

those LECs that have never received a bona fide request for equal access or that are not subject to a specific timetable for providing equal access nonetheless to upgrade their end offices to offer equal access by January 1, 1998.<sup>74</sup> The Commission noted that such a requirement would modify the Commission's equal access implementation schedule for non-GTE independent telephone companies, set by the 1985 *Independent Telephone Company Equal Access Report and Order*. As more than twelve years have passed since adoption of the *Independent Telephone Company Equal Access Report and Order*, the Commission, in the *CICs Second FNPRM*, tentatively concluded that eventually all LEC end offices should be required to provide equal access.<sup>75</sup> Because the *CICs Order on Reconsideration* requires January 1, 1998 switch conversion to accommodate four-digit CICs only by those LECs providing equal access, however, and because Hartington and Jefferson are not providing equal access, we dismiss their petitions as moot.

#### IV. Ordering Clauses

34. *It is ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Limited Waiver of Hardy Telecommunications Inc., *is granted*, by extending for it the switch conversion deadline for four-digit CIC capability until April 30, 1998.

35. *It is further ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Limited Waiver of Pierce Telephone Company, Inc., *is granted*, by extending for it the switch conversion deadline for four-digit CIC capability until May 1, 1998.

36. *It is further ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91,

and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Waiver of Northeast Nebraska Telephone Company *is granted*, by extending for it the switch conversion deadline for four-digit CIC capability until June 30, 1998.

37. *It is further ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Limited Waiver of Pioneer Telephone Cooperative, Inc., *is granted*, by extending for it the switch conversion deadline for four-digit CIC capability until June 30, 1998.

38. *It is further ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Limited Waiver of Hartman Telephone Exchanges, Inc., *is granted in part*, by extending for it the switch conversion deadline for four-digit CIC capability until June 30, 1998, and *denied in part*, to the extent Hartman requests extension beyond that date.

39. *It is further ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Limited Waiver of Clarks Telecommunications Co. *is granted in part*, by extending for it the switch conversion deadline for four-digit CIC capability until June 30, 1998, and *denied in part*, to the extent Clarks requests extensions beyond that date.

40. *It is further ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Joint Petition for Limited Waiver of Eustis Telephone Exchange, Inc. and Home Telephone Company of Nebraska, *is granted in part*, by extending for them the switch conversion deadline for four-digit CIC capability until June 30, 1998, and *denied in part*, to the extent Eustis and Home request extension beyond that date.

41. *It is further ordered*, pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Limited Waiver of Henderson Telephone Company *is granted in part*, by extending for it the switch conversion deadline for four-digit CIC

capability until June 30, 1998, and *denied in part*, to the extent Henderson requests extension beyond that date.

42. *It is further ordered*, pursuant to authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Waiver of Hartington Telecommunications Co., Inc., *is dismissed as moot*.

43. *It is further ordered*, pursuant to authority delegated in § 0.91 of the Commission's rules, 47 CFR 0.91, and § 0.291 of the Commission's rules, 47 CFR 0.291, that the Petition for Waiver of Jefferson Telephone Company *is dismissed as moot*.

Federal Communications Commission.

**Geraldine A. Matise,**

*Chief, Network Services Division, Common Carrier Bureau.*

[FR Doc. 97-32177 Filed 12-4-97; 4:03 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 900124-0127; I.D. 112897E]

### Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Minimum Clam Size for 1998

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

**ACTION:** Suspension of surf clam minimum size limit.

**SUMMARY:** NMFS informs the public that the minimum size limit of 4.75 inches (12.07 cm) for Atlantic surf clams is suspended for the 1998 fishing year. The intended effect is to relieve the industry from a regulatory burden that is not necessary as the vast majority of surf clams harvested are larger than the minimum size limit.

**DATES:** January 1, 1998, through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Fishery Policy Analyst, 508-281-9104.

