

Issued in Fort Worth, TX, on August 21, 1998.

**JoEllen Casilio,**

*Assistant Manager, Air Traffic Division,  
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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 98-ASW-29]

#### Revision of Class E Airspace; Grand Isle, LA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** This notice confirms the effective date of a direct final rule which revises Class E airspace at Grand Isle, LA.

**EFFECTIVE DATE:** The direct final rule published at 63 FR 31355 is effective 0901 UTC, October 8, 1998.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone: 817-222-5593.

**SUPPLEMENTARY INFORMATION:** The FAA published this direct final rule with a request for comments in the **Federal Register** on June 9, 1998 (63 FR 31355). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on October 8, 1998. No adverse comments were received, and thus this action confirms that this direct final rule will be effective on that date.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 902

#### 50 CFR Part 648

[Docket No. 980817220-8220-01; I.D. 081098A]

RIN 0648-AL17

#### Fisheries of the Northeastern United States; Framework 10 to the Atlantic Sea Scallop Fishery Management Plan

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement measures contained in Framework Adjustment 10 to the Atlantic Sea Scallop Fishery Management Plan (FMP). These regulations extend the closure of a 9 mi<sup>2</sup> (23.31 km<sup>2</sup>) site to transiting and fishing with other than hand gear for an 18-month period to allow for the conduct of a NMFS-sponsored sea scallop aquaculture research project. This rule provides for exemptions from the closure for vessels using certain gear types and for vessels participating in the project. Finally, this rule provides for the temporary exemption for vessels participating in the project from certain fishing regulations that might inhibit or prevent their participation. This action is intended to support an aquaculture research project and prevent conflicts between fishing gear and project equipment for the limited duration of the research project.

**DATES:** Effective August 28, 1998 through February 28, 2000.

**ADDRESSES:** Copies of Amendment 5 to the FMP (Amendment 5), its regulatory impact review and the final regulatory flexibility analysis, its final supplemental environmental impact statement, and the supporting documents for Framework Adjustment 10 are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906-1097.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Jon Rittgers, Acting Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930, and the Office of Information and Regulatory Affairs, Office of Management and

Budget (OMB), Washington, D.C. 20502 (ATTN: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

#### SUPPLEMENTARY INFORMATION:

##### Background

Regulations implementing Amendment 5 to the FMP (62 FR 1829) were published on January 14, 1997. Details of that action are described in the preamble to the final rule and will not be repeated here. The final rule closed 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, to transiting and fishing with other than handgear for an 18-month period to allow for the conduct of a NMFS-sponsored sea scallop aquaculture research project. The final rule provided for exemptions from the closure for vessels using certain gear types and for vessels participating in the project. The final rule provided temporary exemptions for vessels participating in the project from certain fishing regulations, which may have inhibited or prevented their participation.

Current scallop regulations allow for the adjustment of management measures, as necessary to meet or achieve consistency with the FMP's goals and objectives. The regulations authorize the New England Fishery Management Council (Council) to recommend adjustments to any of the measures currently in the FMP.

Framework Adjustment 10 continues the experimental closure established under Amendment 5 to the FMP. The success of the experiment is dependent on retaining the restrictions established by Amendment 5. The objective of the project is to obtain a comprehensive understanding of issues associated with scallop seeding and grow-out. These activities and required environmental monitoring require the continuation of restricted activities within the experimental area. Without controls on fishing, expensive grow-out and monitoring equipment could be inadvertently destroyed by towed gear.

The Council requests publication of the management measures as a final rule after considering the required factors stipulated in the regulations governing the Atlantic sea scallop fishery and providing supporting analysis for each factor considered. The Administrator, Northeast Region, NMFS (Regional Administrator) concurs with the Council's recommendation and has determined that Framework Adjustment 10 should be published as a final rule.