AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Vol.42—No.49
3-14-77

PAGES
13801–14080

federal register

MONDAY, MARCH 14, 1977

highlights

PART I:

IMPORTS OF CANNED MUSHROOMS
Presidential memorandum 13801

EXCISE TAX
Treasury/IRS proposes special provisions related to manufacturers and retailers, hearing 4–22–77 13840

MANNING OF VESSELS
DOT/CG proposes to permit ocean operators to serve as pilots on certain vessels, and clarifies responsibilities and number of hours to perform duties; comments by 4–28–77 13844

PESTICIDE PROGRAMS
EPA proposes exemptions from requirement of a tolerance for certain inert ingredients in pesticide formulations; comments by 4–13–77 13842

GENERAL PRETREATMENT REGULATIONS
EPA proposes mechanisms for controlling waste into publicly owned treatment works, hearings 4–7, 4–14, 4–19 and 4–21–77 13843

URANIUM FUEL CYCLE
NRC revises environmental impact values for nuclear waste management and nuclear fuel reprocessing portions; effective 3–14–77 13803

PLUTONIUM–238 POWERED CARDIAC PACEMAKERS
NRC proposes establishment of general license for routine use, and requirements for distribution under specific license (2 documents); comments by 5–13–77 .... 13834, 13837

URANIUM MILLING
NRC proposes scope and outline for generic environmental impact statement; comments by 4–13–77 13874

GOVERNMENT IN SUNSHINE
Indian Claims Commission provides for opening meetings and prohibits *ex parte* communications, effective 3–12–77 13283
PRC proposes to establish a service list for distributing copies of public announcements of commission meetings 13841
EEOC implements Act; effective 3–14–77 13830

FISHERY MANAGEMENT PLANS
Commerce/NOAA publishes report by Secretary of Commerce to Congress and the President 13997

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Mar. 12, 1977

USDA/AMS—Exparte communications; additional restrictions on departmental personnel..... 10833; 2–24–77
FCSC—Privacy Act and Government in the Sunshine..... 11010; 2–25–77
FRS—Government in the Sunshine Act; implementation..... 9386; 2–16–77, 10681; 2–23–77
Treasury—Records disclosure; information made available..... 9382; 2–16–77

Rules Going Into Effect Today

DOT/NHTSA—New pneumatic tires for passenger cars..... 9022; 2–14–77
HEW/FDA—Timed release dosage form drugs for veterinary use.. 8635; 2–11–77
Justice/DEA—Dextropropoxyphene; placement in list of controlled substances. 8636; 2–11–77
ICC—Branch line accounting system for railroad companies..... 8380; 2–10–77
DOT/CG—Copper and copper alloys with caustic soda and caustic potash cargoes on unmanned barges..... 8377; 2–10–77
FAA—Airworthiness directive; Beech. 8362; 2–10–77
Drawbridge operations, Black River and Cheboygan River, Mich. (2 documents)..... 8373, 8374; 2–10–77
FCC—FM table of assignments; Monterey, Calif..... 7955; 2–8–77
FM broadcast stations in Beatrice, Falls City and Pawnee City, Nebr..... 6816; 2–4–77

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register
Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	**202**–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

COOPERATIVE EDUCATION PROGRAMS
HEW/OE announces closing date of 4–26–77 for applications for training and research project grants **13866**

TRANSPORTATION FOR ELDERLY AND HANDICAPPED
DOT/UMTA amends procurement requirements for transit buses; effective 3–8–77 ..... **13816**

LEASE ACCOUNTING AND DISCLOSURE
SEC proposes new requirements and modifications; comments by 5–31–77 ..... **13838**

EMERGENCY NATURAL GAS ACT
FPC issues emergency orders (3 documents) **13864, 13865**

ANTIRECESSION FISCAL ASSISTANCE PAYMENTS
Treasury/RSO extends filing date for statement of assurances to 6–1–77 ..... **13892**

METAL AND NONMETAL HEALTH AND SAFETY
Interior/Mesa extends comment period to 4–28–77 on health and safety definitions and mandatory standards not designated "MNMSAC" **13840**

MEETINGS—
Advisory Council on Historic Preservation; 3–24–77 ..... **13845**
Commerce/NOAA: Fishery Management Councils:
Gulf of Mexico; Scientific and Statistical Committee; 4–5 thru 4–8–77 ..... **13859**
Mid-Atlantic; 4–13 thru 4–14–77 ..... **13859**
New England; 4–13 thru 4–14–77 ..... **13860**
DOD: Armed Forces Epidemiological Board; 4–1–77 ..... **13860**
AF: Air University Board of Visitors, 3–15–77 ..... **13860**
FRS: Board of Governors, 3–16–77 ..... **13865**
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 3–29 thru 4–1–77 ..... **13866**
ITC: Government in the Sunshine, 3–14–77 ..... **13867**
NFAH: Federal Graphics Evaluation Advisory Panel; 4–6–77 ..... **13868**
Music Advisory Panel; 3–29 thru 3–30–77 ..... **13868**
Theatre Advisory Panel; 4–1 thru 4–3–77 ..... **13868**
Visual Arts Advisory Panel (2 documents), 3–28 thru 3–30–77 and 4–5–77 ..... **13869**
National Transportation Policy Study Commission: 3–29–77 ..... **13870**
NRC: Meetings for week of 3–14–77 ..... **13889**
NSF: Science Applications Task Force; 3–30 thru 3–31–77 ..... **13870**
Science Education Projects Advisory Panel, Precollege Teacher Development in Science Program Sub-Panel; 3–31 thru 4–2–77 ..... **13869**
Science Education Projects Advisory Panel, Instructional Scientific Equipment Program Subpanel, 3–30 thru 4–2–77 ..... **13869**
SBA: Boise District Advisory Council, 4–4–77 ..... **13890**
State: Music Advisory Panel, 4–12 thru 4–13–77 ..... **13876**
Shipping Coordinating Committee, Safety of Life at Sea Subcommittee; 4–21–77 ..... **13876**

PART II:

FISHERY CONSERVATION AND MANAGEMENT ACT
State publishes applications for permits from Japan **13925**

PART III:

FISHERY MANAGEMENT AND CONSERVATION
Commerce/NOAA implements emergency Atlantic Groundfish Plan; effective 3–15–77 ..... **13997**

contents

THE PRESIDENT

Memorandums
Mushrooms, canned; imports--- 13801

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules
Oranges (navel) grown in Ariz. and Calif.; correction--------- 13803

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Soil Conservation Service.

AIR FORCE DEPARTMENT

Notices
Meetings:
Air University Board of Visitors; correction ---------- 13860

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices
Seal of Treasury Department; authority to affix---------- 13891

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices
Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
Goodpasture, Inc---------- 13867

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices
Meetings:
Federal Graphics Evaluation Advisory Panel---------- 13868
Music Advisory Panel---------- 13868
Theater Advisory Panel--------- 13868
Visual Arts Advisory Panel (2 documents) ---------- 13869

COAST GUARD

Proposed Rules
Navigation areas, regulated:
Kittery, Maine---------- 13841
Vessels, manning; ocean operators ---------- 13844

COMMERCE DEPARTMENT

See Domestic and International Business Administration; Economic Development Administration; National Oceanic and Atmospheric Administration.

