SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 95–53, adopted August 30, 1995, and released September 7, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–22570 Filed 9–11–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Southern Population of Walleye as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list the southern population of walleye (*Stizostedion vitreum*) under the Endangered Species Act of 1973, as amended. After review of all available scientific and commercial information, the Service finds that listing this species is not warranted at this time.

DATES: The finding announced in this document was made on September 1, 1995.

ADDRESSES: Data, information, comments, or questions pertaining to this petition should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Jackson Office, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. The petition finding, supporting data, and comments are available for public inspection, by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Ron Larson at the above address (601–965–4900, ext. 27).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that presents substantial scientific and commercial information, the Service make a finding within 12 months of the date of the receipt of the petition on whether the petition action is: (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. Section 4(b)(3)(C) requires that petitions for which the requested action is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. Such 12-month findings are to be published promptly in the **Federal Register**.

On August 22, 1994, the Service received a petition dated August 20, 1994, from Mr. Robert R. Reid, Jr., of Birmingham, Alabama, to emergency list the southern population of walleye (*Stizostedion vitreum*) as endangered. The Service made a 90-day finding, concluding that the petition and Service files contained substantial information indicating that the requested action may be warranted. An announcement of that finding was published in the **Federal Register** on March 13, 1995 (60 FR 13397). A status review was initiated on March 13, 1995, and the public comment period was open between March 13, and May 12, 1995.

The Service has reviewed the petition, literature cited in the petition, information received by the Service during the comment period, other available literature and information, and consulted with biologists and researchers familiar with the southern population of walleye. On the basis of the best scientific and commercial information available, the Service find that listing is not warranted at this time. The status review revealed that the southern population of walleye has likely declined; however, convincing data on biological vulnerability and range-wide threats are not available to support a proposed rule for listing at this time.

Information obtained during the status review indicated that native walleye historically occurred in the lower Mississippi and Pearl rivers in Mississippi; in all eight Mobile Basin drainages in Alabama, Georgia, Mississippi, and in a small area of Tennessee; and in the Escambia River of Alabama (Brown 1962, Schultz 1971, Hackney and Holbrook 1978, Moss *et al.* 1985, Mettee *et al.* 1989a, 1989b). Genetic analyses, based on protein electrophoresis and mitochondrial-DNA, have demonstrated that the walleye native to the Mobile Basin is distinctive (Wingo 1982, Murphy 1990, Billington *et al.* 1992, Billington and Strange in press). This population, herein referred to as the ''southern walleye,'' is currently known from seven Mobile Basin (Basin) drainages. The southern walleye is a large freshwater fish that reaches weights of 2 pounds (4 kg) or more (Schultz 1971, Moss *et al.* 1985). Southern walleye occur mostly in rivers and larger streams, but they may also occur in impoundments and channelized rivers. They are migratory and move upstream, or into smaller streams in winter and early spring, to spawn on clean sand and gravel substrates (Schultz 1971, Kingery and Muncy 1988).

Southern walleye populations appear to be small. In fish surveys, they often comprise less than one percent of a collection (Brown 1962, Schultz 1971). However, adult walleye are frequently found in deep holes and associated with submerged logs; habitats that are not readily sampled. Based on what appear to be spawning runs, there are at least five potential spawning areas located throughout the Basin, but considering the walleye's extensive distribution, additional spawning sites are likely.

The status review disclosed that the southern walleye has likely declined in population size and distribution owing to considerable habitat modification that has occurred over much of its range. Locks and dams block or restrict walleye movement and may inundate historic spawning habitat. Additional habitat has been altered by channelization, desnagging, gravel mining, and headcutting. Local declines in water quality from point and nonpoint source pollution also may affect stream reaches occupied by walleye. Angling may reduce reproduction in Alabama because mature fish are caught when concentrated at spawning sites.

Some of the major threats, *e.g.*, dam construction, channelization, and water pollution, appear to have recently stabilized. Illegal gravel mining remains a problem in several coastal plain areas because of inadequate detection and enforcement. Headcutting continues to be a threat in areas such as the upper Tombigbee where geomorphic instability has resulted from channelization, gravel dredging, and other channel modifications (Hartfield 1992). However, these problems are

localized in relatively small portions of the southern walleye's known and potential range within the Basin. The review identified several potential threats to two spawning sites, but there was insufficient data to infer that other spawning areas are threatened.

