



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 260324-0089]

RIN 0648-BO34

Fisheries of the Northeastern United States; Framework Adjustment 40 to the Atlantic Sea Scallop Fishery Management Plan

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

ACTION: Interim final rule.

SUMMARY: NMFS approves and implements Framework Adjustment 40 to the Atlantic Sea Scallop Fishery Management Plan (FMP) that establishes specifications for fishing years 2026 and 2027, including days-at-sea, limited access general category allocations, and modified area designations to optimize yield and to protect juvenile scallops. This action is necessary to prevent overfishing and improve resource yield-per-recruit and management of the fishery.

DATES: Effective April 1, 2026. Comments must be received by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: The New England Fishery Management Council (Council) has prepared a supplemental information report (SIR) for this action that describes the measures in Framework 40. Copies of Framework 40, the SIR, and information on the economic impacts of this rulemaking are available upon request by mail from Dr. Cate O’Keefe, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950 and accessible via the internet at

<https://www.nefmc.org/library/scallop-framework-40>. These documents and a plain

language summary of this interim final rule are available at

<https://www.regulations.gov/docket/NOAA-NMFS-2025-1494>. You may submit comments on the interim final rule, identified by NOAA-NMFS-2025-1494, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2025-1494 in the Search box (note: copying and pasting the FDMS Docket Number directly from this document may not yield search results). Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Emily Keiley, Fishery Policy Analyst, 978-281-9116, email: emily.keiley@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The scallop fishery’s management unit ranges from the shorelines of Maine through North Carolina to the outer boundary of the Exclusive Economic Zone. The Atlantic Sea Scallop FMP, established in 1982, includes a number of amendments and framework adjustments that have revised and refined the fishery’s management. The Council recommends scallop fishery catch limits and other management measures

through specifications or framework adjustments that occur annually or biennially. Each year, the scallop resource is surveyed and area-specific estimates of scallop biomass are produced to support the dynamic management system. These surveys, resulting data, and analysis are critical to the development of science-driven allocations. The Council adopted Framework Adjustment 40 to the Atlantic Sea Scallop FMP on December 3, 2025. Council action on Framework 40 could not be taken until the December meeting because the data and scientific analysis required to support the action was not complete and available until the end of November 2025. The Council submitted the SIR to NMFS on February 4, 2026, for approval. To help ensure that Framework 40 is implemented as close as possible to April 1, 2026, the start of the fishing year, NMFS is implementing Framework 40 through this interim final rule and is also affording the public the opportunity to comment on this action by accepting public comment until [INSERT DATE 30 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER]. NMFS will review all of the comments received on this interim final rule. If substantive comments are received, and NMFS intends to make changes to the rule in response, NMFS will publish a final rule.

NMFS has approved all of the measures in Framework 40 recommended by the Council, as described below. This interim final rule implements Framework 40, which establishes (1) scallop specifications and other measures for fishing years 2026, including changes to the catch, effort, and quota allocations and adjustments to the rotational area management program, and (2) default specifications for fishing year 2027. The measures approved in this action will allow for increased scallop harvest relative to the default specifications set through Framework 39, while continuing to meet the conservation objectives of the FMP.

The default measures established in Framework 39 (90 FR 16644, April 21, 2025) would be effective if NMFS implements these measures after the start of the fishing year.

The default allocations for full-time limited access vessels and limited access general category vessels are significantly lower than the allocations in Framework 40.

Additionally, the default Northern Gulf of Maine (NGOM) set-aside is higher than the Framework 40 set-aside. If this action were delayed, the Framework 40 NGOM set-aside could be exceeded within a week, resulting in overharvest of the NGOM. Overharvest of the NGOM set-aside would not only negatively impact the scallop resource, it would also trigger a pound-for-pound payback in fishing year 2027, which would reduce fishing opportunities and have negative socioeconomic impacts on the scallop fleet. Given the size of the anticipated 2027 NGOM set-aside, the overage and resulting payback could eliminate the 2027 NGOM scallop fishing season.

To evaluate the economic impact of this rule, Framework 40 measures were compared to two baselines: default measures that would be effective if this rule were not implemented and status quo (table 1).