DEFENSE DEPARTMENT

See also Air Force Department.

Notices
Meetings:
Armed Forces Epidemiological Board; Health Maintenance Systems Subcommittee------ 13860

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices
Scientific articles; duty free entry:
Bucknell University and Geisinger Medical Center---------- 13845
Duke University---------- 13846
Smithsonian Institution------- 13846
University of California------- 13847
University of Chicago--------- 13848
University of Indiana---------- 13846
University of Richmond, et al-- 13848

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices
Footwear industry, adjustment assistance relief prospects----- 13848

EDUCATION OFFICE

Notices
Applications and proposals, closing dates:
Cooperative Education programs ---------- 13866

ENVIRONMENTAL PROTECTION AGENCY

Rules
Air quality implementation plans; various States, etc.:
New Jersey---------- 13826

Proposed Rules
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Bacillus thuringiensis, Berliner- 13841
Inert ingredients in pesticide formulations ---------- 13842
Water pollution control:
Pretreatment standards for existing and new sources; hearings ---------- 13843

Notices
Pesticide programs; Federal Insecticide, Fungicide, and Rodenticide Act:
Certification, commercial and private applicators; State plans, submission and approval ---------- 13861
Experimental use permits (2 documents ---------- 13860, 13861
Water pollution control; discharge of pollutants:
Minnesota and Wisconsin; extension of comment period; correction ---------- 13861

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rules
Sunshine Act; implementation-- 13830

FEDERAL AVIATION ADMINISTRATION

Rules
Airworthiness directives:
McDonnell Douglas---------- 13818
Transition areas (3 documents)-- 13819

Proposed Rules
Airworthiness directives:
Beech ---------- 13837
VOR Federal airways---------- 13838

Notices
Committees; establishment, renewals, etc.:
Visual Aids to Approach and Landing Advisory Committee- 13888

FEDERAL MARITIME COMMISSION

Notices
Agreements filed, etc.:
Japanese and U.S. West Coast ports; supplemental order--- 13861

FEDERAL POWER COMMISSION

Notices
Emergency natural gas orders (4 documents) ---------- 13864, 13865
Small producer certificates; applications ---------- 13865
Hearings, etc.:
El Paso Alaska Co. et al------- 13863

FEDERAL RAILROAD ADMINISTRATION

Notices
Loan guarantee applications:
Chicago & North Western Transportation Co---------- 13888

FEDERAL RESERVE SYSTEM

Notices
Meeting ---------- 13865
Applications, etc.:
First City Bancorporation of Texas, Inc---------- 13865
Ramapo Financial Corp------- 13866

FEDERAL TRADE COMMISSION

Rules
Procedures and practice rules:
Freedom of information appeals, authority of General Counsel- 13820
Prohibited trade practices:
Kraftco Corp. et al.; correction- 13820

Notices
Meeting ---------- 13866

FISH AND WILDLIFE SERVICE

Rules
Fishing:
Lacreek National Wildlife Refuge, S. Dak---------- 13829
Tamarac National Wildlife Refuge, Minn---------- 13829

GENERAL SERVICES ADMINISTRATION

Rules
Property management:
Specifications and standards, Federal ---------- 13828

Federal Election Commission
Meeting 13866

Notices

Meetings:
Architectural and Engineering Services Regional Public Advisory Panel ... 13866

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office.

HISTORIC PRESERVATION ADVISORY COUNCIL

Notices

Meeting ... 13845

INDIAN AFFAIRS BUREAU

Rules

Electric power systems, operation and maintenance charges:
San Carlos, Ariz ... 13821

INDIAN CLAIMS COMMISSION

Rules

Sunshine Act; implementation ... 13823

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Mining Enforcement and Safety Administration.

Rules

Property management:
Nomenclature changes; correction ... 13829

INTERNAL REVENUE SERVICE

Rules

Income taxes:
Foreign corporations; annual accounting period change; correction ... 13826

Proposed Rules

Excise taxes:
Manufacturers and retailers; special provisions, etc.; hearing ... 13840

Notices

Tax Reform Act of 1976; written determinations subject to pending litigation ... 13891

INTERNATIONAL TRADE COMMISSION

Notices

Meeting:
Government in the Sunshine ... 13867

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
Boxcars; substitution of refrigerator cars ... 13818

Notices

Abandonment of railroad services, etc.:
Bangor and Aroostook Railroad Co. ... 13892
Buffalo, Rochester and Pittsburgh Railway Co ... 13893
Burlington Northern Inc ... 13893
Chicago and North Western Transportation Co ... 13893
Chicago, Milwaukee, St. Paul and Pacific Railroad Co ... 13893
Duluth, Missabe and Iron Range Railway Co ... 13893
Fort Worth and Denver Railway Co. ... 13894
Louisville and Nashville Railroad Co ... 13894
Norfolk and Western Railway Co. (2 documents) ... 13894, 13895
Norfolk Southern Railway Co ... 13895
Oregon-Washington Railroad and Navigation Co ... 13899
Seaboard Coast Line Railroad Co. ... 13895
Soo Line Railroad Co ... 13895
Southern Pacific Transportation Co. (7 documents) ... 13896, 13899, 13900
Texas and Pacific Railway Co ... 13897
Union Pacific Railroad Co. (2 documents) ... 13897
Wellsville, Addison and Caleton Railroad Corp ... 13898
Yakima Valley Transportation Co. ... 13898
Fourth section applications for relief ... 13894
Hearing assignments ... 13892
Motor carriers:
Transfer proceedings ... 13898
Waste products for reuse; transportation ... 13897

JUSTICE DEPARTMENT

See Antitrust Division.

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ... 13876
Privacy Act; systems of records ... 13877

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Proposed Rules

Coal mine health and safety:
Standards revised; extension of comment period ... 13840

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Fuel economy, nonpassenger cars; average standards, 1979 model year ... 13807

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Fishery management plans:
Atlantic groundfish ... 13997

Notices

Fishery management plans and conservation activities; annual report of Secretary of Commerce ... 13849
Meetings:
Gulf of Mexico Fishery Management Council ... 13859
Mid-Atlantic Fishery Management Council ... 13859
New England Fishery Management Council ... 13860

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Science Applications Task Force ... 13870
Science Education Projects Advisory Panel Subpanels (2 documents) ... 13869

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

Notices

Meeting ... 13870

NUCLEAR REGULATORY COMMISSION

Rules

Environmental protection; licensing and regulatory policy and procedures; uranium fuel cycle impacts ... 13803

Proposed Rules

Exemptions and continued regulatory authority in agreement States:
Cardiac pacemakers, plutonium-238 powered ... 13834
Nuclear material, special:
Cardiac pacemakers; routine use of plutonium-238; general license ... 13837

Notices

Environmental statements; availability, etc.:
Uranium milling ... 13874
Regulatory guides; issuance and availability ... 13873
Applications, etc.:
Meetings ... 13889
Carolina Power and Light Co ... 13870
Connecticut Yankee Atomic Power Co. (2 documents) ... 13871
Duke Power Co ... 13871
Georgia Power Co ... 13872
Metropolitan Edison Co ... 13872
Nebraska Public Power District ... 13872
New York Public Interest Research Group, Inc ... 13889
Portland General Electric Co. et al ... 13873
Tennessee Valley Authority (2 documents) ... 13873, 13874
Wisconsin Public Service Corp. et al ... 13875

