

15.49120 percent, or 362,029 lb (164,214 kg). Section 648.120(d)(6) provides that any overages of the commercial quota for a Summer period landed in any state will be deducted from that state's quota for the following Summer period. Section 648.121(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor states' commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing scup in that state for the remainder of the Summer period. The Regional Administrator has determined, based on dealer reports and other available information, that the Commonwealth of Massachusetts's commercial quota for the 1997 Summer period has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders must agree as a condition of the permit not to land scup in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hrs, l.t., July 2, 1997, through 2400 hrs, l.t., October 31, 1997, further landings of scup in Massachusetts by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1997 Summer period, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in Massachusetts for the remainder of the 1997 Summer period, or until additional quota becomes available.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12286.

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

Dated: July 2, 1997.

#### Gary 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. 961107312-7021-02; I.D. 070197C]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Greenland turbot in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1997 total allowable catch (TAC) of Greenland turbot in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), May 19, 1997, until 2400 hrs, A.l.t., December 31, 1997.

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

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. processors is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The initial TAC of Greenland turbot for the Bering Sea subarea of the BSAI was established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 5,125 metric tons (mt). See § 679.20(c)(3)(iii). To date, NMFS has not apportioned to the initial TAC of Greenland turbot for the Bering Sea subarea (or Aleutian Islands subarea as appropriate) an amount from the BSAI reserve. Therefore, for purposes of this action, the initial TAC as specified in the final harvest specifications is the final TAC.

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), determined that the TAC of Greenland turbot specified for the Bering Sea subarea of the BSAI would be reached. Therefore, the Regional Administrator

established a directed fishing allowance of 3,325 mt, and set aside the remaining 1,800 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance was reached. Consequently, NMFS is prohibiting directed fishing for Greenland turbot in the Bering Sea subarea of the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

This action responds to the best available information obtained from the fishery. It must be implemented in order to prevent overharvesting the 1997 TAC of Greenland turbot in the Bering Sea subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the 1997 TAC of Greenland turbot in the Bering Sea subarea. Further delay could result in overharvest, which would disrupt the FMP's objective of providing sufficient Greenland turbot as bycatch to support other anticipated groundfish fisheries. 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. The affected fishery was provided notice by news release of a closure 1200 hrs, A.l.t., May 19, 1997, until 2400, A.l.t., December 31, 1997.

#### Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: July 2, 1997.

#### Bruce Morehead,

*Acting 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. 961126334-7025-02; I.D. 070397A]

#### Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska

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