Table 1—Limited Access Baseline Conditions and Framework 40

	Status Quo	Default Measures	Framework 40
Days-at-Sea	24	18	36
Access Area	24,000 lb	0 lb	0 lb
Allocations			

Framework 40 is expected to have a positive social and economic impact on the scallop fishery compared to both the default measures that would go into effect if this action were not implemented and the status quo. This measure will expand access to the resource and is projected to result in a cost savings benefit of \$129 million compared to the default regulation that would go into effect in its absence. Compared to the status quo

a 31 percent increase (\$56 million) in net revenues is projected from implementing the Framework 40 measures.

Table 2--Net scallop revenue for Limited Access vessels in FY 2026 and percent change from the Status Quo (revenues in million 2024 dollars, landings in million lbs.).

	Status Quo	FY 2026 Default (FW 39)	IFR Provisions
Estimated scallop annual projected landings (APL) (before set-asides removed)	18.355	10.134	18.686
Estimated Limited Access scallop landings (94.5% net of set asides)	15.827	8.057	16.139
Average No. of Entities (2020-2024), both small and large	152	152	152
Estimated revenues for scallop APL	\$297.475	\$168.673	\$299.909
Estimated Limited Access scallop revenues	\$256.499	\$134.112	\$259.037
Estimated Net Revenue for scallop APL	\$207.060	\$133.126	\$272.055

Estimated Limited Access net scallop revenue	\$178.538	\$105.848	\$234.979
Net scallop revenue per Entity	\$1.364	\$0.877	\$1.792
Change in net revenue compared to Status Quo	0.00%	- 40.71%	31.61%

Source: Table 50, Framework 40 to the Atlantic Sea Scallop FMP SIR

The impacts of the measures in this IFR on the target species (Atlantic sea scallops) are also expected to be positive. The OFLs and ABCs for fishing years 2026 and 2027 (default) recommended by the Scientific and Statistical Committee (SSC) are summarized in Table 3. The 2026 and 2027 OFL and ABC values are based on the most updated survey information and model configurations. Although generally the existing and default fishing targets are set lower than the limits in this IFR, they are too liberal for the NGOM fishery; thus the IFR measures reduce the risk of overfishing and optimize overall yield from the fishery over the long term.

Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACL), Annual Catch Targets (ACT), Annual Projected Landings (APL) and Set-Asides for the 2026 Fishing Year and Default Specifications for Fishing Year 2027

The OFL is based on a fishing mortality rate (F) of 0.49, equivalent to the F threshold updated through the Northeast Fisheries Science Center's most recent scallop benchmark stock assessment that was completed in 2025 (NEFSC, 2025). The ABC and the equivalent total ACL for each fishing year are based on an F of 0.36, which is the F associated with a 25-percent probability of exceeding the OFL. The SSC recommended scallop fishery ABCs of 28.1 million pounds (lb; 12,757 metric tons (mt)) for 2026 and 31.3 million lb (14,206 mt) for the 2027 fishing year, after accounting for discards and

incidental mortality. In support of the development of the next framework adjustment, the SSC will reevaluate the best available scientific information and, if warranted by the science at that time, the SSC may recommend modifications to the ABC for the 2027 fishing year.

Table 3 outlines the scallop fishery catch limits. After deducting the incidental target total allowable catch (TAC), the research set-aside (RSA), and the observer set-aside, the remaining ACL available to the fishery is allocated according to the following fleet proportions established in amendment 11 to the Atlantic Sea Scallop FMP (72 FR 20090, April 14, 2008): 94.5 percent is allocated to the limited access scallop fleet (*i.e.*, the larger “trip boat” fleet); 5 percent is allocated to the limited access general category (LAGC) individual fishing quota (IFQ) fleet (*i.e.*, the smaller “day boat” fleet); and the remaining 0.5 percent is allocated to limited access scallop vessels that also have LAGC IFQ permits. Amendment 15 (76 FR 43746, July 21, 2011) specified that buffers to account for management uncertainty are not necessary in setting the LAGC ACLs (*i.e.*, the LAGC ACL is equal to the LAGC ACT). For the limited access fleet, the management uncertainty buffer is based on the F associated with a 75-percent probability of remaining below the F associated with ABC/ACL, which, using the updated Fs applied to the ABC/ACL, now results in an F of 0.29. Amendment 21 to the Atlantic Sea Scallop FMP (87 FR 1688, January 12, 2023) modified the ACL flowchart to account for the scallop biomass in the NGOM as part of the legal limits in the fishery by adding biomass from the area into calculations of the OFL and ABC. That action moved the accounting of the NGOM ACL from within the NGOM OFL only into the OFL and ABC/ACL for the entire fishery. In addition, Amendment 21 created the NGOM Set-Aside to support a directed LAGC fishery (including NGOM and LAGC IFQ permitted vessels) in the NGOM Management Area.

