

appropriate aeronautical charts thereby enabling pilots to either circumnavigate the area, continue to operate under VFR to and from the airport, or otherwise comply with IFR procedures. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the Federal Register indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the Federal Register, and a notice of proposed rulemaking may be published with a new comment period.

#### Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received.

Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-ACE-22." The postcard will be date stamped and returned to the commenter.

#### Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends part 71 of the

Federal Aviation Regulations (14 CFR part 71) as follows:

#### PART 71—AMENDED

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

ACE NE E5 Alliance, NE [Revised]

Alliance Municipal Airport, NE  
(lat. 42°03'12" N., long. 102°48'13" W.)

Alliance VOR/DME  
(lat. 42°03'20" N., long. 102°48'16" W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Alliance Municipal Airport and within 3 miles each side of the 145° radial of the Alliance VOR/DME extending from the 6.8-mile radius to 10.5 miles southeast of the VOR/DME and within 3 miles each side of the 302° radial of the Alliance VOR/DME extending from the 6.8-mile radius to 8.7 miles northwest of the VOR/DME.

\* \* \* \* \*

Issued in Kansas City, MO, on December 17, 1996.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 97–847 Filed 1–13–97; 8:45 am]

BILLING CODE 4910–13–M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 15 CFR Part 902

##### 50 CFR Part 648

[Docket No. 960910252–6329–02; 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:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 5 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery (FMP). The final rule closes 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, provides for exemptions from the closure for vessels using certain gear types and for vessels participating in the project, and provides for temporary exemptions for vessels participating in the project from certain fishing regulations that might inhibit or prevent their performing any activity necessary for project operations. The intended effect of this action is to support the aquaculture research project and prevent conflicts between fishing gear and project equipment for the limited duration of the project.

**EFFECTIVE DATE:** February 13, 1997 through July 15, 1998.

**ADDRESSES:** Copies of Amendment 5, its regulatory impact review (RIR), the initial regulatory flexibility analysis contained within the RIR, 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.

Comments regarding burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to Dr. Andrew A. Rosenberg, 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 (Attention: NOAA Desk Officer).

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

**SUPPLEMENTARY INFORMATION:** Amendment 5 to the FMP was prepared by the New England Fishery Management Council (Council). A notice of availability for the amendment when it was proposed, was published on August 29, 1996 (61 FR 45395), and a proposed rule to implement it was published on September 20, 1996 (61 FR 49428). Details of this action were described in the preamble to the proposed rule and are not repeated here.

#### Approved Management Measures

This final rule establishes 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 (hereinafter called the Sea Scallop

Experimental Area), to transiting and fishing with other than handgear for an 18-month period to allow for the conduct of a NMFS-sponsored (Saltonstall-Kennedy (NOAA Award NA 66FD0027)) sea scallop aquaculture research project and provides for exemptions from the closure for vessels using certain gear types and for vessels participating in the project.

Additionally, this final rule provides the Regional Administrator (RA) with authority to temporarily exempt a vessel participating in the project from any specific Federal fishing regulation which inhibits or prevents the vessel from performing any activity necessary for project operations, such as regulations prohibiting the use of nonconforming fishing gear or the possession of scallops when not fishing under a DAS allocation.

This action prohibits fishing other than with handgear within the Sea Scallop Experimental Area for 18 months. However, fishing with gear other than gillnet and mobile, i.e., trawls and dredges such as lobster pots, longline, and any other gear determined by the RA as not likely to interfere with the research project, will be allowed in the area pursuant to an Allowable Gear Permit (AGP) issued by the RA. This permit requirement will enable the RA to inform vessel operators of the location of the research equipment and avoid potential conflicts between fishery and project activities. Fishers authorized to fish in the Sea Scallop Experimental Area under an AGP may also be required periodically to remove their gear or may be required to set their gear a certain minimum distance from research project activities. At least 2 weeks notice will be provided to vessel operators of any requirement to relocate fishing gear.

All vessels will be allowed to transit the area at any time, provided their fishing gear is properly stowed.

Vessels participating in the project will be allowed to fish within and transit the Sea Scallop Experimental Area pursuant to an EFP issued by the RA. Such EFP may exempt such vessel from specific Federal fishing regulations which may inhibit or prevent that vessel from performing any activity necessary for project operations such as regulations prohibiting the use of nonconforming fishing gear or the possession of scallops when not fishing under a DAS allocation. Vessels issued an EFP are exempt from DAS requirements for any trip transiting to and from, and conducted exclusively within, the Sea Scallop Experimental Area, and for the portion of any trip used to transport sea scallops from the

fishing grounds to the area. The EFP also may allocate and authorize the use of up to 2 additional DAS for the collection of sea scallops from the fishing grounds for transportation to the Sea Scallop Experimental Area. Vessels issued an EFP must comply with all conditions and restrictions specified in the permit.

