

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. bairdi* CBL for Registration Area O was established by the Final 1997-98 Harvest Specifications of Scallops (62 FR 34182, June 25, 1997) as 10,700 crabs.

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

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 *C. bairdi* CBL specified for Registration Area O. Providing prior notice and an opportunity for public comment on this action is impracticable and contrary to public interest. The fleet has taken the *C. bairdi* CBL for Registration Area O. Further delay would only result in overharvest of the CBL. 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.

Classification

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 28, 1997.

Gary C. Matlock,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970613138-7138-01; I.D. 082897B]

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

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 H (Cook Inlet). This action is necessary to prevent exceeding the scallop total allowable catch (TAC) in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 29, 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 scallop TAC for Registration Area H (Cook Inlet) was established by the Final 1997-98 Harvest Specifications of Scallops (62 FR 34182, June 25, 1997) as 28,000 lb (12,701 kg) shucked meat.

The Administrator, Alaska Region, NMFS, has determined, in accordance with 679.62(c), that the scallop TAC for Registration Area H (Cook Inlet) has been reached. Therefore, NMFS is prohibiting the taking and retention of scallops in Registration Area H (Cook Inlet).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 TAC for Registration Area H (Cook Inlet). Providing prior notice and an opportunity for public comment is impracticable and contrary to public interest. The fleet has taken the 1997 TAC for Registration Area H (Cook Inlet). Further delay would only result in overharvest of the 1997 TAC. 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 28, 1997.

Gary C. Matlock,

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

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