Table 3--Scallop Catch Limits (mt) for Fishing Years 2026 and 2027 for the Limited Access and LAGC IFQ Fleets

Catch limits	2026 (mt)	2027 (mt) ¹
OFL	19,645	21,741
ABC/ACL (discards removed)	12,757	14,206
Incidental Landings	23	23
RSA	578	578
Observer Set-Aside	128	142
NGOM Set-Aside	199	99
ACL for fishery	12,028	13,463
Limited Access ACL	11,367	12,722
LAGC Total ACL	661	740
LAGC IFQ ACL (5 percent of ACL)	601	673
Limited Access with LAGC IFQ ACL (0.5 percent of ACL)	60	67
Limited Access ACT	10,169	11,026
APL (after set-asides removed)	7,747	(1)
Limited Access APL (94.5 percent of APL)	7,321	(1)
Total IFQ Annual Allocation (5.5 percent of APL) ²	426	320
LAGC IFQ Annual Allocation (5 percent of APL) ²	387	290
Limited Access with LAGC IFQ Annual Allocation (0.5 percent of APL) ²	39	29

¹ The catch limits for the 2027 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2027 that will be based on the 2026 annual scallop surveys.

² As a precautionary measure, the 2027 IFQ and annual allocations are set at 75 percent of the 2026 IFQ Annual Allocations.

Research Set-Aside

This action deducts 1.275 million lb (578 mt) of scallops annually for 2026 and 2027 from the ABC for use as the Scallop RSA to fund scallop research. Vessels participating in Scallop RSA are compensated through the sale of scallops harvested under RSA projects. Of the 1.275 million-lb (578-mt) 2026 allocation, NMFS has already allocated 482,631 lb (218,918 kg) to previously-funded multi-year projects as part of the 2024 and 2025 RSA awards processes.

This action allows vessels participating in RSA projects to harvest RSA compensation from the open bottom. No access areas have been allocated for RSA compensation fishing (see explanation of access areas below).

Vessels are prohibited from fishing for RSA compensation in the NGOM, unless the vessel is fishing on an RSA compensation trip using NGOM RSA allocation that was awarded to an RSA project. Lastly, Framework 40 prohibits the harvest of RSA from any rotational area under default 2027 measures. Until a new framework measure is published prior to the 2027 fishing year, RSA compensation may only be harvested from open areas. The Council and NMFS will re-evaluate this default prohibition measure in the action that would set final 2027 specifications.

Observer Set-Aside

This action deducts one percent of the ABC for the industry-funded observer program to help defray the cost to scallop vessels that carry an observer. When a scallop vessel carries an observer, the vessel is allocated additional days-at-sea (DAS) or quota from the observer set-aside. This additional allocation is intended to help defray the out-of-pocket costs paid by the vessel for the observer coverage. The observer set-aside is 282,192 lb (128 mt) for 2026 and 313,056 lb (142 mt) for 2027. The Council may adjust the 2027 observer set-aside when it develops specific, non-default measures for 2027.

Open Area Days-at-Sea (DAS) Allocations

This action implements vessel-specific DAS allocations for each of the three limited access scallop DAS permit categories (*i.e.*, full-time, part-time, and occasional) for 2026 and 2027 (table 2). The 2026 DAS allocations are more than those allocated to the limited access fleet in 2025. Framework 40 sets 2027 DAS allocations at 75 percent of fishing year 2026 DAS allocations as a precautionary measure to avoid over-allocating DAS to the fleet in the event that the 2027 specifications action is delayed past the start

of the 2027 fishing year. The allocations in table 4 exclude any DAS deductions that are required if the limited access scallop fleet exceeds its 2025 sub-ACL.

