

**ACTION:** Notice of public workshop; correction.

**SUMMARY:** This document announces that NHTSA has rescheduled the public workshop on potential requirements for universal child restraint anchorage systems. The workshop will be held on October 17 and October 18 rather than on October 9 and 10. The agency is making this change to accommodate the schedules of certain attendees to the workshop. Readers should refer to the September 10, 1996 Federal Register for detailed information about this workshop. (61 FR 47728).

**DATES:** *Public workshop:* The public workshop will be held in Washington, DC on October 17 and 18, 1996, from 9:30 a.m. to 5:00 p.m.

Those wishing to participate in the workshop should contact Dr. George Mouchahoir, at the address or telephone number listed below, by October 11, 1996.

*Written comments:* Written comments may be submitted to the agency and must be received by October 28, 1996.

**ADDRESSES:** *Public workshop:* The public workshop will be held in room 2230 of the Nassif Building, 400 Seventh St., SW., Washington, DC 20590.

*Written comments:* All written comments must refer to the docket and notice number of this notice and be submitted (preferable 10 copies) to the Docket Section, National Highway Traffic Safety Administration (NHTSA), Room 5109, 400 Seventh St., SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Dr. George Mouchahoir, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590 (telephone 202-366-4919).

Issued on: September 16, 1996.

L. Robert Shelton,

*Acting Associate Administrator for Safety Performance Standards.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 960910252-6252-01; I.D. 082296B]

**RIN 0648-A177**

**Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 5**

**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 5 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery (FMP). The amendment would: Close a 9 mi<sup>2</sup> (23.31 km<sup>2</sup>) site to mobile fishing gear and partially close the site to non-mobile gear for an 18-month period, and temporarily exempt certain vessels from fishing regulations. The intended effect is to support an aquaculture research project and prevent conflicts between fishing gear and project equipment for the limited duration of the research project.

**DATES:** Comments on the proposed rule must be received on or before November 1, 1996.

**ADDRESSES:** Comments on the proposed rule, Amendment 5, or its supporting documents should be sent to Dr. Andrew A. Rosenberg, Director, Northeast Regional Office, NMFS, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Sea Scallop Plan."

Comments regarding burden-hour estimates for collection-of-information requirements contained in this proposed rule should be sent to Dr. Andrew A. Rosenberg, at the address above, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

Copies of Amendment 5, its regulatory impact review, initial regulatory flexibility analysis, and the environmental assessment are available from Christopher Kellogg, Acting Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906-1097.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 508-281-9273.

**SUPPLEMENTARY INFORMATION:**

Regulations implementing the FMP are found at 50 CFR part 648. The objectives of the FMP are: (1) To restore adult stock abundance and age distribution; (2) to increase yield-per-recruit for each stock; (3) to evaluate plan research, development and enforcement costs; and (4) to minimize adverse environmental impacts on sea scallops. This amendment would address these objectives indirectly by implementing regulations in support of a sea scallop aquaculture project that may yield information applicable to improving conservation and management of this species.

**Proposed Management Measures**

Amendment 5 to the FMP was prepared by the New England Fishery Management Council (Council). A notice of availability for the proposed amendment was published in the Federal Register on August 29, 1996, (61 FR 45395). The amendment proposes to establish a 9 mi<sup>2</sup> (23.31 km<sup>2</sup>) area closure approximately 12 mi (22.22 km) southwest of the island of Martha's Vineyard, MA, for 18 months, during which time a scallop aquaculture project sponsored by NMFS under the Saltonstall-Kennedy grant program would take place. This area is hereafter called the Sea Scallop Experimental Area.

This action would allow some vessels participating in the project to receive exemptions from current fishing regulations. Eleven fishing vessels and two research vessels would participate in the project research and activity. Scientific research vessels conducting scientific research are exempt from fishing regulations implemented under the Magnuson Fishery Conservation and Management Act (Magnuson Act). However, fishing vessels engaged in project activities must receive written authorization in the form of an experimental fishing permit (EFP) from the Director, Northeast Regional, NMFS (Regional Director) to be exempted from any of the regulations. Activities that may be exempted include, but are not limited to: Fishing within the Sea Scallop Experimental Area, using fishing gear that does not conform to the regulations, or possessing scallops when not fishing under a days-at-sea (DAS) allocation. This requirement for an EFP differs from the Council's proposed amendment but is necessary to ensure consistency with and enforceability of the new regulations under § 600.745 regarding scientific research and exempted fishing activities.

This action would prohibit fishing with gillnet and mobile gear, i.e., trawls

and dredges, within the Sea Scallop Experimental Area. Other fixed gear such as lobster pot, longline, handgear, and any other gear determined by the Regional Director not likely to interfere with the research project, would be allowed in the area under a special registration program administered by the Regional Director. The purpose of the registration program is to inform vessel operators of the location of the research equipment and to provide a means to communicate potential conflicts between fishery and project activities. Fishers authorized to fish in the Sea Scallop Experimental Area with the allowed gear may also be required to remove periodically their gear or may be required to set fishing gear a certain minimum distance from research project activities. At least 2 weeks notice would be provided to vessel operators to relocate fishing gear. All vessels would be allowed to transit the area at any time, provided their fishing gear is properly stowed.