POSTAL RATE COMMISSION

Rules

Practice rules:
Post offices, determinations to close or consolidate; appeals procedures; correction ... 13826

Proposed Rules

Practice rules; Sunshine Act implementation ... 13841

Notices

Mail classification schedule; redesignation of presiding officer ... 13877

REVENUE SHARING OFFICE

Notices

Antirecession fiscal assistance:
Payments; assurances statement filing deadlines ... 13892

SECURITIES AND EXCHANGE COMMISSION

Rules

Interpretative releases:
Accounting bulletins, staff ... 13821

Proposed Rules

Securities Exchange Act:
Lease disclosure requirements... 13838

Notices

Regulatory responsibilities; program for allocation... 13878
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc.. 13878
Midwest Stock Exchange, Inc... 13882
Pacific Stock Exchange, Inc.... 13885
Hearings, etc.:
Alabama Power Co... 13877
John Hancock Investors, Inc. and John Hancock Mutual Life Insurance Co... 13879
Massachusetts Mutual Life Insurance Co. and Massmutual Income Investors, Inc... 13880
Midwest Clearing Corp. and Midwest Securities Trust Co. 13882
New England Electric System, et al... 13883
Ohio Edison Co. and Pennsylvania Power Co... 13884
Options Clearing Corp... 13885
Southern Co. et al... 13885
West Texas Utilities Co... 13886

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
Greater New Orleans Small Business Investment Co... 13890
Tamco Investors, Inc... 13890
Disaster areas:
Arizona... 13890
Meetings, advisory councils:
Boise District... 13890

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Mill Creek, Ill... 13845

STATE DEPARTMENT

Notices

Fishing permits, applications:
Japan... 13925
Meetings:
Music Advisory Panel... 13876
Shipping Coordinating Committee... 13876

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Urban Mass Transportation Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service; Revenue Sharing Office.

Notices

Antidumping:
Plastic tape, pressure sensitive; from West Germany; correction... 13892

URBAN MASS TRANSPORTATION ADMINISTRATION

Rules

Elderly and handicapped, transportation services for; transit bus requirements... 13816

VETERANS ADMINISTRATION

Rules

Procurement:
Contracting officers designation.. 13827

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

MEMORANDUMS:
March 10, 1977... 13801

7 CFR

907... 13803

10 CFR

51... 13803

PROPOSED RULES:
70... 13834
150... 13837

14 CFR

39... 13818
71 (3 documents)... 13819

PROPOSED RULES:
39... 13837
71... 13838

16 CFR

4... 13820
13... 13820

17 CFR

211... 13821

PROPOSED RULES:
210... 13838
211... 13838

25 CFR

233... 13821
504... 13823

26 CFR

1... 13826

PROPOSED RULES:
48... 13840

29 CFR

1612... 13840

30 CFR

PROPOSED RULES:
55... 13840
56... 13840
57... 13840

33 CFR

PROPOSED RULES:
128... 13841

39 CFR

3001... 13826

PROPOSED RULES:
3001... 13841

40 CFR

52... 13826

PROPOSED RULES:
180 (2 documents)... 13841, 13842
403... 13843

41 CFR

8-1... 13827
101-29... 13828
Ch. 114... 13829

46 CFR

PROPOSED RULES:
157... 13844
176... 13844
186... 13844

49 CFR

533 (2 documents)... 13807
609... 13816
1033... 13818

50 CFR

33 (2 documents)... 13829
651... 13998

CUMULATIVE LIST OF PARTS AFFECTED DURING MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR

Checklist 11807

3 CFR

PROCLAMATIONS:

4489 11805
4490 13265

EXECUTIVE ORDERS:

11808 (Revoked by EO 11975) 13267
11975 13267

MEMORANDUMS:

March 10, 1977 13801

5 CFR

213 13533
295 13009
713 11807

7 CFR

68 12033
102 12143
225 11811
301 13533
622 12035
731 13534
907 ..... 12144, 13011, 13269, 13803
910 ..... 12036, 12411, 13012, 13534
959 12411
1002 11822
1030 13103
1488 13535
1901 12145
1955 13535
1980 ..... 12036, 12145

PROPOSED RULES:

29 12881
52 12058
908 12888
918 13557
932 12063
991 13301
1011 12184
1071 13024
1073 13024
1097 13024
1102 13024
1104 13024
1106 13024
1108 13024
1120 13024
1126 13024
1132 13024
1138 13024
1488 13561
1701 ..... 13024, 13025
1804 11841
1901 13116

8 CFR

240 12412

9 CFR

78 ..... 12413, 13536
82 ..... 11824, 13012, 13536
112 11824
312 11825
322 11825
331 ..... 12177, 12415, 13013
381 ..... 12177, 12415, 12416, 13013, 13269, 13537

9 CFR—Continued

PROPOSED RULES:

325 12435

10 CFR

9 12875
51 13803
212 13013
604 12161

FEA RULINGS:

1977-4 12161

PROPOSED RULES:

35 12185
51 12186
70 13834
150 13837
211 ..... 11842, 12187, 13116
212 ..... 12066, 13116

11 CFR

2 13202
3 13202

12 CFR

204 13296
217 13296
226 ..... 12851, 13103, 13296
261b 13297
271 13299
281 13300
335 13104
407 12417
505b 13107
604 12161
720 13015

PROPOSED RULES:

329 12188
545 13301
614 12189
619 12189

13 CFR

107 12037
112 13537
306 ..... 12037, 12419
315 12419

PROPOSED RULES:

107 13561
108 11842
121 12435

14 CFR

36 12360
39 ..... 12163, 12166, 12167, 13270, 13271, 13818
71 ..... 12167, 13272, 13273, 13819
73 ..... 11826, 12168, 13273
97 ..... 12168, 13273
221 12420
221a 12169, 13016
241 11826
385 13016
1201 12169

PROPOSED RULES:

39 ..... 12190, 13302, 13837
71 ..... 12190, 13302–13304, 13838
73 ..... 13304, 13305

14 CFR—Continued

75 12191
221 11843
292 12191
378a 12066

15 CFR

371 12852
376 12852

16 CFR

0 13540
Ch. I 12171
2 13540
3 13540
4 ..... 13540, 13820
13 ..... 12038, 12041, 13109, 13820
14 13541

PROPOSED RULES:

1301 12889

17 CFR

1 12375
10 13700
12 13701
17 12375
147 13704
211 13821
230 12880
239 12349
240 ..... 11829, 12171, 12342, 12422, 13109
249 ..... 11829, 12353, 12422

PROPOSED RULES:

4 13121
210 ..... 13122, 13838
211 13838
240 ..... 11844, 12191, 12355, 13122
270 12436

18 CFR

295 ..... 12172, 12423, 13110
415 13541
420 13544

PROPOSED RULES:

2 12072
3 12072
33 12072
34 12072
35 12072
101 12072
104 12072
125 12072
131 12072
141 12072
154 12072
201 12072
204 12072
270 13561
260 12072

19 CFR

159 13016
210 13110

21 CFR

2 12423
8 12423–12426
9 ..... 12423, 12424, 12426
121 13546

21 CFR—Continued

207 ... 13017
210 ... 12426
225 ... 12426
510 ... 13548
520 ... 13018, 13549
522 ... 13549
558 ... 13548, 13550
561 ... 12427