Table 4--Scallop Open Area DAS Allocations for 2026 and default 2027

Permit Category	2026	2027 (Default)
Full-Time	36	27
Part-Time	14.4	10.8
Occasional	3	2.25

Changes to Fishing Year 2026 Sea Scallop Rotational Area Program – Access Areas

The formal access area rotational program was established in 2003 to promote optimal yield in the fishery. Under the rotation program, areas with large concentrations of fast-growing, small scallops are closed before the scallops are exposed to fishing. Scallops grow fastest when they are very small and protection of these small scallops through area closures is critical in the rotational management of the scallop resource. After a period of closure, and after evaluation according to the criteria and procedures established in the FMP, the areas can be re-opened for scallop fishing when the scallops are larger and more suitable for harvest. This process boosts scallop meat yield and yield per recruit. When the areas are open for access (*i.e.*, “access areas”), vessels are allocated a number of trips with corresponding trip limits that they may use in those dedicated access areas. Once the high concentrations of scallops in an access area have been fished down, the area may be closed if it appears that the resource will rebound in a few years after protecting any small scallops that may be there, or it could be converted back to an “open area.” where limited access vessels fish for scallops under DAS allocations and LAGC IFQ vessels can fish open area trip limits.

Framework 40 does not open any access areas for fishing year 2026 or identify any access areas that are anticipated to be opened in 2027. The 2025 scallop surveys suggest that there are no areas of high-density scallops that can support rotational fishing

in 2026 comparable to recent years (*i.e.*, access area allocations of 12,000 lb (5,443 kg) or more).

Changes to Fishing Year 2026 Sea Scallop Rotational Area Program – Closed Areas

Framework 40 maintains the closure of Nantucket Lightship-North and Nantucket Lightship-South (table 3) and closes Area II (table 4).

The continued closure of the Nantucket Lightship-North and Nantucket Lightship-South is anticipated to optimize growth of juvenile scallops on Georges Bank with the expectation of supporting scallop fishing in the future. Scallops in the Nantucket Lightship-South are in very high densities and are likely to recruit to the 4-inch ring by the 2027 fishing year. This recruitment event appears to extend up to the boundary with the Nantucket Lightship-North, and a continued closure is expected to help further protect these animals. The growth potential for these juveniles is high if they survive over the next several years. The continued closure of the Nantucket Lightship-North and Nantucket Lightship-South to scallop fishing is intended to support the growth of this cohort of scallops in the absence of fishing pressure.

The closure of Area II allows for the recovery of the area after 6 years of rotational fishing and protect moderate densities of small scallops in the Area II-Extension observed in the 2025 surveys.

Table 5--Nantucket Lightship Scallop Rotational Area

Point	Latitude	Longitude
NL1	40° 20.0' N	69° 30.0' W
NL2	40° 20.0' N	68° 48.0' W
NL3	40° 33.0' N	68° 48.0' W
NL4	40° 33.0' N	69° 00.0' W
NL5	40° 50.0' N	68° 60.0' W
NL6	40° 50.0' N	69° 30.0' W
NL1	40° 20.0' N	69° 30.0' W

Table 6—Area II

Point	Latitude	Longitude	Note
AII1	41°30' N	67°20' W	
AII2	41°30' N	(1)	(2)

AII3	40°40' N	(3)	(2)
AII4	40°40' N	67°20' W	

¹ The intersection of 41°30' N lat. and the U.S.-Canada Maritime Boundary, approximately 41°30' N lat., 66°34.73' W long.

² From Point AII2 connected to Point AII3 along the U.S.-Canada Maritime Boundary.

³ The intersection of 40°40' N lat. and the U.S.-Canada Maritime Boundary, approximately 40°40' N lat. and 65°52.61' W long.

Elephant Trunk Closure Converting to Open Area

Framework 40 opens the Elephant Trunk area, which was closed during the 2025 fishing year to allow growth of small scallops observed in the 2024 surveys. The area no longer meets the criteria for either closure or controlled access as defined in 50 CFR 648.55(a)(6). This area is becoming part of the open area and can be fished as part of the DAS program or on LAGC IFQ open area beginning on April 1, 2026.

Area I Rotational Area Converting to Open Area

Framework 40 will revert the Area I Rotational Area to the open area. This area was previously managed as part of the area rotation program; however, there is not enough biomass to support rotational access, nor was there enough recruitment seen in the 2025 annual survey to support keeping this area as part of the program. The area no longer meets the criteria for either closure or controlled access as defined in § 648.55(a)(6). This area will become part of the open area and could be fished as part of the DAS program or on LAGC IFQ open area trips after the 60-day carryover period, *i.e.*, after May 30, 2026.