These restrictions on fishing are necessary because mobile gear could inadvertently destroy expensive grow-out or monitoring equipment. Although this closure would be temporary and would not create any permanent rights or interests at the experimental site, the success of the experiment is dependent on gear restrictions within the area, particularly for mobile and gillnet gear. The impacts of the closure are expected to be small, because the amount of fish landed commercially from this area is small compared to the total commercial landings in the region. Some current uses of the area by mobile gear operators, gillnet fishers, and scallopers would be affected by the 18-month closure period. The estimates of lost revenue due to loss of multispecies landings is approximately \$6,000. This would be offset by the benefits accrued by fishing vessels participating in the research project that would be compensated through the harvesting and sale of scallops at the conclusion of the project. New information on sea scallop enhancement, harvest gear and habitat interactions, open ocean cage engineering and growth rates of transferred juvenile brood stock in both cage culture and open bottom culture may provide the tools needed to expand the resource base for the future.

Vessels authorized to participate in project activities would be exempt from the requirement to fish under a DAS allocation if a trip is conducted exclusively within or transiting to and from the Sea Scallop Experimental Area, or during the portion of a fishing trip used to transport project specimens from the fishing grounds to the area.

Rather than attempting to monitor the portion of a fishing trip that a vessel should be exempt from DAS while transporting specimens, fishing vessels having DAS allocations that participate in the project activity would be credited with 2 DAS to account for this time. Time away from port that is used exclusively for project activities within the experimental area or transiting to and from the area would also be exempted from the DAS requirements.

#### Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act requires that the regulations proposed by a Council be published within 15 days of the receipt of the amendment and regulations. At this time, NMFS has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. NMFS, in making that determination, will take into account the information, views, and comments received during the comment period.

This proposed rule has been determined to be significant for the purposes of E.O. 12866. This action raises a novel legal or policy issue arising out of a legal mandate under the Magnuson Act, in that it may be viewed as setting a precedent for establishing future aquaculture efforts in the exclusive economic zone.

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 regarding the proposed rule as follows:

I certify that this attached proposed rule issued under authority of section 304(a) of the Magnuson Fishery Conservation and Management Act will not have a significant economic impact on a substantial number of small entities. The proposed rule would establish a nine square mile site approximately twelve miles south of Martha's Vineyard as an experimental use area for 18 months. The area would be closed to fishing with mobile gear that might interfere with an experimental and demonstration project involving sea scallop research, enhancement and aquaculture to be conducted by scientific and technical experts in cooperation with fishermen.

The proposed action will not have any significant effects on a substantial number of small entities because: (1) The few groundfish, sea scallop or lobster vessels that may have fished in the area with mobile gear would be able to redirect their effort to areas adjacent to the experimental area so that ex-vessel revenues for these vessels should not change, (2) no vessels are expected to cease operations as a result of the closure, and (3) compliance costs are not expected to change for any vessels. The total average annual

revenues for groundfish in this area from 1985 through 1991 were \$6,000, the area is low in abundance of sea scallops, and limited pot fishing for lobsters will still be allowed in the area.

The proposed rule contains one new collection-of-information requirement subject to the Paperwork Reduction Act (PRA). A request to collect this information has been submitted to OMB for approval. The public's reporting burden for the collection-of-information requirements includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information requirements.

The new reporting requirement is: Sea Scallop Experimental Area authorization request, (0.5 hours/response).

Send comments regarding burden estimates, or any other aspect of the data collection, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to, a penalty for failure to comply with a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

An informal consultation under the Endangered Species Act was concluded for Amendment 5 to the FMP on August 2, 1996. As a result of the informal consultation, the Regional Director determined that fishing activities conducted under this rule are not likely to adversely affect endangered or threatened species or critical habitat.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 16, 1996.

Rolland A. Schmitt, Jr.,  
Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.14, paragraph (a)(89) is added to read as follows:

##### § 648.14 Prohibitions.

(a) \* \* \*

(89) Fish in or transit the Sea Scallop Experimental Area defined in

§ 648.56(a)(1), as described in § 648.56(a)(2) and (a)(3).

\* \* \* \* \*

3. Section 648.56 is added to read as follows:

**§ 648.56 Scallop research project.**

(a)(1) *Sea scallop experimental area.* From [insert date 30 days after date of publication of the final rule for this action through date 18 months after such date], no fishing vessel or person on a fishing vessel may fish in or transit the area known as the Sea Scallop Experimental Area, as defined by straight lines connecting the following points in the order stated, except as described in paragraphs (a)(2) and (a)(3) of this section:

Point	Latitude	Longitude
1	41°11.8' N.	70°50' W.
2	41°11.8' N.	70°46' W.
3	41°08.8' N.	70°46' W.
4	41°08.8' N.	70°50' W.