PROPOSED RULES:

2 ... 12436
121 ... 13562
561 ... 11850
606 ... 12441
640 ... 12441
808 ... 12442
820 ... 11998
1020 ... 12441
1309 ... 12889

22 CFR

708 ... 13110

24 CFR

35 ... 13112
58 ... 13206
207 ... 13112
213 ... 13112
221 ... 13112
231 ... 13112
570 ... 13206
880 ... 12980
881 ... 12981
883 ... 12982
1914 ... 12382

PROPOSED RULES:

16 ... 13123
2205 ... 13442

25 CFR

221 ... 11830
233 ... 13821
504 ... 13823

PROPOSED RULES:

43n ... 13123

26 CFR

1 ... 12178–12180, 13018, 13826
7 ... 11833
404 ... 12042, 12181

PROPOSED RULES:

1 ... 11845, 12199, 13025
48 ... 13840

28 CFR

0 ... 12853
2 ... 12043, 13305
16 ... 12045
50 ... 11831

PROPOSED RULES:

2 ... 13305

29 CFR

15 ... 11832
102 ... 13113, 13550
1612 ... 13840
1951 ... 12427
1952 ... 12427
1956 ... 12429

PROPOSED RULES:

215 ... 12442
1910 ... 13025

30 CFR

PROPOSED RULES:

55 ... 12442, 13840
56 ... 12442, 13840
57 ... 12068, 12442, 13840

32 CFR

242a ... 12853
243 ... 13018
251 ... 12045
256 ... 13022
581 ... 13274
1281 ... 11835
1482 ... 12855

PROPOSED RULES:

865 ... 13124

33 CFR

207 ... 12172
209 ... 13286

PROPOSED RULES:

110 ... 12202, 12889, 12890
128 ... 13841
207 ... 12443

36 CFR

231 ... 12172
800 ... 12858

PROPOSED RULES:

231 ... 12390, 13565

38 CFR

Ch. I ... 12858

PROPOSED RULES:

13 ... 12202

39 CFR

1 ... 12859
2 ... 12859
3 ... 12860
4 ... 12861
5 ... 12861
6 ... 12862
7 ... 12862
8 ... 12864
3001 ... 13287, 13826

PROPOSED RULES:

111 ... 12068, 12069, 13565
266 ... 13307
3001 ... 13841

40 CFR

52 ... 13826
61 ... 12127
180 ... 13114
205 ... 11835

PROPOSED RULES:

22 ... 13307
52 ... 13026, 13128, 13307–13309
55 ... 13566
60 ... 12130, 13566
61 ... 12122
180 ... 11850, 13129, 13841, 13842
403 ... 13843
700 ... 13130
710 ... 13130

41 CFR

8–1 ... 13827
51–1 ... 13552
51–2 ... 13552
51–3 ... 13552
51–5 ... 13553
101–29 ... 13828

41 CFR—Continued

101–34 ... 11836
105–61 ... 13022
Ch. 114 ... 13829

PROPOSED RULES:

101–25 ... 11848
101–43 ... 12892
101–44 ... 12892
101–45 ... 12892

43 CFR

PROPOSED RULES:

3800 ... 12071, 12895, 13567
4100 ... 13567
4200 ... 13567
4300 ... 13567
4700 ... 13567
9230 ... 13567

45 CFR

205 ... 12046
233 ... 13292
706 ... 12046
1061 ... 12047, 13292
1703 ... 13553

PROPOSED RULES:

1115 ... 13037

46 CFR

10 ... 12173
221 ... 11837
294 ... 11837
308 ... 13023
503 ... 12049, 13115

PROPOSED RULES:

157 ... 13844
176 ... 13844
186 ... 13844
Ch. IV ... 11849

47 CFR

0 ... 12864
1 ... 12173, 12864
61 ... 12173
64 ... 13029
68 ... 12053
73 ... 13115

PROPOSED RULES:

2 ... 12203, 12204
21 ... 13309
61 ... 13139
73 ... 12896, 13140
97 ... 12204

49 CFR

1 ... 12176
220 ... 12176
258 ... 12434
260 ... 12434, 13278
268 ... 11838
533 ... 13807
571 ... 12869
572 ... 12176
609 ... 13816
801 ... 13284
804 ... 13284
1012 ... 13796
1033 ... 11838, 12056, 12057, 13818
1056 ... 11839

PROPOSED RULES:

170 ... 13309
171 ... 13309
172 ... 13309

49 CFR—Continued

173 13309
174 13309
175 13309
176 13309
177 13309
178 13309
179 13309
Ch. II 13309
258 12443
571 12207
575 12208
821 12208
825 12208

50 CFR

33 ..... 13115, 13829
216 ..... 12010, 12874
611 ..... 12057, 12176
620 11839
621 12026
651 13998

PROPOSED RULES:

16 12972
17 ..... 13567, 13569
20 13311
263 11849
274 11849
280 12443

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*	*Pages*	*Date*
11805–12032	Mar. 1	13009–13102	8
12033–12141	2	13103–13263	9
12143–12410	3	13265–13532	10
12411–12850	4	13533–13800	11
12851–13007	7	13801–14080	14

presidential documents

Title 3—The President

Memorandum of March 10, 1977

Decision on Mushrooms Under Section 202(b) of the Trade Act of 1974

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, March 10, 1977.

Pursuant to Section 202(b) of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the U.S. International Trade Commission (USITC), dated January 10, 1977, concerning the results of an investigation on mushrooms. This investigation was undertaken at the request of the Special Representative for Trade Negotiations.

I have determined that import relief for canned mushrooms is not in the national economic interest. The principal reasons for that determination include: (1) recent improvements in the domestic mushroom industry, including higher sales, production, and profits as a result of strong demand for mushrooms; (2) the high cost to U.S. consumers of the import relief recommended by the USITC and the relatively limited number of additional jobs such relief might create; (3) the existing availability of expedited adjustment assistance for workers and firms in the industry; (4) the potential retaliation against our own exports which import relief might engender, as well as the adverse foreign policy repercussions; (5) the existing voluntary export restraints agreed to by the principal foreign suppliers of canned mushrooms (the Republics of China and Korea); and (6) my intention to monitor canned mushroom imports and consult with the principal exporters, with a view toward avoiding disruptive impacts on the U.S. market.

You should convey to the Governments of the Republic of China (Taiwan) and the Republic of Korea that their assurances with respect to mushroom exports to the United States during the 1976/77 marketing year should be maintained.

I have asked the U.S. International Trade Commission to publish quarterly reports on mushroom imports; domestic producers' production, sales and stocks; and U.S. consumption. The STR should continue to monitor imports of canned mushrooms on a weekly basis. In the event that imports become a disruptive factor in the U.S. market, you should request consultations with the government(s) involved.

This determination is to be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-7697 Filed 3-11-77;12:56 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Miscellaneous Amendments

Correction

In FR Doc. 76-31419 appearing at page 47021 of the issue for Wednesday, October 27, 1976, in § 907.110(e), page 47022, insert the following between the third and fourth lines: "allocation of general maturity allotments".

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste Management

AGENCY: Nuclear Regulatory Commission

ACTION: Effective interim rule.