LAGC Measures

1. ACL and IFQ Allocation for LAGC Vessels with IFQ-Only Permits.

This action implements a 1.325 million-lb (601-mt) ACL for 2026, and a 1.484 million-lb (673-mt) default ACL for 2027, for LAGC vessels with IFQ permits (see table 1). These sub-ACLs provide a ceiling on overall landings by the LAGC IFQ fleet. If the fleet were to exceed this ceiling, any overages would be deducted from the following year's sub-ACL. Framework Adjustment 28 to the FMP (82 FR 15155, March 27, 2017)

changed the way the LAGC IFQ allocations are set from a percentage of the ACL to a percentage of the APL. The purpose of this change was to help ensure that the allocation of potential catch between the fleets is more consistent with the concept of spatial management by allocating catch to the LAGC IFQ fleet based on harvestable scallops, all of which are in fishable areas, instead of total biomass, some of which is located in closed areas and unavailable for harvest. Since Framework 28 was implemented in 2017, the LAGC IFQ allocation has been equal to 5.5 percent of the projected landings (5 percent for LAGC IFQ vessels and 0.5 percent for LAGC IFQ vessels that also have a limited access scallop permit). The annual allocation to the LAGC IFQ-only fleet for fishing years 2026 and 2027 based on APL is 853,189 lb (387 mt) for 2026 and 639,341 lb (290 mt) for 2027 (see table 1). Each vessel's IFQ will be calculated from these allocations based on APL.

2. ACL and IFQ Allocation for Limited Access Scallop Vessels with IFQ Permits.

This action implements a 132,277-lb (60-mt) ACL for 2026 and a default 147,710-lb (67-mt) ACL for 2027 for limited access scallop vessels with IFQ permits (see table 1). These sub-ACLs provide a ceiling on overall landings by this fleet. If the fleet were to reach this ceiling, any overages would be deducted from the following year's sub-ACL. The annual allocation to limited access scallop vessels with IFQ permits is 85,980 lb (39 mt) for 2026 and 63,934 lb (29 mt) for 2027 (see table 1). Each vessel's IFQ will be calculated from these allocations based on APL. NMFS will notify IFQ permit holders of their Framework 40 IFQ allocations.

3. NGOM Scallop Fishery Landing Limits.

This action implements a total allowable landing limit (TAL) in the NGOM of 482,753 lb (218,973 kg) for fishing year 2026. This action deducts 25,000 lb (11,340 kg) of scallops annually for 2026 and 2027 from the NGOM TAL to increase the overall Scallop RSA to fund scallop research. In addition, this action deducts one percent of the

NGOM ABC from the NGOM TAL for fishing years 2026 and 2027 to support the industry-funded observer program to help defray the cost to scallop vessels that carry an observer (table 7).

Amendment 21 developed landing limits for all permit categories in the NGOM and established an 800,000-lb (362,874-kg) NGOM Set-Aside trigger for the NGOM directed fishery, with a sharing agreement for access by all permit categories for allocation above the trigger. Allocation above the trigger (*i.e.*, the NGOM APL) is split 5 percent for the NGOM fleet and 95 percent for limited access and LAGC IFQ fleets. Framework 40 sets a NGOM Set-Aside of 437,867 lb (198,613 kg) for fishing year 2026 and a default NGOM Set-Aside of 219,934 lb (99,760 kg) for fishing year 2027. Because the NGOM Set-Aside for fishing years 2026 and 2027 is below the 800,000-lb (362,874-kg) trigger, Framework 40 does not allocate any landings to the NGOM APL. Table 10 describes the breakdown of the NGOM TAL for the 2026 and 2027 (default) fishing years.

Table 7--NGOM Scallop Fishery Landing Limits for Fishing Year 2026 and 2027

Landings Limits	2026		2027 ⁽¹⁾	
	lb	kg	lb	kg
NGOM TAL	482,753	218,973		
1 percent NGOM ABC for Observers	19,886	9,020		
RSA Contribution	25,000	11,340	25,000	11,340
NGOM Set-Aside	437,867	198,613	219,934	99,760
NGOM APL	(²)	(²)	(²).	(²)

¹The catch limits for the 2027 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2027 that will be based on the 2026 annual scallop surveys.

