

system to ensure stock rebuilding; and (7) add measures to those that the Council may implement through the framework adjustment process.

A proposed rule that would implement Amendment 7 may be published in the **Federal Register** for public comment, following NMFS' evaluation of the proposed rule under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act. Public comments on the proposed rule must be received by the end of the comment period on Amendment 7 to be considered in the approval/disapproval decision on the FMP amendment. All comments received by January 19, 1999, whether specifically directed to the FMP amendment or the proposed rule, will be considered in the approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on the FMP amendment.

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

Dated: November 12, 1998.

**Gary C. Matlock,**

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

[FR Doc. 98-30836 Filed 11-17-98; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 110698B]

RIN 0648-AK21

#### Fisheries off West Coast States and in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Amendment 5

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

**ACTION:** Notice of availability of a fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces that the Western Pacific Fishery Management Council (Council) has submitted Amendment 5 to the Fishery Management Plan for Bottomfish and Seamount Groundfish of the Western Pacific Region (FMP) for Secretarial review. Amendment 5 would establish a

limited access program for the Mau Zone bottomfish fishery in the eastern portion of the Northwestern Hawaiian Islands (NWHI). The Mau Zone, which is one of two bottomfish management subareas in the NWHI, encompasses an area between 161°20' and 165° 00' W. longitude in the U.S. exclusive economic zone around the Hawaiian Islands. This action is intended to conserve and support the long-term productivity of the bottomfish stocks by preventing the potential for excessive harvest capacity and to improve the low economic returns in the fishery.

**DATES:** Written comments on the amendment must be received on or before January 19, 1999.

**ADDRESSES:** Written comments should be sent to Charles Karnella, Administrator, Pacific Islands Area Office, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822-2396. Copies of Amendment 5, including its Regulatory Impact Review and Environmental Assessment, are available from Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Alvin Katekaru, Fishery Management Specialist, Pacific Islands Area Office, NMFS at (808) 973-2985 or Kitty Simonds at (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any amendment to a fishery management plan it has prepared to NMFS for review, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a notice that the amendment is available for public review and comment. NMFS will consider all public comments received during the comment period in determining whether to approve the amendment for implementation.

Amendment 5 would (1) restrict participation in the Mau Zone bottomfish fishery to vessel owners who hold limited access permits; (2) adopt, based on biological and economic factors, a long-term target number of 10 vessels that would be allowed to fish for bottomfish in the Mau Zone; (3) establish qualifying criteria for allocating initial limited access permits based on historic participation in the

fishery (December 17, 1991, control date) and landings of bottomfish from the Mau Zone up to December 31, 1996; (4) prohibit the transfer, lease, charter, or sale of permits to reduce the number of vessels in the fishery in order to achieve the target number; (5) revoke limited access permits issued to partnerships or corporations upon a change in more than 50 percent ownership in the permitted vessel or its replacement; (6) limit the amount of time a permit holder may register a limited access permit for use with a leased or chartered vessel; (7) limit the length of replacement vessels to 60 ft (18.3 m); (8) require permit holders to make a minimum of five landings of at least 500 lb (227 kg) each of bottomfish management unit species each year from the Mau Zone to qualify for permit renewal; (9) require the Council to undertake a 5-year comprehensive review of the limited access program to determine its effectiveness in meeting the objectives of the FMP; (10) have the Council develop criteria to allow new entry into the Mau Zone when the number of permitted vessels falls below 10; and (11) reserve 20 percent of the long-term target number of limited access permits, i.e., two permits, for a Western Pacific Community Development Program that may be developed by the Council and approved by the Secretary of Commerce. Amendment 5 describes the above measures in detail, including such other requirements as establishing a fee for processing Mau Zone permits, specifying an appeals process for permit actions, and prohibiting the retention of incidentally caught bottomfish in the Mau Zone without a limited access permit.

Public comments on Amendment 5 must be received by January 19, 1999 to be considered by NMFS in the decision to approve/disapprove Amendment 5. A proposed rule to implement Amendment 5 has been submitted for Secretarial review and approval. NMFS expects to publish the proposed rule and request public comment on the proposed regulations in the near future.

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

Dated: November 13, 1998.

**Bruce C. Morehead,**

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

[FR Doc. 98-30839 Filed 11-17-98; 8:45 am]

BILLING CODE 3510-22-F