SUMMARY: The Commission has previously identified environmental impact values for the uranium fuel cycle which are to be included in environmental reports and environmental impact statements for individual light water nuclear power reactors. This rule amends the prior regulations so as to incorporate revised values, based on a new study of the available information, for the nuclear waste management and nuclear fuel reprocessing portions of the fuel cycle.

EFFECTIVE DATE: March 14, 1977.

FOR FURTHER INFORMATION CONTACT:

William P. Bishop, Chief, Waste Management Program, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 (301-427-4240)

SUPPLEMENTARY INFORMATION: On October 18, 1976, the Nuclear Regulatory Commission (hereafter Commission or NRC) gave notice in the FEDERAL REGISTER (41 FR 45849) that it contemplated promulgating an interim rule which would revise Table S-3 of 10 CFR Part 51 to include new specific impact values derived in light of its "Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle" NUREG-0116 (Supplement 1 to WASH-1248) (hereinafter referred to as "Supplement"). Interested persons were invited to submit written comments on the Supplement and proposed interim rule by December 2, 1976, copies of which are available for public inspection at the Commission's Public Document Room at 20555. After careful consideration of the 1717 H Street, N.W., Washington, D.C. comments received and within the context of the following discussion, the Commission has adopted the values set forth in the interim rule which will remain effective for eighteen months unless good cause is shown to extend the period of effectiveness.

BACKGROUND

Pursuant to the National Environmental Policy Act of 1969 (NEPA), an environmental impact statement must be prepared by the Commission in connection with issuance of a construction permit or operating license for each light water nuclear power reactor. These statements should contain a detailed evaluation of the environmental impacts of construction and operation of the plant and a discussion of reasonable alternatives, as well as an overall assessment of the costs and benefits of the licensing action.

In November 1972, a document entitled "Environmental Survey of the Nuclear Fuel Cycle" (hereinafter referred to as "Survey") was published by the Directorate of Licensing of the Atomic Energy Commission (AEC). Comments on the Survey were solicited, and an informal rulemaking hearing was held on February 1 and 2, 1973. The purpose of the hearing was to consider possible amendments to Appendix D of 10 CFR Part 50 which would, by rule, specify the environmental effects of the uranium fuel cycle to be factored into the assessment of costs and benefits in environmental impact statements for individual light water nuclear power reactors (LWR's). Written comments were received in response to the FEDERAL REGISTER notice, and recommendations for improvement were offered during the hearings. After consideration of the written comments and the hearing record, the AEC promulgated the final fuel cycle rule (the so-called Table S-3) on April 22, 1974 (39 FR 14188). It was intended that, with the inclusion of environmental impacts from Table S-3, the environmental impact statements for individual LWR's would set forth a full and candid assessment of costs and benefits consistent with the legal requirements and spirit of NEPA. The AEC indicated in its decision that the rule and Survey would be reexamined from time to time to accommodate new information. The same Table S-3 was included in 10 CFR Part 51.

On January 19, 1975, the Atomic Energy Commission was abolished and its licensing and regulatory responsibilities transferred to the Nuclear Regulatory Commission. On July 21, 1976, the United States Court of Appeals for the District of Columbia Circuit decided *Natural Resources Defense Council* v. *NRC*,[1] a case involving judicial review of the fuel-cycle rule, and *Aeschliman* v. *NRC*,[2] a related case involving the exclusion of fuel cycle issues from an individual power reactor licensing proceeding. The court approved the overall approach and methodology of the fuel cycle rule and found that, regarding most phases of the fuel cycle, the underlying Environmental Survey represented an adequate job of describing the impacts involved.[3] However, the court found that the rule was inadequately supported by the record insofar as it treated two particular aspects of the fuel cycle—the impacts from reprocessing of spent fuel and the impacts from radioactive waste management.

In response to the court decision, the Commission issued a General Statement of Policy (41 FR 34707, August 16, 1976) announcing its intention to reopen the rulmaking proceeding on the environmental effects of the fuel cycle to supplement the existing record on waste management and reprocessing impacts to determine whether the rule should be amended and, if so, in what respect.[4] The Commission thus indicated its intent to handle the question of the environmental impacts

---

[1] ____ F. 2d ____ (D.C. Cir. 1976), 9 ERC 1149, *cert. granted sub nom., Vermont Yankee Nuclear Power Corp.* v. *Natural Resources Defense Council*, 45 U.S.L.W. 3570 (U.S. Feb. 22, 1977) (No. 76-419). No action has as yet been taken by the Supreme Court on a related petition for certiorari filed in *Baltimore Gas and Electric Co.* v. *Natural Resources Defense Council*, No. 76-458.

[2] ____ F. 2d ____ (D.C. Cir. 1976), 9 ERC 1289, cert granted, 45 U.S.L.W. 3570 (U.S. Feb. 22, 1977) (No. 76-528).

[3] Note 1, supra, at 1159.

[4] The Court of Appeals stayed its mandate in the proceedings which gave rise to the General Statement of Policy, and the Supreme Court's grant of certiorari has the legal effect of continuing the stay of mandate in effect.

of waste management and reprocessing generically rather than in individual licensing proceedings, a decision supported by language of the court in the *Vermont Yankee* case.[5] The Commission directed the Staff to prepare on an expedited basis a well-documented supplement (NUREG–0116) to the Survey (WASH–1248) to establish a basis for identifying environmental impacts associated with fuel reprocessing and waste management activities that are attributable to the licensing of a model light-water reactor.

The revised survey was completed in October, 1976, and the Commission issued the October 18, 1976 notice regarding the proposed interim rule. The comments received in response to that notice and the Commission's responses to those comments comprise NUREG–0216, Supplement 2 to WASH–1248 (hereinafter "Supplement 2").

The Commission indicated in that notice that the values proposed therein were to be considered as a proposed interim substitute for the values originally set forth in Table S–3A of WASH–1248. After receipt and analysis of comments received, a final interim rule was to be promulagated for use in LWR licensing. The interim rule was to be made permanent only after a public hearing had been held to further facilitate effective public participation. Under a Supplemental Statement of Policy published in the FEDERAL REGISTER on November 11, 1976 (41 FR 49898) licensing of individual LWR's was resumed on a conditional basis pending promulgation of the final interim rule provided that the old values for reprocessing and waste management contained in Table S–3A were compared with the values in the proposed interim rule to determine if application of the new values would tilt the cost/benefit balance in individual cases. All values in the table except those relating to waste management and reprocessing were to remain the same.

The Commission has decided to pattern the final interim rule after the original Table S–3. Supplements 1 and 2 provide detailed narrative explanation of the new values in Table S–3 and give greater illumination to the background and context of the revised values.

SCOPE AND PURPOSE OF SUPPLEMENTS AND RULE

At the outset the Commission wishes to make clear that its purpose in preparing Supplements 1 and 2 and the interim rule was quite limited. The sole purpose of preparation of Supplement 1 and the rule was to identify and quantify environmental impacts attributable to the reprocessing and waste management portions of the LWR fuel cycle. The environmental impacts so identified are to be used only in the preparation of environmental impact statements for individual light water reactors. Supplement 1 and the rule have fulfilled this purpose. It was not the purpose of this proceeding to decide which of the various waste management alternatives should or will be employed in practice, or to develop site selection criteria or to define parameters for licensing of any of the Energy Research and Development Administration's (ERDA) waste management facilities. A separate and comprehensive series of programs has been undertaken to serve these broader purposes. ERDA has several programs in progress including a program for the preparation of a generic environmental impact statement on high-level waste management, a program to evaluate geologic formations and specific sites for repositories, programs in research and development of waste solidification methods and development of interim storage sites. NRC's ongoing programs include the preparation of regulations for the licensing of ERDA waste management facilities and activities, the development of performance criteria for solidified high-level waste and the development of site suitablity criteria for high-level waste repositories.

