

provided in paragraph (b) of this section, no substantive modification, including withdrawal or suspension, to the Letter of Authorization issued pursuant to § 216.106 and subject to the provisions of this subpart shall be made until after notice and an opportunity for public comment.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 216.120(b) or that significantly and detrimentally alters the scheduling of launches, a Letter of Authorization issued pursuant to § 216.106 may be substantively modified without a prior notice and an opportunity for public comment. A notice will be published in the **Federal Register** subsequent to the action.

§ 216.129 [Reserved]

[FR Doc. 98-19392 Filed 7-20-98; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980714174-8174-01; I.D. 061898B]

RIN 0648-AK60

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Precious Corals Fisheries; Amendment 3

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 3 to the Fishery Management Plan for the Precious Corals Fisheries of the Western Pacific Region (FMP). Amendment 3 would establish framework procedures enabling management measures to be established and/or changed via rulemaking rather than through FMP amendment. The intent of this action is to enable the Western Pacific Fishery Management Council (Council) to respond quickly to rapid changes in the Western Pacific precious corals fisheries.

DATES: Comments on this proposed rule must be received on or before September 4, 1998.

ADDRESSES: Comments on this proposed rule or Amendment 3 should be sent to,

and copies of these documents 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: NMFS is proposing this rule based on a recommendation of the Council under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). It would establish framework procedures under FMP Amendment 3 to enable the Council and NMFS to change elements of the management regime governing the Western Pacific precious corals fisheries through rulemaking rather than through FMP amendment. The procedures would specify how certain new measures may be established in response to changes that may occur rapidly in the fishery, as well as how established measures (e.g., seasons, permit requirements, quotas, closures, area limitations, gear and coral size restrictions) may be revised without the Council having to develop and NMFS implement an FMP amendment. With the concurrence of the Council, the Southwest Regional Administrator, NMFS, would be able to initiate rulemaking. Each action taken under the framework process would entail documentation of the analysis of impacts of that action. Advance public notice, public discussion, and consideration of public comment on each framework action are required. Amendment 3 itself describes the framework procedure in more detail than the regulatory text of this rule.

On January 14, 1998, a notice of availability of draft FMP Amendment 3 was published in the **Federal Register** (63 FR 2195). The draft included two actions: Establishment of framework procedures and inclusion in the management unit of precious corals in the exclusive economic zone waters around the Commonwealth of the Northern Mariana Islands (CNMI) (which would have been managed as an exploratory permit area). The notice also indicated that the Council staff would submit the amendment for Secretarial review only if no substantive or critical comments were received during a 45-day public review period. The Council received substantive comments on the proposal to manage precious corals in the waters off CNMI as an exploratory permit area. However, no comments

were received regarding the proposal to establish the framework procedures.

Subsequently, Council staff revised the draft amendment by removing the CNMI provision, and a new draft was prepared for Secretarial review. At its 95th meeting held in April 1998, the Council concurred with the revised draft amendment.

Framework procedures appear needed because of present interest in the harvest of precious corals at the established coral bed at Makapuu Point, Oahu, Hawaii, and around the main Hawaiian Islands. Pre-harvest surveys conducted in 1997 at the Makapuu bed indicate this bed to be at least 15 percent larger than it was 12 years ago. Recruitment of pink coral at the Makapuu bed is undiminished compared to 1991; however, recruitment of gold coral has been very low. Framework procedures under proposed FMP Amendment 3 would, for example, enable the Council to modify the harvestable size of the Makapuu precious coral bed or to adjust the quota on gold coral, if needed, in a timely manner.

