

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 1996 TAC for scallops in Registration Area K, which includes the Shelikof District, was established by the 1996-97 Harvest Specifications (61 FR 38099, July 23, 1996) as 400,000 lb (181.4 mt) of shucked scallop meat. As of October 13, 1996, 200,000 lb (90.7 mt) of shucked scallop meat have been landed from the Shelikof District.

The Alaska Department of Fish and Game, Commercial Fisheries Management and Development Division, has monitored the scallop fishery in the Shelikof District since the fishery opened on August 1, 1996. Harvest rates of scallops have declined by 50 percent, indicating that fishing mortality is exceeding the biologically acceptable catch in the Shelikof 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 Shelikof District 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 Shelikof District.

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 exceeding the TAC for scallops in the Shelikof District of Registration Area K. Under § 679.25(c)(ii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until November 18, 1996.

Classification

This action is taken under § 679.63 and is exempt from OMB review under E.O. 12866.

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

Dated: October 31, 1996.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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50 CFR Part 679

[Docket No. 960502124-6190-02; I.D. 103196D]

Fisheries of the Exclusive Economic Zone off Alaska; Scallop Fishery; Closure in Registration Area M

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 M (Alaska Peninsula). This action is necessary to prevent exceeding the *Chionoecetes bairdi* (*c. bairdi*) crab bycatch limit (CBL) in this area.

EFFECTIVE DATE: 1200 hrs, Alaska local time (A.l.t.), October 31, 1996, through 2359 hrs, A.l.t., June 30, 1997.

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

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In accordance with § 679.62(b), the 1996 *C. bairdi* CBL for Registration Area M was established by the Final 1996-97 Harvest Specifications of Scallops (61 FR 38099, July 23, 1996) as 22,800 crabs.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.62(c), that the *C. bairdi* CBL for Registration Area M has been reached. Therefore, NMFS is prohibiting the taking and retention of scallops in Registration Area M from 1200 hrs, October 31, 1996 through 2359 hrs, A.l.t., June 30, 1997.

Classification

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

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

Dated: October 31, 1996.

Richard W. Surdi,

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