These programs are described in greater detail in Appendices B and C to Supplement 1 and other agency programs are described in Appendix F to Supplement 2. Supplement 1 itself and the S–3 rule are only a very small part of these ongoing activities.

In addition to these ongoing programs the Commission has undertaken the preparation of two generic environmental impact statements on fuel cycle issues. One, the Generic Environmental Statement on Mixed Oxide Fuels, "GESMO," is in the legislative hearing stage of a rulemaking proceeding. Work has commenced on the other, the Generic Environmental Impact Statement on Uranium Milling, and a draft statement is expected in mid-1978.

The Commission has used some of the information in the GESMO document, NUREG–0002, in its preparation of Supplement 1 and the interim rule in much the same manner as it has used other available literature. While the Commission realizes that additional information may be generated during the GESMO proceeding, all of the information used in the Supplement, including the relevant information from NUREG–0002, will be re-examined during preparation of the final fuel cycle rule and will be subjected to close scrutiny during public hearings on the final rule along with other available information. To the extent that comments in this proceeding have raised issues related to the material in the GESMO document, the Commission has independently evaluated the comments and taken them into account in this proceeding.

SUFFICIENCY OF INFORMATION AND ASSESSMENT

In order to fulfill its purpose of identifying in a generic proceeding the environmental impacts attributable to the reprocessing and waste management portions of the LWR fuel cycle, the Commission had to decide whether the information produced by Supplements 1 and 2 provided a sufficient basis for proceeding with an interim rule. The Commission addressed the question whether the risks of proceeding on the basis of information which may later be called into question in a final rulemaking proceeding outweigh the costs which would certainly flow from a hiatus in LWR licensing. See *National Air Carrier Association* v. *CAB*, 436 F. 2d 185, 191 (D.C. Cir. 1970). The costs attributable to a hiatus in licensing were explored by the Commission's Staff in a paper entitled "Impacts of Adopting or Not Adopting an Interim Rule Permitting Construction or Operation of Nuclear Power Plants" which was cited by the Commission in its Supplemental Statement of Policy (41 FR 49898) and placed in the Public Document Room along with NUREG–0116. The paper concluded that the environmental and economic costs attributable to a twelve-month delay in the licensing of reactors were substantial.

A number of comments on the Supplement and the proposed interim rule also dealt with the adequacy of this study. These comments are dicussed in detail in the document entitled "Response to Comments on a Staff paper entitled 'Impacts of Adopting or Not Adopting an Interim Rule Permitting Construction or Operation of Nuclear Power Plants' ". In the Commission's view, the study was adequate to fulfill its limited purpose of highlighting for the Commission and others the costs of a hiatus in licensing that would be caused by the failure to promulgate an interim rule. Even if environmental costs of a delay in licensing were excluded from consideration, the economic costs of a twelve-month delay would be high. Thus, the costs which would flow from a hiatus in licensing were explored by the Commission and the Commission has concluded that they would be substantial. However, as was noted above, costs alone could not determine the Commission's resolution of the question whether to proceed by interim rule. Against these costs must be weighed the risks of proceeding by interim rule where the sufficiency of the information supporting the rule might be later called into question during the final rulemaking proceeding on the permanent rule. Accordingly, the Commission critically examined the Supplement and, in light of some comments questioning its adequacy attempted to judge its quality.

The Supplement supporting the new interim rule (NUREG–0116) was the product of extensive effort by a Task Force comprised of a number of highly qualified individuals with years of experience in the field. Since a great deal of work in the field had already been completed when the Task Force began its analysis, the Task Force was not required to start completely fresh in its consideration of the issues. Supplement 1 is not merely an uncritical description of the available literature on the subject of reprocessing and waste management.

[5] Note 1, supra, n. 17, at 1154–1155.

Rather, the Task Force carefully examined voluminous amounts of information in the field, selected from those sources the best possible information available and then critically analyzed the information and, where warranted, rechecked calculations and performed independent analysis. Further, the Staff performed a detailed analysis of the comments received on the Supplement. The responses to every substantive comment received are contained in Supplement 2, NUREG–0216. Supplements 1 and 2 contain a detailed analysis of the impacts of waste management and reprocessing and provide a sufficient informational basis for the interim rule promulgated herein.

The Commission has observed that there are gaps in the information needed for detailed assessment of waste management and disposal technology. While there is the need to obtain additional data and to consider from time to time any new findings that would have a bearing upon the values set forth in Table S–3, the lack of some relevant data in certain areas by no means excuses the Commission from making an informed and reasoned judgment now regarding the environmental impacts which may flow from waste management and reprocessing activities.

The situation is analogous to the Atomic Energy Commission's issuance of interim acceptance criteria for emergency core cooling systems, as reviewed in *Union of Concerned Scientists* v. *AEC*, 499 F. 2d 1069 (D.C. Cir. 1974). As the AEC did in that instance, the Commission recognizes that "analytical methods capable of realistic prediction of all phenomena known or suspected to occur" in the course of waste management and disposal are not available and agrees that definitive experiments have not been carried out. However, the Commission's position, which is reflected in the Task Force Report as revised, is the same as the one that was given judicial acceptance in Union of Concerned Scientists:

> In the absence of such perfection, adequate assurance of safety can be obtained from an appropriately conservative analysis based on available experimental information. In areas of incomplete knowledge, conservative assumptions or procedures must be applied. When further experimental information or improved calculational techniques become available, the conservatisms presently imposed will be reevaluated and a more realistic approach will be taken. 499 F. 2d 1069, at 1086.

It should be noted that the interim rule does not deal with a safety question as did the emergency core cooling system but rather attempts to quantify the environmental impacts of reprocessing and waste management. "[C]onservative analysis based on available experimental information" is even more appropriate in such a case where the goal is not to reach a conclusion whether a level of safety has been met, but rather to develop values for use in environmental cost benefit analyses.

The Task Force Report (NUREG–0116) and the Comments and Responses (NUREG–0216) contain and document numerous conservatisms applied to the analysis of environmental impacts from waste management and reprocessing activities. In those few cases where detailed estimates could not be made, the Task Force exercised its expert judgment to reach a best estimate. Since a calculation could not be made, the conservatism of these few judgments cannot absolutely be established. However, it is the Commission's view that the impacts estimated on expert judgments are quite small in any case and that adequate conservatism has been applied.