²NGOM APL is set when the NGOM Set-Aside is above 800,000 lb (362,874 kg).

4. Scallop Incidental Landings Target TAL.

This action sets a 50,000-lb (22,680-kg) scallop incidental landings target TAL for each respective fishing year, 2026 and 2027, to account for mortality from vessels that catch scallops while fishing for other species and ensure that F targets are not exceeded.

The Council and NMFS may adjust this target TAC in a future action if vessels catch more scallops under the incidental target TAC than predicted.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the NMFS Assistant Administrator has determined that this interim final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act and other applicable law.

Executive Order 12866

This interim final rule has been determined to be economically significant under Executive Order 12866.

Executive Order 14192

This interim final rule is a routine fishing action exempt from E.O. 14192.

Executive Order 13175

NMFS has determined that this action would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes; therefore, consultation with Tribal officials under E.O. 13175 is not required, and the requirements of sections (5)(b) and (5)(c) of E.O. 13175 also do not apply. A Tribal summary impact statement under section (5)(b)(2)(B) and section (5)(c)(2) of E.O. 13175 is not required and has not been prepared.

Administrative Procedure Act

The Assistant Administrator for Fisheries has determined under 5 U.S.C. 553(b) that it is contrary to the public interest to provide for prior notice for this action. It is necessary to implement the measures of this rule in an expedited manner to achieve conservation objectives for the scallop fishery. Similarly, the need to implement these measures in a timely manner constitutes good cause, under authority contained in 5

U.S.C. 553(d)(3), to waive the 30-day delay in the date of effectiveness and to make Framework 40 measures effective as soon as possible.

Need for the Rule

Without this rule, on April 1, 2026, the default specifications would be effective for the scallop fishery. The default specifications were previously approved in Framework 39. At the time Framework 39 and its 2026 default specifications were developed, NMFS did not have the survey and assessment information that is now available, and the default specifications do not appropriately allocate scallop effort relative to updated scientific information. Based upon the current best available science, the default regulations are too restrictive for the limited access and LAGC fleets and too liberal for the NGOM fishery. If this rule were delayed and default specifications were put into place, both of these scenarios would have negative impacts on the resource and fishery.

Limited Access and Limited Access General Category Fisheries

Because most of the default specifications are more conservative than those that would be implemented in Framework 40, delaying the implementation of this action to allow prior notice and opportunity for public comment or a 30-day delay in effective date would be contrary to the public interest because it would cause the scallop fleet to lose the positive economic benefits of immediate implementation and could also negatively impact the area rotation program by delaying fishing in areas where scallops are more abundant. There is good cause to immediately implement the rule rather than delay the effective date by 30-days because this action provides full-time limited access vessels with an additional 18 DAS (36 DAS total), and LAGC IFQ vessels will receive an additional 89-mt (426-mt total) of allocation. Framework 40 will also open the Elephant Trunk area and convert Area I to open bottom. Opening both of these areas provides more access and opportunity for the scallop fleet to fish in areas of higher scallop

densities; increased access area flexibility is critical to supporting the scallop industry. Framework 40 could not have been put into place sooner to allow for a 30-day delayed effectiveness because the information and data necessary for the Council to develop the framework were not available in time for this action to be forwarded to NMFS and implemented by April 1, 2026, the beginning of the scallop fishing year. Additionally, because this rule relieves restrictions by increasing these allocations, it is not subject to the 30-day delayed effectiveness provision of the APA pursuant to 5 U.S.C. 553(d)(1).

Northern Gulf of Maine

The 2026 NGOM set-aside implemented by this action is 437,867 lb (198,613 kg), which is lower than the default 2026 NGOM set-aside by 69,196 lb (31,387 kg). If there were a delay in the implementation of this rule, beyond April 1, 2026, there is a high likelihood that the 2026 NGOM set-aside established in Framework 40 would be exceeded within a week of the start of the scallop fishing year. Not only would this result in localized overharvest of the NGOM scallop fishery, it would also have negative socio-economic impacts on the scallop fishery. An overage of the NGOM set-aside would trigger the accountability measure and require a pound-for-pound pay back as soon as practicable, likely in the 2027 fishing year. The overage payback would result in a significantly lower 2027 NGOM set-aside and diminished opportunity for the scallop fleet in 2027, possibly eliminating scallop fishing in the area in 2027 altogether. Recent biomass trends suggest the 2027 NGOM set-aside could be lower than previous years, exacerbating the effect of any accountability measure. Delaying the implementation of this action to allow prior notice and opportunity for public comment or a 30-day delay in effective date would be contrary to the public interest because it would cause the scallop fleet to lose the future economic benefits and could also negatively impact the scallop resource in the NGOM.

