

Accounting Safeguards Order, including the modifications to our affiliate transactions rules, shall become effective August 12, 1997. These amendments, which contained information collection requirements, were published in the **Federal Register** of January 21, 1997, and corrected by a document published on March 6, 1997.

EFFECTIVE DATE: The amendments to 47 CFR parts 32 and 53 published at 62 FR 2918 and corrected at 62 FR 10220 are effective August 12, 1997.

FOR FURTHER INFORMATION CONTACT: Warren Firschein, Common Carrier Bureau, (202) 418-0844.

SUPPLEMENTARY INFORMATION: On December 24, 1996, the Commission released the *Accounting Safeguards Order* (FCC 96-490) establishing the accounting safeguards necessary to satisfy the requirements of sections 260 and 271 through 276 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 62 FR 2918, January 21, 1997. This Order prescribed the way incumbent local exchange carriers, including the Bell Operating Companies ("BOCs"), must account for transactions with affiliates involving, and allocate costs incurred in the provision of, both regulated telecommunications services and nonregulated services, including telemessaging, interLATA telecommunications, information, manufacturing, electronic publishing, alarm monitoring and payphone services, to ensure compliance with the Act. The *Accounting Safeguard Order* amended 47 CFR 32.27 and added several provisions to part 53 of our rules. Because they imposed new or modified information collection requirements, these particular rule changes could not become effective until approved by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. In an *Errata* released February 19, 1997 and published in the **Federal Register** March 6, 1997, 62 FR 10220, we stated that the requirements and regulations established in the *Accounting Safeguards Order* with regard to part 32 of our rules shall become effective upon approval by OMB, but no sooner than six months after publication in the **Federal Register**. We also stated that the remaining new and/or modified information collections established in this Order shall become effective upon approval by OMB, but no sooner than thirty days after publication in the **Federal Register**. OMB approved these rule changes on May 7, 1997.

In the **Federal Register** Summary of the *Errata*, we stated that "[t]he Commission will publish a document at a later date establishing the effective dates of these rules." This statement requires further action by the Commission to establish the effective date, notwithstanding the preceding statement in the summary that the rule changes imposing new or modified information collection requirements would become effective upon OMB approval. In order to resolve this matter in a manner that most appropriately provides interested parties with proper notice, the rule changes adopted in the *Accounting Safeguards Order* shall become effective August 12, 1997.

List of Subjects

47 CFR Part 32

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Uniform System of Accounts.

47 CFR Part 53

Accounting, Bell Operating Companies, Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-77; RM-8780, RM-8918]

Radio Broadcasting Services; Hobbs, Tatum and Jal, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of MTD, Inc., allots Channel 296C to Tatum, NM, as the community's first local aural transmission service, substitutes Channel 279C1 for Channel 296C1 at Jal, NM, and modifies Station KXJW's construction permit to specify operation on the alternate Class C1 channel. See 61 FR 18541, April 26, 1996, 62 FR 18558, April 16, 1997. The request of Great Plains Broadcasting Co., Inc., to allot Channel 279A to Hobbs, NM, as the community's fifth local FM and seventh local aural service, is denied. Channel 296C can be allotted to Tatum in compliance with the Commission's minimum distance

separation requirements with a site restriction of 13.2 kilometers (8.2 miles) west, at coordinates 33-15-27 NL; 103-27-22 WL, to avoid a short-spacing to Stations KPOS-FM, Channel 297C2, Post, TX, and KSMX, Channel 298C1, Clovis, NM. Channel 279C1 can be allotted to Jal at coordinates 32-25-53 NL; 103-09-08 WL, which is the transmitter site specified in Station KXJW's construction permit. Tatum and Jal are both located within 320 kilometers (199 miles) of the U.S.-Mexican border. Mexican concurrence in these allotments has been requested but not yet received. Therefore, in an effort to introduce a new FM service to Tatum, the allotment is subject to the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to a hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement." With this action, this proceeding is terminated.

DATES: Effective September 15, 1997. The window period for filing applications for Channel 296C at Tatum, NM, will open on September 15, 1997, and close on October 16, 1997.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96-77, adopted July 23, 1997, and released August 1, 1997. 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 Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 296A

and adding Channel 279C1 at Jal, and adding Tatum, Channel 296C.

Federal Communications Commission.