Despite these identified threats, the Service found that an accurate assessment of the current status and population trends of the southern walleye was not possible due to a lack of recent and historic information on populations (*e.g.*, distribution and abundance within drainages), and number, location, and condition of spawning sites. The status review identified only one comprehensive report on the walleye's status (Schultz 1971), and that report covered only a small portion of the species' range.

The Service believes that the southern walleye is still sufficiently abundant that timely management and conservation efforts can improve its status. Attempts by the State of Mississippi to enhance southern walleye populations by closing fishing and operating an experimental walleye hatchery are meritorious. Similar efforts by other states could enhance southern walleye populations throughout its range.

The Service will retain the southern walleye as a species of concern and continue to seek information on the species and monitor its status. If additional data become available, the Service may reassess the need for listing and propose listing as necessary.

Further details regarding the biological status of the species are contained in the administrative finding, which can be obtained by contacting the office indicated in the **ADDRESSES** section of this notice.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Jackson Field Office (see **ADDRESSES**).

Author

The primary author of this document is Dr. Ron Larson, Jackson, Mississippi, Field Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 1, 1995.

John G. Rogers,

Director, Fish and Wildlife Service.

[FR Doc. 95–22624 Filed 9–11–95; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Availability of Reports and Other Data Pertaining to the Listing of the Bruneau Hot Springsnail

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability, opening of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that reports and other data pertaining to the listing of the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) are available to the public. Specifically, the Service is seeking public comment on a U.S. Geological Survey report and other reports and data received since the listing of the springsnail. In addition, the Service solicits any other information relevant to determining whether the springsnail should be listed as an endangered species. The Service opens the public comment period until November 13, 1995.

DATES: The comment period is open until November 13, 1995. Any comments and materials received by the closing date will be considered in the final determination.

ADDRESSES: Comments and materials concerning the reports and other information pertaining to the listing of the Bruneau hot springsnail should be submitted to the U.S. Fish and Wildlife Service, Snake River Basin Office, 4696 Overland Road, Room 576, Boise, Idaho 83705. Reports and other data cited in this notice, and public comments and other materials received will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Ruesink, Supervisor, at the address listed above (telephone 208/334–1931, facsimile 208/334–9493).

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1993, the U.S. Fish and Wildlife Service (Service) published a final rule in the **Federal Register** determining the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) to be an endangered species (58 FR 5946). In its decision to the list the springsnail the Service relied, in part, on a provisional draft of a U.S. Geological Survey (USGS) report (Berenbrock 1992) analyzing the hydrology of the geothermal aquifer in the Bruneau Valley area. The USGS provided the Service with the draft report, but did not release it to the public and requested that the Service not release the report to the public, pending agency review and approval.

On May 7, 1993, the Idaho Farm Bureau Federation, Owyhee County Farm Bureau, Idaho Cattleman's Association, and Owyhee County Board of Supervisors challenged the listing decision on several grounds in a lawsuit filed in United States District Court for the District of Idaho. The plaintiffs argued that the Service committed a number of procedural violations during the listing process, including not allowing the public to review the draft USGS report. On December 14, 1993 the district court determined that the Service committed several procedural errors and set aside the final rule listing the springsnail as an endangered species.

The district court decision was appealed to the United States Court of Appeals for the Ninth Circuit by two intervening conservation groups, the Idaho Conservation League and Committee for Idaho's High Desert. On June 29, 1995 the appellate court overturned the district court decision and reinstated the Bruneau hot springsnail to the endangered species list. However, the appellate court concluded that the Service should have made the draft USGS report (i.e., Berenbrock 1992) available for public review, as the Service relied largely on this report to support the final listing rule. The appellate court directed the Service to provide an opportunity for public comment on the USGS report and other relevant information, and to reconsider its listing decision. This notice of availability complies with the court's direction.

Available Reports and Data

In addition to the draft USGS report, which was finalized in August 1993 (i.e., Berenbrock 1993), the Service has additional reports and information pertinent to the listing decision received since the original listing rule was published January 25, 1993. The following information contained in