaho, and California. Comprehensive, coastwide status reviews are already underway for coho salmon (*O. kisutch*) and steelhead (*O. mykiss*). Species for which comprehensive, coastwide status reviews will be initiated are: Pink salmon (*O. gorbuscha*), chum salmon (*O. keta*), sockeye salmon (*O. nerka*), chinook salmon (*O. tshawytscha*), and sea-run cutthroat trout (*O. clarki clarki*). To ensure that these status reviews are complete, NMFS is soliciting information and data regarding the petitioned stocks as well as the five species in Washington, Oregon, Idaho, and California.

DATES: Comments and information must be received by November 14, 1994.

ADDRESSES: Copies of the petitions are available from, and comments should be submitted to, Environmental and Technical Services Division, NMFS, 911 NE 11th Avenue, Room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 230–5430; Jim Lecky, NMFS, Southwest Region, (310) 980–4015; or Marta Nammack, NMFS, Office of Protected Resources, (301) 713–2322.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the ESA allows interested persons to petition the Secretary of the Interior or the Secretary of Commerce (Secretary) to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to designate critical habitat. Section 4(b)(3)(A) of the ESA requires that to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary makes a finding whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted.

Petitions Received

On March 14, 1994, the Secretary received a petition from the Professional Resource Organization—Salmon (PRO-Salmon petition) to list nine populations of salmon comprising four biological species from Puget Sound and the Olympic Peninsula, WA, and to designate critical habitat under the ESA. The nine populations are identified as indigenous, naturally spawning populations of (1) Hood Canal summer chum salmon, (2) Elwha River pink salmon, (3) Lower Dungeness River pink salmon, (4) North Fork Nooksack River spring chinook salmon, (5) South Fork Nooksack River spring chinook salmon, (6) Dungeness River spring chinook salmon, (7) Baker River sockeye salmon, (8) Discovery Bay chum salmon, and (9) White River spring chinook salmon. Subsequently, the Secretary received two additional petitions to list populations of chum salmon in Mud Bay/Eld Inlet and in Hood Canal, WA, from the Save Allison Springs Citizens' Committee (April 4, 1994) and Trout Unlimited (May 23, 1994), respectively.

The Assistant Administrator for Fisheries, NOAA, makes a finding that the petition presents substantial scientific information indicating that the petitioned action may be warranted based on the criteria specified in 50 CFR 424.14(b)(2), and based on evidence presented in the petition that the petitioned populations may qualify as "species" under the ESA in accordance with NMFS' "Policy on Applying the Definition of Species under the Endangered Species Act to Pacific Salmon" (56 FR 58612, November 20, 1991). Under section 4(b)(3)(A) of the ESA, this finding requires that a review of the status of the petitioned stocks be conducted to determine if the action is warranted.

Systematic Approach for Comprehensive Status Reviews

During the past 15 months, NMFS has received nine petitions requesting ESA protection for various population segments of all seven species of *Oncorhynchus* found in North America. NMFS has determined that all of these petitions, including those for the 10 Puget Sound populations covered by this document, present substantial scientific information indicating that listings may be warranted. However, there are also indications that declines in abundance (and local extinctions) of Pacific salmon and anadromous trout have occurred over broad geographic areas (e.g., Nehlsen *et al.* 1991). Furthermore, experience gained from Pacific salmon status reviews conducted by NMFS during the past 3 years has made it clear that determining the geographic boundaries and biological status of distinct population segments generally requires assessing populations and habitats occurring outside the range covered by specific petitions. For this reason, NMFS has initiated comprehensive, coastwide status reviews for two species—steelhead (58 FR 29390, May 20, 1993; 59 FR 27527, May 27, 1994) and coho salmon (58 FR 57770, October 27, 1993) in order to more accurately and efficiently determine the geographic boundaries and status of distinct population segments.

NMFS believes it is now prudent to initiate comprehensive status reviews for the remaining species of Pacific salmon and anadromous trout in Washington, Oregon, Idaho, and California. These comprehensive reviews will allow NMFS to conduct a more thorough assessment of the ecological and genetic diversity of west coast salmon populations, and to identify the geographic extent and biological status of populations representing substantial components of the overall diversity of the biological species. This systematic evaluation will allow NMFS to accomplish the major goal of the ESA—to conserve the diversity of these species and the ecosystems they inhabit.

Proposed Timeline To Complete Comprehensive Status Reviews

NMFS proposes to complete comprehensive species status reviews and publish its determination whether or not to list the species according to the following schedule:

Species	Proposed completion date
Coho Salmon	October 20, 1994.
Steelhead	February 16, 1995.
Pink Salmon	June 1, 1995.
Chum Salmon	July 15, 1995.
Sockeye Salmon	September 1, 1995.
Chinook Salmon	December 15, 1995.
Sea-run Cutthroat Trout	April 1, 1996.