Regulatory Flexibility Act

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Paperwork Reduction Act

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 24, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 648 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.*

Subpart D—Management Measures for the Atlantic Sea Scallop Fishery

2. In § 648.53, revise paragraphs (a)(9), (b)(3), (c)(1), and (c)(2) to read as follows:

§ 648.53 Overfishing limit (OFL), acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), annual projected landings (APL), DAS

allocations, and individual fishing quotas (IFQ).

(a) * * *

(9) *Scallop fishery catch limits.* The following catch limits will be effective for the 2026 and 2027 fishing years:

Table 1 to Paragraph (a)(9) - Scallop Fishery Catch Limits

Catch limits	2026 (mt)	2027 (mt) ¹
OFL	19,645	21,741
ABC/ACL (discards removed)	12,757	14,206
Incidental Landings	23	23
RSA	578	578
Observer Set-Aside	128	142
NGOM Set-Aside	199	99
ACL for fishery	12,028	13,463
Limited Access ACL	11,367	12,722
LAGC Total ACL	661	740
LAGC IFQ ACL (5 percent of ACL)	601	673
Limited Access with LAGC IFQ ACL (0.5 percent of ACL)	60	67
Limited Access ACT	10,169	11,026
APL (after set-asides removed)	7,747	(¹)
Limited Access APL (94.5 percent of APL)	7,321	(¹)
Total IFQ Annual Allocation (5.5 percent of APL) ²	426	320
LAGC IFQ Annual Allocation (5 percent of APL) ²	387	290
Limited Access with LAGC IFQ Annual Allocation (0.5 percent of APL) ²	39	29

¹ The catch limits for the 2027 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2027 that will be based on the 2026 annual scallop surveys. The 2027 default allocations for the limited access component are defined for DAS in paragraph (b)(3) of this section and for access areas in § 648.59(b)(3)(i)(B).

² As specified in paragraph (a)(6)(iii)(B) of this section, the 2027 IFQ annual allocations are set at 75 percent of the 2026 IFQ Annual Allocations.

(b) * * *

(3) *DAS allocations.* The DAS allocations for limited access scallop vessels for fishing years 2026 and 2027 are as follows:

Table 2 to Paragraph (b)(3) - Scallop Open Area DAS Allocations

Permit category	2026	2027¹
Full-Time	36	27
Part-Time	14.4	10.8
Occasional	3	2.25

¹ The DAS allocations for the 2027 fishing year are subject to change through a future specifications action or framework adjustment. The 2027 DAS allocations are set at 75 percent of the 2026 allocation as a precautionary measure.

* * * * *

(c) * * *

(1) *Limited access AM exception.* If NMFS determines that the fishing mortality rate associated with the limited access fleet's landings in a fishing year is less than 0.29, the AM specified in paragraph (c) of this section shall not take effect. The fishing mortality rate of 0.29 is the fishing mortality rate that is one standard deviation below the fishing mortality rate for the scallop fishery ACL, currently estimated at 0.36.

(2) *Limited access fleet AM and exception provision timing.* The Regional Administrator shall determine whether the limited access fleet exceeded its sub-ACL, defined in paragraph (a)(5) of this section, by July of the fishing year following the year for which landings are being evaluated. On or about July 1, the Regional Administrator shall notify the New England Fishery Management Council of the determination of whether or not the sub-ACL for the limited access fleet was exceeded, and the number of landings in excess of the sub-ACL. Upon this notification, the Scallop Plan Development Team (PDT) shall evaluate the overage and determine if the fishing mortality rate associated with total landings by the limited access scallop fleet is less than 0.29. On or about September 1 of each year, the Scallop PDT shall notify the Council of its determination, and the Council, on or about September 30, shall make a recommendation, based on the Scallop PDT findings, concerning whether to invoke the limited access AM exception. If NMFS concurs with the Scallop PDT's recommendation to invoke the limited access AM exception, in accordance with the Administrative Procedure Act (APA), the limited access AM shall not be implemented. If NMFS does not concur, in

accordance with the APA, the limited access AM shall be implemented as soon as possible after September 30 each year.

