

in the Snake River Basin of southeast Washington, northeast Oregon, and Idaho.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970613138-7138-01; I.D. 081397A]

Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area Q

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

ACTION: Closure.

SUMMARY: NMFS is closing the scallop fishery in Registration Area Q (Bering Sea). This action is necessary to prevent exceeding the *Chionoecetes opilio* (*C. opilio*) Tanner crab bycatch limit (CBL) in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 13, 1997, until 2400 hrs, A.l.t., June 30, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The scallop fishery in the exclusive economic zone off Alaska 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 for scallops is governed by regulations appearing at subpart F of 50 CFR part 600 and 50 CFR part 679. In accordance with § 679.62(b) the 1997 *C. opilio* CBL for Registration Area Q was established by the Final 1997-98 Harvest Specifications of Scallops (62 FR 34182, June 25, 1997) as 172,000 *C. opilio* crab.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.62(c), that the *C. opilio* CBL for Registration Area Q has been reached. Therefore, NMFS is prohibiting the taking and retention of scallops in Registration Area Q.

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 CBL for Registration Area Q. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to public interest. The fleet has already taken the CBL for Registration Area Q. Further delay would only result in overharvest and disrupt the FMP's objective of allowing incidental catch to be retained throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.62 and is exempt from review under E.O. 12866.

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

Dated: August 13, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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