

§ 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

whether the amendment is sufficient to warrant continued review, and publish a document that the plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the plan or amendment.

These amendments, if approved, would: (1) Add an objective to the Atlantic Sea Scallop and Northeast Multispecies FMPs to allow management of gear conflicts in these fisheries (the American Lobster FMP

currently has an objective sufficiently broad in scope to allow management of gear conflicts), (2) adapt the framework process currently in place for the Northeast multispecies and Atlantic sea scallop conservation management programs to allow implementation of a gear conflict management program for all three FMPs, and (3) add a list of management measures to each FMP from which the Council could select future solutions to gear conflicts through the framework adjustment process.

Day 1 of these amendments is September 11, 1996. Proposed regulations to implement these amendments are scheduled to be published within 15 days of this date.

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

Dated: September 16, 1996.

Gary C. Matlock,

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

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