

the Fisheries Survival Fund, to determine where in the Georges Bank closed areas scallops are large in size and number and where primary groundfish are more susceptible to scallop gear, to better target and optimize scallop fishing while still maximizing recovery of primary groundfish stocks and habitat. The Petitioner requests that when the data collection has been completed, emergency action be taken to open portions of Georges Bank currently closed to scallop fishing, which would be balanced by closing some currently open areas.

DATES: Comments on the petition are requested on or before August 31, 1998.

ADDRESSES: Copies of the petition for rulemaking are available upon request from Gary C. Matlock, Ph.D., Director, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on the petition should be directed to Dr. Gary C. Matlock at the above address. Please mark the outside of the envelope "Rotational Opening of Scallop Closed Areas."

FOR FURTHER INFORMATION CONTACT: Mark R. Millikin, 301-713-2341.

SUPPLEMENTARY INFORMATION: The fishery affected by this petition for rulemaking is the Atlantic sea scallop fishery, which is managed under the Fishery Management Plan for the Atlantic Sea Scallop Fishery (FMP). The Secretary has management authority for this species group under the Magnuson-Stevens Fishery Conservation and Management Act. The management unit for this fishery is Atlantic sea scallop (*Placopecten magellanicus*) in U.S. waters of the Atlantic Ocean from North Carolina to Newfoundland along the continental shelf of North America. Implementing regulations for the fishery are found at 50 CFR part 648, subpart D.

The scallop advisory report issued from the 23rd Stock Assessment Workshop in March 1997 stated that the current spawning stock biomass (SSB) is at a low level and the level of landings is determined primarily by variations in the number of recruits entering the fishery. On Georges Bank, abundance and fishing mortality are at moderate levels, but this results from approximately one-half of the region currently being closed to fishing via the groundfish closed areas to protect depleted stocks of cod, haddock, and yellowtail flounder. Scallop dredges were included in the fishing ban owing

to their propensity to catch juvenile flatfish and other species whose stocks had collapsed. The scallop stock is rebuilding in these closed areas, but elsewhere on Georges Bank fishing mortality is greater than the current overfishing threshold. Overfishing for Atlantic sea scallops is defined in the FMP as the fishing mortality rate greater than the rate that would maintain an SSB that is 5 percent of the SSB level that would exist without fishing. The report further states that scallops in the Mid-Atlantic region are at a low level of abundance, are overexploited, and are declining. The large 1990 and 1991 year classes have been overfished and incoming recruitment is among the lowest on record. Based on high fishing mortality rates, low stock size, and lack of significant recruitment, the management advice from the Northeast Stock Assessment Workshop is that fishing effort should be reduced immediately and significantly in the Mid-Atlantic region to preserve SSB and to improve yield per recruit. Recent results of the 1997 NMFS survey confirm that trends in abundance and biomass in both the Mid-Atlantic and Georges Bank regions are decreasing.

The Petitioner states that the Georges Bank groundfish closures, which have been in effect since December 1994, are causing an imbalance in fishing effort, thereby making scallop rebuilding more difficult to achieve. He is requesting that information collected from the Georges Bank area on the scallop resource begin by July 1998, after which emergency action should be instituted to open areas of Georges Bank through limited rotational openings, coupled with closures of certain portions of currently open areas. He states that NMFS analyses have already concluded that such rebalancing should help scallop stocks and moderate the worst of the impending economic effects for the scallop fishermen.

NMFS requests interested persons to submit comments on the petition for rulemaking submitted by the Petitioner. NMFS will consider this information in determining whether to proceed with the development of regulations requested by the petition.

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

Dated: June 24, 1998.

Bruce C. 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 660

[I.D. 061998B]

Western Pacific Fishery Management Council; Public Hearing

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a public hearing to discuss proposed measures to address the requirements of the Magnuson-Stevens Conservation and Management Act (Magnuson-Stevens Act) through an amendment to all of the Council's fishery management plans that will address new provisions and definitions.

DATES: The meeting will be held on July 20, 1998, from 6:00 p.m. to 8:00 p.m.

ADDRESSES: The meeting will be held in the conference room of the Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI, 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, at (808) 522-8220.

SUPPLEMENTARY INFORMATION: The public is invited to discuss and make recommendations to the Council on the provisions of the Magnuson-Stevens Act pertaining to essential fish habitat, bycatch, fishing sectors, fishing communities, and definitions of overfishing.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808-522-8220 (voice) or 808-522-8226 (fax), at least 5 days prior to the meeting date.

Dated: June 24, 1998.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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