#### Comments and Responses

Written comments were received from one individual.

*Comment:* The commenter expressed concern about lobster gear that is typically fished in a portion of the Sea Scallop Experimental Area for about 6 months per year, and whether the project managers will be able to work around lobster gear during the research project period.

*Response:* The Regional Administrator will issue AGPs to lobster pot vessels interested in fishing within the Sea Scallop Experimental Area. Lobster fishers may be required to remove their gear periodically or may be required to set fishing gear a certain minimum distance from research project activities. The AGP program provides a means by which to communicate the dates and specific locations of project equipment and activities to those who are fishing in the area. At least 2 weeks notice will be provided prior to activities that would require removal of fishing gear. A minimum of 4 weeks notice will be provided in the event that more than 25 percent of the closed area is involved. NMFS will continue to stress to the principal NOAA grant investigators for the project that communication between fishers and project managers be maintained for the duration of the project to prevent conflicts.

#### Changes From the Proposed Rule

Changes were made to § 648.56(a) to clarify which permits are required for vessels participating in the sea scallop aquaculture research project or fishing within the Sea Scallop Experimental Area, but not participating in the project. Editorial simplifications and clarifications were made throughout the rule.

#### Classification

The Regional Administrator determined that this final rule is necessary for the conservation and management of the Atlantic sea scallop fishery and that it is consistent with the Magnuson-Stevens Act Fishery Conservation and Management Act (Magnuson-Stevens Act) and other applicable law.

This final rule has been determined to be significant for the purposes of E.O. 12866. The action raises a novel legal or policy issue arising out of a legal mandate under the Magnuson-Stevens Act, in that it may be viewed as setting a precedent for establishing other 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 when this rule was proposed that it would not have a significant economic impact on a substantial number of small entities. The comment received and the changes made to the rule do not change the basis for that certification. Accordingly, a regulatory flexibility analysis was not prepared.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains one new collection-of-information requirement subject to the PRA. This collection-of-information requirement has been approved by OMB, and the OMB control number and public reporting burden are listed as follows: Sea Scallop Experimental Area authorization request, (0.5 hours/response) under OMB Control Number 0648-0321.

The estimated response time includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information. Send comments regarding this burden estimate, or any other aspect of the collection-of-information to NMFS and OMB (see ADDRESSES).

NMFS reinitiated consultation on the Atlantic Sea Scallop FMP on October 7, 1996. This consultation will consider new information concerning the status of the northern right whale. The Regional Administrator has determined that the implementation of Amendment 5, pending completion of that consultation, will not result in any irreversible or irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures.

## List of Subjects

### 15 CFR Part 909

Reporting and recordkeeping requirements.

### 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 8, 1997.

Charles Karnella,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter VI are amended as follows:

## 15 CFR CHAPTER IX

### PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT; OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, in paragraph (b), the table is amended by adding, in numerical order, the following entry to read as follows:

#### § 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

\* \* \* \* \*

(b) \* \* \*

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
* * * * *	
50 CFR	
* * * * *	
648.56 .....	-0321
* * * * *	

## 50 CFR CHAPTER VI

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

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

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

4. In § 648.14, paragraph (a)(96) is added to read as follows:

#### § 648.14 Prohibitions.

(a) \* \* \*

(96) Fish within or transit, with other than handgear, the Scallop Experimental Area defined in

§ 648.56(a)(1), except as provided for in § 648.56 (a)(2) and (a)(3).

\* \* \* \* \*

5. Section 648.56 is added to subpart D to read as follows:

#### § 648.56 Scallop research project.

(a)(1) *Scallop experimental area.* From February 13, 1997 through July 15, 1998, no fishing vessel or person on a fishing vessel may fish within or transit, with other than handgear, the area known as the Sea Scallop Experimental Area, as defined by straight lines connecting the following points in the order stated, except as provided for 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 within or transit the Sea Scallop Experimental Area:

(i) With pot gear and traps, longline gear, or any other gear, provided such pot gear and traps, longline gear, or other gear is determined by the Regional Director as not likely to interfere with the sea scallop aquaculture research project in the Sea Scallop Experimental Area, and provided such vessel has been issued an allowed gear permit (AGP) under paragraph (a)(4)(i) of this section; or

(ii) If such vessel has been issued an experimental fishing permit (EFP) under paragraph (a)(4)(i) of this section to participate in the sea scallop aquaculture research project in the Sea Scallop Experimental Area.