(2) *Exemptions.* A fishing vessel and persons on a fishing vessel may fish in the Sea Scallop Experimental Area:

(i) With pot gear and traps, if such vessel has been issued an EFP under paragraph (a)(4)(i)(A) of this section;

(ii) With longline gear, if such vessel has been issued an EFP under paragraph (a)(4)(i)(A) of this section;

(iii) Fishing with handgear;

(iv) With gear determined by the Regional Director not likely to interfere with a scallop aquaculture research project sponsored by NMFS, if such vessel has been issued an EFP under paragraph (a)(4)(i)(A) of this section; or

(v) If such vessel has been issued an EFP under paragraph (a)(4)(i)(B) of this section to participate in the scallop aquaculture research project sponsored by NMFS.

(3) *Transiting.* Vessels that are not exempted from the prohibition of fishing in the Sea Scallop Experimental Area under paragraph (a)(2) of this section may transit such area provided that their gear is stowed in accordance with the provisions of § 648.81(e).

(4) *Experimental fishing permits.* (i) The Regional Director may issue an EFP under the provisions of § 648.12 to:

(A) Any vessel to fish within the Sea Scallop Experimental Area with the gear specified in paragraph (a)(2)(i), (a)(2)(ii), and (a)(2)(iv) of this section. Vessels receiving EFPs may be required to move their gear within, or remove their gear from, the area upon notification by the Regional Director and must comply with any additional restrictions specified in the EFP.

(B) Any vessel participating in the scallop aquaculture research project sponsored by NMFS to fish within the Sea Scallop Experimental Area, to use fishing gear that does not conform to the regulations, and to possess scallops when not fishing under a DAS allocation. The Regional Director may also restore up to 2 DAS, per year, to vessels collecting and transporting undersized scallops to the area. The Regional Director may exempt vessels from other regulatory provisions if the exemptions are necessary to project operations and consistent with paragraph (a)(4)(iii) of this section.

(ii) A vessel with an EFP authorizing it to participate in the scallop aquaculture research project sponsored by NMFS or to use exempted gear in the Sea Scallop Experimental Area must carry the EFP on board the vessel.

(iii) The Regional Director may not issue an EFP unless it is determined to be consistent with the objectives of the FMP, the provisions of the Magnuson Act, and other applicable law and that issuing the EFP will not:

(A) Have a detrimental effect on the sea scallop resource and fishery;

(B) Create significant enforcement problems; or

(C) Have a detrimental effect on the scallop project.

(5) *Application.* An application for an EFP for a vessel to fish within the Sea Scallop Experimental Area must be in writing to the Regional Director and be submitted at least 30 days before the desired effective date of the EFP. The application must include, but is not limited to, the following information:

(i) The date of application.

(ii) The applicant's name, current address, telephone number and fax number if applicable.

(iii) The current vessel name, owner address, and telephone number.

(iv) The vessel's Federal permit number.

(v) The Coast Guard documentation number.

(vi) The species (target and incidental) expected to be harvested.

(vii) The gear type, size, buoy colors, trap identification markings and amount of gear that will be used; and exact time(s) fishing will take place in the Sea Scallop Experimental Area.

(viii) The signature of the applicant.

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**50 CFR Part 648 and 649**

[I.D. 091196A]

**Fisheries of the Northeastern United States; Amendment 8 to the Northeast Multispecies, Amendment 6 to the Atlantic Sea Scallop, and Amendment 6 to the American Lobster Fishery Management Plans**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** NMFS announces that the New England Fishery Management Council (Council) has submitted Amendment 8 to the Northeast Multispecies, Amendment 6 to the Atlantic Sea Scallop, and Amendment 6 to the American Lobster Fishery Management Plans (FMPs) for Secretarial review and is requesting comments from the public. These amendments would add a framework process to address gear conflicts in the Northeast and Mid-Atlantic regions through regulatory action. The proposed gear conflict framework process is intended to provide mechanisms to reduce the economic loss caused by gear conflicts.

**DATES:** Comments must be received on or before November 11, 1996.

**ADDRESSES:** Send comments to Dr. Andrew A. Rosenberg, Regional Director, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on Gear Conflict Amendments." Copies of the proposed amendments, their Regulatory Impact Review, Initial Regulatory Flexibility Analysis, and the Environmental Assessment are available from Christopher Kellogg, Acting Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906-1097.

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 508-281-9273.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (Magnuson Act) (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or amendment it prepares to NMFS, on behalf of the Secretary of Commerce for review. The Magnuson Act also requires that NMFS, upon receiving the plan or amendment for review, immediately make a preliminary evaluation of