The Commission would be reluctant to proceed if it believed the values in Table S–3, and the information from which they are derived, were called into question to any significant degree by substantial evidence, but this is not the case. *Union of Concerned Scientists*, 499 F. 2d at 1085. To some extent, as noted above, the setting of values in Table S–3 involved making "policy judgments where no factual certainties exist or where facts alone do not provide the answer." *Industrial Union Department, AFL–CIO* v. *Hodgson*, 499 F. 2d 467, 476 (D.C. Cir. 1974). In such cases—especially where the evidence is "difficult to come by, uncertain, or conflicting because it is on the frontiers of scientific knowledge"—it is appropriate for the Commission to proceed to apply its expertise; its conclusions must be rationally justified, not based on hunches or wild guesses, but conclusions may be drawn "from theoretical projections from imperfect data, from probative preliminary data not yet certifiable as 'fact', and the like." *Ethyl Corp.* v. *EPA*, 541 F. 2d 1, 28 (D.C. Cir. 1976); see also *Amoco Oil Co.* v. *EPA*, 501 F. 2d 722 (D.C. Cir. 1974). The Commission may, as to some extent it has done here, make probabilistic assessments that must suffice until data becomes "sufficiently quantifiable to yield to meaningful analysis." *Union of Concerned Scientists, supra*, 499 F. 2d at 1093.

The Commission has also been mindful of its obligation to identify the particular findings in the literature that it deems significant, *Portland Cement Association* v. *Ruckelshaus*, 486 F. 2d 375, 400 (D.C. Cir. 1973), cert. denied 417 U.S. 921 (1974), and to examine the reasons for mistakes in prior assessments in order that its assessment may be complete. In this regard, the Commission has examined past experiences in the waste management field. There, in several instances, past scientific judgments were shown to have been in error. However, one cannot look at those mistakes without recognizing that developments in technology have since occurred which make repetition of past mistakes less likely. Past experience has provided an indication of the types of impacts that are possible. Furthermore, the Supplement is based on very conservative assumptions regarding levels of releases. The Supplement has included in its model only technologies which are presently available and the Commission has made every effort to make the most thorough evaluation of the associated environmental impacts that the present state of available knowledge will permit.

In summary, the Commission has decided to proceed with promulgation of the interim rule. It has looked at the uncertainties and unknowns identified in the Supplement. It has weighed the risks of proceeding with licensing on the basis of the interim rule against the costs of not proceeding. The Commission has found that the costs of not proceeding outweigh the risks of proceeding by interim rule especially given the fact that a relatively short period of time, eighteen months, may pass before a more thorough discussion of the issues will be completed in the final rulemaking proceeding. There is no perceived need for the Commission to wait for site specific information or to wait for ERDA's generic environmental impact statement on high-level waste management. In some areas—including critical areas where a substantial measure of expert judgment had to be applied—it is unlikely that substantial new information of a quantitative nature will be available for years. As the Court said in *Citizens for Safe Power* v. *NRC*, 524 F. 2d 1291, 1297 (D.C. Cir. 1975):

> Absolute or perfect assurances are not required by (the Atomic Energy Act), and neither present technology nor public policy admit of such a standard. It was for the Commission to arrive at a rational, practical and principled conclusion upon the basis of reasonably available evidence.

Interim Rulemaking

Some of the comments have raised the question whether an interim rule, without the benefit of oral hearings, is an appropriate mechanism for establishing the impacts presented in Table S–3. The Commission continues to believe that such action is fully warranted, in the light of the competing factors identified above.

The fixing of values under an interim rule is consistent with the opinion of the court in *NRDC* v. *NRC*, as well as settled case and statutory law. Indeed, interim rules may be adopted without any prior notice and opportunity for public comment if public procedures would be impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. § 553(b). The AEC's adoption of interim acceptance criteria for emergency core cooling systems was found to be a valid exercise of this authority, for example, in Union of Concerned Scientists, supra, 499 F. 2d at 1085.

Furthermore, the quality of the comments and of the Task Force responses to those comments as well as the additional information provided in the course of this interchange give the Commission confidence that no major issues lie hidden as a result of this procedure. While the Commission has chosen to use notice and comment procedures for this interim rulemaking, it intends to hold public hearings in connection with the final rulemaking to facilitate additional effective public participation. The time, place, and format for the hearing will be set forth in a separate Federal Regis-

TER notice. Such public hearings are, however, not required to satisfy any constitutional or statutory mandate and, therefore, the use of notice and comment procedures will suffice for interim rulemaking. In *NRDC* v. *NRC*, supra, the Court of Appeals for the District of Columbia Circuit referred neither to the Constitution nor to the Administrative Procedure Act when it set for itself the task "to decide whether the procedures provided by the agency were sufficient to ventilate the issues." 9 ERC at 1156. Rather, the court's analysis of asserted procedural inadequacies in the earlier S–3 proceedings apparently rests on judicial notions, fundamentally common-law in character, concerning what is required to produce a record that will facilitate judicial review.[4] The same court has stated, "Although we have recognized that provision of oral hearings may be wise in some instances, we have never held that due process requires oral presentation of views as a matter of course," *Pickus* v. *U.S. Board of Parole*, 543 F. 2d 240, 246 (D.C. Cir. 1976). In circumstances calling for prompt action it follows that use of notice and comment procedures for interim rulemaking is sufficient. The Commission has made every effort to present a full statement of available information, and to explain the reasons which persuade it to adopt, for a relatively short period, the values set forth in revised Table S–3.

In order to reflect its interim character, the rule that is presently being adopted will be made effective for the limited period of eighteen months. The Commission believes that final rulemaking proceedings can be completed within this period and wishes to stress that the present rule is only a temporary measure pending completion of the final rulemaking proceedings which will reflect additional public participation. However, if good cause is shown, the period of effectiveness of the interim rule can be extended.

The amended rule incorporating revised Table S–3 is being made effective immediately because the Commission has determined that it has good cause for doing so: the revised Table S–3 provides a more current and comprehensive basis for evaluation than does the original Table S–3; there is a need to base licensing decisions on the best available information; and the values in the interim rule are not substantially different from the values in the proposed interim rule upon which interested persons had the opportunity to comment. (Supplemental General Statement of Policy, 41 FR 49898, November 11, 1976; see also 5 U.S.C. 553(d)(3)).

[4] As earlier indicated in note 1, supra, the Supreme Court has granted certiorari in *NRDC* v. *NRC*.

Accordingly, any operating license, construction permit, or limited work authorization (LWA) that may hereafter be issued must take into account the revised values contained in this rule. Licenses, permits, or limited work authorizations issued before July 21, 1976 in which the originally effective chemical reprocessing and waste storage values of Table S–3 were utilized will remain effective, principally because the values in the new interim rule are not sufficiently different from the values in the original Table S–3 to warrant revocation or suspension on cost-benefit grounds. Any show cause or similar proceedings initiated in these cases pursuant to the August 16, 1976 General Statement of Policy will be terminated.

Operating licenses, construction permits, or limited work authorizations granted after July 21, 1976 and which therefore were subject to the outcome of the proceedings in *NRDC* v. *NRC*, will also remain in effect, and any show cause or similar proceedings initiated in response to the August 16, 1976 General Statement of Policy in these cases are also to be terminated. The values in the interim rule are not substantially different from those which, under the Commission's Supplemental General Statement of Policy, were required to be considered by Atomic Safety and Licensing Boards in connection with the issuance of such licenses. Where the Boards have found that the cost-benefit balance would not be tilted by the values in the proposed interim rule, no further proceedings are necessary since the values in the final interim rule are not substantially different from the values in the proposed rule. Similarly, cases now pending before the Boards in which the evidentiary record on fuel cycle impact issues has been compiled are to be decided on the basis of the existing record; since the interim rule values are not substantially different from those in the previously proposed rule, the reopening of the record to receive additional testimony would not appear to be justified.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the National Environmental Policy Act of 1969, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to 10 CFR Part 51 is published as a document subject to codification, to be effective on March 14, 1977.