Classification

At this time, NMFS has not determined that Amendment 3, which this rule would implement, is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The National Marine Fisheries Service considers an impact to be significant if it results in a reduction in annual gross revenues by more than 5 percent, an increase in annual compliance costs of greater than 5 percent, compliance costs at least 10 percent higher for small entities than for large entities, compliance costs that require significant capital expenditures, or the likelihood that 2 percent of the small entities would be forced out of business. NMFS considers a "substantial number" of small entities to be more than 20 percent of those small entities affected by the regulation engaged in the fishery. Since the proposed action is

administrative, and would only add a framework procedure to the FMP, this rule would not result in any new compliance burdens or in any significant economic impact on small entities. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: July 15, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. A new § 660.89 is added to Subpart F to read as follows:

§ 660.89 Framework procedures.

(a) *Introduction.* Established management measures may be revised and new management measures may be established and/or revised through rulemaking if new information demonstrates that there are biological, social, or economic concerns in the precious coral permit area. The following framework process authorizes the establishment and revision of measures that may affect the operation of the fisheries, gear, quotas, season, or changes in catch and/or effort.

(b) *Annual report.* By June 30 of each year, the Council-appointed Precious Coral Team will prepare an annual report on the fisheries in the management area. The report shall contain, among other things, recommendations for Council action and an assessment of the urgency and effects of such action(s).

(c) *Procedure for established measures.* (1) Established measures are management measures that, at some time, have been included in regulations implementing the FMP, and for which the impacts have been evaluated in Council/NMFS documents in the context of current conditions.

(2) According to the framework procedures of Amendment 3 to the FMP, the Council may recommend to the Regional Administrator that

established measures be modified, removed, or re-instituted. Such recommendation shall include supporting rationale and analysis, and shall be made after advance public notice, public discussion, and consideration of public comment. NMFS may implement the Council's recommendation by rulemaking if approved by the Regional Administrator.

(d) *Procedure for new measures.* (1) New measures are management measures that have not been included in regulations implementing the FMP, or for which the impacts have not been evaluated in Council/NMFS documents in the context of current conditions.

(2) Following the framework procedures of Amendment 3 to the FMP, the Council will publicize, including by a **Federal Register** document, and solicit public comment on, any proposed new management measure. After a Council meeting at which the measure is discussed, the Council will consider recommendations and prepare a **Federal Register** document summarizing the Council's deliberations, rationale, and analysis for the preferred action, and the time and place for any subsequent Council meeting(s) to consider the new measure. At a subsequent public meeting, the Council will consider public comments and other information received before making a recommendation to the Regional Administrator about any new measure. If approved by the Regional Administrator, NMFS may implement the Council's recommendation by final rulemaking, in some instances, or if circumstances warrant, by proposed and final rulemaking.

[FR Doc. 98-19391 Filed 7-20-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980702167-8167-01; I.D. 051898A]

RIN 0648-AK73

Fisheries of the Exclusive Economic Zone Off Alaska; Stand Down Requirements for Trawl Catcher Vessels Transiting Between the Bering Sea and Gulf of Alaska

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement a stand down requirement for trawl catcher vessels transiting between the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA). This action is necessary to prevent unexpected shifts of fishing effort between BSAI and GOA fisheries that cause management problems and can lead to overharvests of total allowable catch (TAC) in the Western and Central (W/C) Regulatory Areas of the GOA. This action is intended to further the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs).

DATES: Comments on the proposed rule must be received no later than August 20, 1998.

ADDRESSES: Comments may be sent to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action are available from NMFS at the same address, or by calling the Alaska Region, NMFS, at 907-586-7228.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907-586-7228 or kent.lind@noaa.gov.

SUPPLEMENTARY INFORMATION: The groundfish fisheries off Alaska are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Federal regulations governing the groundfish fisheries appear at 50 CFR parts 600 and 679.

Background and Need for Action

In recent years, management of the inshore pollock and Pacific cod fisheries of the W/C Regulatory Areas of the GOA has become increasingly difficult and the risk of harvest overruns has grown due to TAC amounts that are small relative to the potential fishing effort. The problem has been most acute in the Western Regulatory Area of the GOA due to the constant potential that numerous large catcher vessels based in the Bering Sea could cross into the GOA