**SUPPLEMENTARY INFORMATION:** Section 648.72(c) of the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) allows the Regional Administrator, Northeast Region, NMFS, to suspend annually by publication of an announcement in the **Federal Register**, the minimum size limit for Atlantic surf clams. This action

<sup>74</sup> See *CICs Second FNPRM* at para. 84.

<sup>75</sup> Specifically, the *CICs Second FNPRM* tentatively concluded that (1) LECs with stored program-controlled (SPC) switches that have not received a bona fide request for equal access should be required to upgrade their facilities to provide equal access and to accept four-digit CICs within three years of the effective date of an *Order* adopted in this proceeding; and (2) LECs whose end offices are equipped with non-SPC switches should be required to provide equal access and to convert their switches to accept four-digit CICs when they next replace their switching facilities. See *CICs Second FNPRM* at para. 84.

may be taken unless discard, catch, and survey data indicate that 30 percent of the Atlantic surf clam resource is smaller than 4.75 inches (12.07 cm) and the overall reduced size is not attributable to beds where growth of the individual clams has been reduced because of density-dependent factors.

At its August 1997 meeting, the Mid-Atlantic Fishery Management Council (Council) accepted the recommendations of its Scientific and Statistical Committee and Surf Clam/Ocean Quahog Committee and voted to recommend that the Regional Administrator suspend the minimum size limit for surf clams in 1998. Commercial surf clam shell length data for 1997 indicate that only 15.25 percent of the samples were composed of surf clams that were less than 4.75 inches (12.07 cm). Based on these data, the Regional Administrator adopts the Council's recommendation and publishes this announcement to suspend the minimum size limit for Atlantic surf clams for the period January 1, 1998, through December 31, 1998.

This action is authorized by 50 CFR part 648 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 3, 1997.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 97-32195 Filed 12-8-97; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 970613138-7138-01; I.D. 120297A]

#### Scallop Fishery Off Alaska, Scallops in the Northeast District of Registration Area K

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Closure; Inseason adjustment; request for comments.

**SUMMARY:** NMFS is closing the fishery for scallops in the Northeast District of Registration Area K to prevent overfishing for scallops in this District. It is intended to promote the goals and objectives of the North Pacific Fishery Management Council.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), December 3, 1997, until 2400 hrs, A.l.t., June 30, 1998.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., December 18, 1997.

**ADDRESSES:** Comments may be sent to Susan Salvesson, Chief, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The scallop fishery off Alaska in the exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Scallop Fishery Off Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart F of 50 CFR part 600 and 50 CFR part 679.

The 1997 total allowable catch for scallops in Registration Area K, which includes the Northeast District, was established by the 1997-98 Harvest Specifications (62 FR 34182, June 25, 1997) as 400,000 pounds (181.4 metric tons (mt)) of shucked scallop meat. As of November 17, 1997, 96,000 pounds (43.54 mt) of shucked scallop meat have been caught in the Northeast District.

The Alaska Department of Fish and Game, Commercial Fisheries Management and Development

Division, has monitored the scallop fishery in the Northeast District since the fishery opened on August 11, 1997. Harvest rates peaked in early September and have declined steadily. The Alaska Department of Fish and Game is concerned for the localized depletion of the scallop stocks in the Northeast District.

The Administrator, Alaska Region, NMFS, has determined, in accordance with §§ 679.63(a), 679.25(a)(1)(i), and 679.25(a)(2)(i)(A), that on the basis of the best available scientific information, the closure of the scallop season within the Northeast District of Area Registration K is necessary to prevent overfishing of this stock of scallops. Therefore, NMFS is prohibiting the taking and retention of scallops in the Federal waters of the Northeast District of Registration Area K.

#### Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Immediate effectiveness is necessary to prevent localized overfishing for scallops in the Northeast District of Registration Area K. Accordingly, under 5 U.S.C 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.63 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 3, 1997.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 97-32072 Filed 12-3-97; 2:52 pm]

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