In order for NMFS to concentrate efforts towards completion of comprehensive status reviews by the above dates, 1-year findings for the individual petitoned stocks, due in March, April, and May, 1995, may be delayed. However, NMFS will complete status reviews for the species identified in the above petitions as soon as possible and will thereafter promptly propose listings for any species that are found to warrant protection under the ESA. While findings on petitioned Puget Sound stocks could be delayed, NMFS believes that the comprehensive approach will provide a more thorough and accurate assessment of the status and risks to anadromous salmonids throughout their ranges in California, Washington, Oregon, and Idaho.

NMFS has elected to complete the status review for sea-run cutthroat trout last because existing scientific information regarding this species' life history and population status is extremely scarce. NMFS anticipates that valuable information for assessing the health of this species will be forthcoming from studies being conducted by the United States Forest Service and Oregon State University. However, due to the broad geographic scope of these studies (Alaska to northern California), it will probably be at least 1 year before information is compiled and evaluated in a manner that will facilitate NMFS' ESA determinations.

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are

made solely on the best scientific and commercial data available.

Biological Information Solicited

To ensure that the review is complete and is based on the best available scientific and commercial data, NMFS is soliciting information and comments concerning (1) whether or not any stock qualifies as a "species" under the ESA in accordance with NMFS' policy (56 FR 58612, November 20, 1991), and (2) whether or not any stock is endangered or threatened based on the above listing criteria. Specifically, NMFS is soliciting information on the petitioned stocks. In general, NMFS is soliciting information on pink, chum, sockeye, and chinook salmon and sea-run cutthroat trout in the following areas: Physical and biological features of freshwater habitat: life history patterns of juvenile and adult fish, including age structure and migration patterns; meristic, morphometric, and genetic studies; disease epizootiology; population abundance and trends in abundance over time; influence of historical and present hatchery fish releases on naturally spawning stocks; and separation of hatchery and natural salmon/trout escapement.

To facilitate the compilation of existing information, NMFS will expand its Pacific Salmon Biological Technical Committees' (PSBTC) meetings in Washington, Oregon, Idaho, and California to include discussions of all species of Pacific salmon and anadromous trout. The PSBTCs will provide NMFS with access to experts having a working knowledge of salmonid populations and will ensure that an accurate and complete administrative record is developed for each species. All meetings will be open to the public; interested parties should contact NMFS (see ADDRESSES) for information regarding locations and times of upcoming PSBTC meetings.

As noted above, the determination to list a species is based solely on the basis of the best available scientific and commercial information regarding a species' status without reference to possible economic or other impacts of such a determination (50 CFR 424.11(b)). Due to the broad scope of the species status reviews identified in this action, NMFS will attempt to consider information submitted after the comment period (see DATES). However, information must be received no later than 60 days before the proposed scheduled completion date (except for coho salmon) given in this document to allow NMFS sufficient time to review the material.

Critical Habitat

NMFS is also requesting 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. Areas that include the physical and biological features essential to the recovery of the species should be identified. Areas outside the present distribution should also be identified if such areas are essential to the recovery of the species. Essential features should include, but are not limited to: (1) Space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for breeding, reproduction, rearing of offspring; and generally, (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS is requesting information describing (1) the activities that affect the area or could be affected by the designation, and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation.

The economic cost to be considered in the critical habitat designations under the ESA is the probable economic impact of the [critical habitat] designation upon proposed or ongoing activities (50 CFR 424.19). NMFS must consider the incremental costs specifically resulting from a critical habitat designation that are above the economic effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitat.

Data, information, and comments should include: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the commentor's name, address, and association, institution, or business.

References

Nehlsen *et al.*, 1991. Pacific salmon at the crossroads: stocks at risk from California, Oregon, Idaho, and Washington. Fisheries 16(2):4–21.

Dated: September 6, 1994.

Herbert W. Kaufman,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 94–22481 Filed 9–9–94; 8:45 am]

BILLING CODE 3510–22–P

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50 CFR Parts 611 and 658

[Docket No. 940846–4246; I.D. 080194C]

RIN 0648–AF83

Foreign Fishing; Shrimp Fishery of the Gulf of Mexico

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement Amendment 7 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). This rule would increase the domestic quota for royal red shrimp harvested from the exclusive economic zone (EEZ) of the Gulf of Mexico and would eliminate the total allowable level of foreign fishing (TALFF) for royal red shrimp from that area. In addition, NMFS proposes changes to the existing regulations implementing the FMP that would clarify and conform them to current standards and enhance enforcement.

DATES: Written comments must be received by October 24, 1994.

ADDRESSES: Comments on the proposed rule must be sent to Michael E. Justen, Southeast Regional Office, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702.

Requests for copies of Amendment 7, which includes a regulatory impact review and an environmental assessment, should be sent to the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 331, 5401 West Kennedy Boulevard, Tampa, FL 33609–2486, FAX 813–225–7015.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813–570–5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented by regulations at 50 CFR parts 611 and 658 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Currently, the FMP specifies a maximum sustainable yield (MSY) and optimum yield (OY) for royal red shrimp of 392,000 lb (177.8 mt) and estimates the domestic annual harvest