* * * * *

3. Amend § 648.59 by

a. Removing and reserving paragraph (a)(2)(i) and;

b. Revising paragraphs (b)(3)(i)(B), (c), (e), and (g)(3)(v);

The revisions read as follows:

§ 648.59 Sea Scallop Rotational Area Management Program and Access Area

Program requirements.

(b) * * *

(3) * * *

(i) * * *

(B) There are no scallop rotational areas available for continuous transit for the 2026 and 2027 fishing years.

* * * * *

(c) *Scallop Access Area scallop allocation carryover.* With the exception of vessels that held a Confirmation of Permit History as described in § 648.4(a)(2)(i)(J) for the entire fishing year preceding the carry-over year, a limited access scallop vessel may fish any unharvested Scallop Access Area allocation from a given fishing year within the first 60 days the access area is open in the subsequent fishing year, unless otherwise specified in this section. However, the vessel may not exceed the Scallop Rotational Area trip possession limit. For example, if a full-time vessel has 7,000 lb (3,175 kg) remaining in the Area II Access Area at the end of fishing year 2025, that vessel may harvest those 7,000 lb (3,175 kg) during the first 60 days that the Area II Access Area is open in fishing year 2026. Area II will be open for carry-over fishing from May 15, 2026, through July 13, 2026. Area I will be open for carry-over fishing from April 1, 2026, through May 30,

2026.

* * * * *

(e) *Sea Scallop Research Set-Aside Harvest in Scallop Access Areas.* Unless otherwise specified, RSA may be harvested in any access area that is open in a given fishing year, as specified through a specifications action or framework adjustment and pursuant to § 648.56. The amount of scallops that can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2026 and 2027 are:

(1) 2026. No access areas.

(2) 2027. No access areas.

* * * * *

(g) * * *

(3) * * *

(v) *LAGC IFQ access area allocations.* There are no LAGC IFQ access area trip allocations for the 2026 and 2027 fishing years.

* * * * *

4. Amend § 648.60 by:

a. Removing and reserving paragraphs (a) and (b);

b. Redesignating table 3 to paragraph (g)(1) as table 1 to paragraph (g)(1)

c. Revising paragraph (h);

The revision read as follows:

§ 648.60 Sea Scallop Rotational Areas.

* * * * *

(h) *Area II Scallop Rotational Area boundary.* The Area II Scallop Rotational Area is defined by straight lines connecting the following points in the order stated

(copies of a chart depicting this area are available from the Regional Administrator upon request):

Table 2 to Paragraph (h)

Point	N latitude	W longitude	Note
AII1	41°30'	67°20'	
AII2	41°30'	(a)	(b)
AII3	40°40'	(c)	(b)
AII4	40°40'	67°20'	
AII1	41°30'	67°20'	
^a The intersection of lat. 41°30' N and the United States-Canada Maritime Boundary, approximately lat. 41°30' N, long. 66°34.73' W.			
^b From Point AII2 connected to Point AII3 along the United States-Canada Maritime Boundary.			
^c The intersection of lat. 40°40' N and the United States-Canada Maritime Boundary, approximately lat. 40°40' N and long. 65°52.61' W.			

* * * * *

5. Amend § 648.62 by:

- a. Revising paragraph (b)(1); and
- b. Removing paragraph (e).

The revision read as follows:

§ 648.62 Northern Gulf of Maine (NGOM) Management Program.

(b) * * *

(1) The following landings limits will be effective for the NGOM for the 2026 and 2027 fishing years.

Table 1 to Paragraph (b)(1)

Landings Limits	2026	2027 ^(a)
NGOM TAL	482,753	
1 percent NGOM ABC for Observers	19,886	
RSA Contribution	25,000	25,000
NGOM Set-Aside	437,867	219,934
NGOM APL	(^b)	(^b).

^a The landings limits for the 2027 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2027 that will be based on the 2026 annual scallop surveys.

^b NGOM APL is set when the NGOM Set-Aside is above 800,000 lb (362,874 kg).

* * * * *

[FR Doc. 2026-05990 Filed: 3/26/2026 8:45 am; Publication Date: 3/27/2026]