John A. Karousos,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 227

[I.D. 080497A]

RIN 0648-AH97

Sea Turtle Conservation; Shrimp Trawling Requirements

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

ACTION: Notice of exemption and request for comments.

SUMMARY: NMFS issues this document to allow use of 55-minute tow times by shrimp trawlers in inshore waters in Alabama as an alternative to the requirement to use Turtle Excluder Devices (TEDs). This area was affected by Hurricane Danny on and about July 19, 1997. NMFS has been notified by the Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources that large amounts of debris in Alabama's bays as a result of the hurricane are causing extraordinary difficulty with the performance of TEDs. NMFS will monitor the situation to ensure that there is adequate protection for sea turtles in this area and to determine whether impacts from the hurricane continue to make TED use impracticable.

DATES: This action is effective from August 6, 1997 through September 5, 1997. Comments on this action are requested, and must be received by September 5, 1997.

ADDRESSES: Comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, 813-570-5312, or Barbara A. Schroeder, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

The incidental take and mortality of these species, as a result of shrimp trawling activities, have been documented in the Gulf of Mexico and along the Atlantic seaboard. Under the ESA and its implementing regulations, taking sea turtles is prohibited, with exceptions identified in 50 CFR 227.72. Existing sea turtle conservation regulations (50 CFR part 227, subpart D) require most shrimp trawlers operating in the Gulf and Atlantic areas to have a NMFS-approved TED installed in each net rigged for fishing, year round.

The sea turtle conservation regulations provide for the use of limited tow times as an alternative to the use of TEDs for vessels with certain specified characteristics or under certain special circumstances. The provisions of 50 CFR 227.72 (e)(3)(ii) specify that the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), may authorize "compliance with tow time restrictions as an alternative to the TED requirement, if [he] determines that the presence of algae, seaweed, debris or other special environmental conditions in a particular area makes trawling with TED-equipped nets impracticable." The provisions of 50 CFR 227.72(e)(3)(i) specify the maximum tow times that may be used when authorized as an alternative to use of TEDs. The tow times may be no more than 55 minutes from April 1 through October 31 and no more than 75 minutes from November 1 through March 31. NMFS has selected these tow time limits to minimize the level of mortality of sea turtles that are captured by trawl nets that are not equipped with TEDs.

Recent Events

On July 19, 1997, Hurricane Danny hit the Alabama coast. The hurricane remained stationary over Mobile Bay and the south Alabama coast for an entire day and deposited record amounts of rain on the area. The Director of the Marine Resources

Division of the Alabama Department of Conservation and Natural Resources (Alabama Director) stated in a July 28 letter to the NMFS Southeast Regional Administrator that "[t]he aftermath of the destructive wind and seas left a tremendous amount of debris in Alabama's bays." He further stated that the "inordinate amount of debris is causing extraordinary difficulty with the performance of [TEDs] in these areas" and that "TEDs are being rendered inoperable by the debris that is being picked up." His letter requested that NMFS use its authority to allow the use of 55-minute tow times as an alternative to TEDs for a 30-day period in Alabama's inshore waters that are open to shrimping.

Special Environmental Conditions

The Assistant Administrator finds that the impacts of Hurricane Danny may have created special environmental conditions that may make trawling with TED-equipped nets impracticable. Therefore, the Assistant Administrator issues this document to authorize the use of restricted tow times as an alternative to the use of TEDs in the inshore waters of Alabama. The State of Alabama is continuing to investigate the situation and is cooperating with NMFS in determining the ongoing extent and nature of the debris problem in Alabama inshore waters. Moreover, the Alabama Director has stated that Alabama's enforcement officers would assist with the enforcement of the restricted tow times. Ensuring compliance with tow time restrictions is critical to effective sea turtle protection, and the commitment from the Alabama Director to provide additional enforcement of the tow time restrictions is an important factor enabling NMFS to issue this authorization.

Continued Use of TEDs

NMFS encourages shrimp trawlers in Alabama inshore waters to continue to use TEDs if possible, even though they may be authorized under this notice to use restricted tow times. NMFS studies have shown that the problem of clogging, either by seagrass, algae, or other debris is not unique to TED-equipped nets. When fishermen trawl in problem areas, they may experience clogging with or without TEDs. A particular concern of fishermen, however, is that clogging in a TED-equipped net may hold open the turtle escape opening and increase the risk of shrimp loss. On the other hand, TEDs also help exclude certain types of debris and allow shrimpers to conduct longer tows.