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

(4) *Allowed gear and experimental fishing permits.*—(i) *Allowed gear permits.* The Regional Director may issue an AGP to any vessel to fish within and transit the Sea Scallop Experimental Area with the gear specified in paragraphs (a)(2)(i) of this section. Vessels issued an AGP 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 conditions and restrictions specified in the permit.

(ii) *Experimental fishing permits.* The Regional Director may issue an EFP under the provisions of § 648.12, if consistent with the provisions of paragraph (a)(4)(iv) of this section, to any vessel participating in the sea scallop aquaculture research project to fish within and transit the Sea Scallop Experimental Area. Such an EFP may exempt such vessel from specific Federal fishing regulations which may inhibit or prevent that vessel from performing any activity necessary for project operations such as regulations prohibiting the use of non-conforming fishing gear or the possession of scallops when not fishing under a DAS allocation. Vessels issued an EFP shall be exempted from DAS requirements as specified in the FMP for any trip in which the vessel engages exclusively in project activities such as bottom surveying, biological sampling, or use of non-regulated hand gear outside the Sea Scallop Experimental Area. The EFP also may allocate and authorize the use of up to 2 additional DAS for project activities relating to scallop seeding. Vessels issued an EFP must comply with all conditions and restrictions specified in the permit.

(iii) A vessel with an AGP or EFP must carry the permit on board the vessel while fishing in the Sea Scallop Experimental Area or participating in the scallop aquaculture project.

(iv) The Regional Director may not issue an AGP or EFP unless he determines that issuance is consistent with the objectives of the FMP, the provisions of the Magnuson-Stevens Act, and other applicable law and 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 AGP or EFP must be in writing to the Regional Director and be submitted at least 30 days before the desired effective date of the permit. 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 USCG 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.

(b) [Reserved]

[FR Doc. 97-872 Filed 1-13-97; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### 31 CFR Part 560

#### Iranian Transactions Regulations

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice; extension of time to report.

**SUMMARY:** The Office of Foreign Assets Control of the U.S. Department of the Treasury is extending to May 30, 1997, the deadline for submission of quarterly reports pursuant to § 560.603 of the Iranian Transactions Regulations for the quarters ending December 31, 1996, and March 31, 1997.

**EFFECTIVE DATE:** January 10, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Loren L. Dohm, Chief, Blocked Assets Division (tel.: 202/622-2440), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

**SUPPLEMENTARY INFORMATION:**

**Electronic and Facsimile Availability**

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the Federal Register. By modem, dial 202/515-1387 and type "/GO FAC," or call 202/512-1530 for disk or paper copies. This file is available for downloading without charge in WordPerfect 5.1, ASCII, and Adobe Acrobat™ readable (\*.PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library ("TEL") in the "Business, Trade and Labor Mall" of the FedWorld bulletin board. By modem, dial 703/321-3339, and select the appropriate self-expanding file in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = <http://www.fedworld.gov>; FTP = <ftp.fedworld.gov> (192.239.92.205). Additional information concerning the programs of the Office of Foreign Assets

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**Notice**

On November 15, 1996, the Office of Foreign Assets Control ("OFAC") published an amendment to § 560.603 of the Iranian Transactions Regulations, 31 CFR Part 560 (the "Regulations"), which imposes reporting requirements on United States persons with foreign affiliates (See 61 FR 58480). Any report required to be submitted to OFAC pursuant to § 560.603 of the Iranian Transactions Regulations for the quarter ending December 31, 1996, or for the quarter ending March 31, 1997, may be filed up to but no later than May 30, 1997.

Issued: January 7, 1997.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: January 7, 1997.

James E. Johnson,

Assistant Secretary (Enforcement)

[FR Doc. 97-974 Filed 1-10-97; 12:08 pm]

BILLING CODE 4810-25-F

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 1, 2, 21, 22, 60, 61, 62, 147, 262, 272, 707, 763

[FRL-5674-2]

#### Technical Amendments to Revise Addresses

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The EPA is revising the address for its Region 5 office, and those of the environmental agencies of the States of Illinois, Michigan and Ohio in 40 CFR Parts, 1, 2, 21, 60, 61, 62, 147, 272, 707, and the appendices to 40 CFR Parts 22, 262, and 763 because of changes in office locations. This document does not change the substantive requirements of the standards.

**EFFECTIVE DATE:** This action becomes effective January 14, 1997.

**FOR FURTHER INFORMATION CONTACT:** John Gaitskill, United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604-3590, (312) 886-6795.