10 CFR Part 51 is amended by revising § 51.20(e) to read as follows:

§ 51.20 Applicant's Environmental Report—Construction Permit Stage.

* * * * *

(e) In the Environmental Report required by paragraph (a) for light-water-cooled nuclear power reactors, the contribution of the environmental effects of uranium mining and milling, the production of uranium hexafluoride, isotopic enrichment, fuel fabrication, reprocessing of irradiated fuel, transportation of radioactive materials and management of low level wastes and high level wastes related to uranium fuel cycle activities to the environmental costs of licensing the nuclear power reactor, shall be as set forth in Table S–3, Summary of environmental considerations for uranium fuel cycle. No further discussion of such environmental effects shall be required. This paragraph does not apply to any applicant's environmental report submitted prior to June 6, 1974. The values set forth in Table S–3 in this paragraph will not be applied in any proceeding as of September 14, 1978.

TABLE S–3.—*Summary of environmental considerations for uranium fuel cycle*[1]

[Normalized to model LWR annual fuel requirement (WASH–1248) or reference reactor year (NUREG–0116)]

Natural resource use	Total	Maximum effect per annual fuel requirement or reference reactor year of model 1,000 MWe LWR
Land (acres):		
Temporarily committed[2]	94	
Undisturbed area	73	
Disturbed area	22	Equivalent to 110 MWe coal-fired powerplant.
Permanently committed	7.1	
Overburden moved (millions of MT)	2.8	Equivalent to 95 MWe coal-fired powerplant.
Water (millions of gallons):		
Discharged to air	150	=2 pct of model 1,000 MWe LWR with cooling tower.
Discharged to water bodies	11,060	
Discharged to ground	124	
Total	11,373	<4 pct of model 1,000 MWe LWR with once-through cooling.
Fossil fuel:		
Electrical energy (thousands of megawatt hours)	321	<5 pct of model 1,000 MWe LWR output.
Equivalent coal (thousands of MT)	117	Equivalent to the consumption of a 45 MWe coal-fired powerplant.
Natural gas (millions of scf)	124	<0.3 pct of model 1,000 MWe energy output.
Effluents—chemical (MT):		
Gases (including entrainment):[3]		
SO_x[4]	4,400	
NO_x[4]	1,190	Equivalent to emissions from 45 MWe coal-fired plant for a year.
Hydrocarbons	14	
CO	29.6	
Particulates	1,154	

See footnotes at end of table.

Natural resource use	Total	Maximum effect per annual fuel requirement or reference reactor year of model 1,000 MWe LWR
Other gases:		
F	.67	Principally from UF_6 production, enrichment, and reprocessing. Concentration within range of state standards—below level that has effects on human health.
HCl	.014	
Liquids:		
$SO_4^=$	9.9	From enrichment, fuel fabrication, and reprocessing steps. Components that constitute a potential for adverse environmental effect are present in dilute concentrations and receive additional dilution by receiving bodies of water to levels below permissible standards. The constituents that require dilution and the flow of dilution water are: NH_3—600 ft³/s. NO_3—20 ft³/s. Fluoride—70 ft³/s.
NO_3^-	25.8	
Fluoride	12.9	
Ca^{++}	5.4	
Cl^-	8.5	
Na^+	12.1	
NH_3	10.0	
Fe	.4	
Tailings solutions (thousands of MT).	240	From mills only—no significant effluents to environment.
Solids	91,000	Principally from mills—no significant effluents to environment.
Effluents—radiological (curies):		
Gases (including entrainment):[4]		
Rn-222	74.5	Principally from milling operations and excludes contributions from mining.
Ra-226	.02	
Th-230	.02	
Uranium	.034	
Tritium (thousands)	18.1	
C-14	24	
Kr-85 (thousands)	400	
Ru-106	.14	Principally from fuel reprocessing plants.
I-129	1.3	
I-131	.83	
Fission products and transuranics.	.023	
Liquids:[5]		
Uranium and daughters	2.1	Principally from milling—included in tailings liquor and returned to ground—no effluents; therefore, no effect on environment.
Ra-226	.0034	From UF_6 production.
Th-230	.0015	
Th-234	.01	From fuel fabrication plants—concentration 10 pct of 10 CFR 20 for total processing 26 annual fuel requirements for model LWR.
Fission and activation products.	5.9×10^{-4}	
Solids (buried on site):		
Other than high level (shallow).	11,300	9,100 Ci comes from low-level reactor wastes and 1,500 Ci comes from reactor decontamination and decommissioning—buried at land burial facilities. 600 Ci comes from mills—included in tailings returned to ground ~60 Ci comes from conversion and spent fuel storge. No significant effluent to the environment.
TRU and HLW (deep)	1.1×10^5	Buried at Federal repository.
Effluents—thermal (billions of British thermal units).	3,462	<4 pct of model 1,000 MWe LWR.
Transportation (person-rem)[6] Exposure of workers and general public.	2.5	
Occupational exposure (person-rem)	22.6	From reprocessing and waste management.

[1] Data supporting this table are given in the "Environmental Survey of the Uranium Fuel Cycle," WASH-1248, April 1974; the "Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0116 (Supp. 1 to WASH-1248); and the "Discussion of Comments Regarding the Environmental Survey of the Reprocessing and Waste Management Portions of the LWR Fuel Cycle," NUREG-0216 (Supp. 2 to WASH-1248). The contributions from reprocessing, waste management and transportation of wastes are maximized for either of the 2 fuel cycles (uranium only and no recycle). The contribution from transportation excludes transportation of cold fuel to a reactor and of irradiated fuel and radioactive wastes from a reactor which are considered in table S-4 of sec. 51.20(g). The contributions from the other steps of the fuel cycle are given in columns A–E of table S-3A of WASH-1248.

[2] The contributions to temporarily committed land from reprocessing are not prorated over 30 years, since the complete temporary impact accrues regardless of whether the plant services 1 reactor for 1 yr or 57 reactors for 30 yr.

[3] Estimated effluents based upon combustion of equivalent coal for power generation.

[4] 1.2 pct from natural gas use and process.

[5] Gaseous effluents from waste management contribute about 9 person-rem (total body) to offsite U.S. population per annual fuel requirement or reference reactor year for the uranium only recycle option. This contribution for the no recycle option is 170 person-rem. For comparison, all radiological gaseous effluents from fuel cycle operations contribute about 370 person-rem (total body) to offsite U.S. population per annual fuel requirement or reference reactor year. This dose is <0.002 pct of the average natural background radiation dose to this population. Fuel reprocessing contributes about 330 person-rem (total body) of the total of 370 person-rem to offsite U.S. population. Person-rem is an expression for the summation of whole body doses to individuals in a group. Thus, if each member of a population group of 1,000 people were to receive a dose of 0.001 rem (1 millirem), or if 2 people were to receive a dose of 0.5 rem (500 millirem) each, the total person-rem dose in each case would be 1 person-rem. The dose to the offsite U.S. population due to average natural background radiation is about 2×10^5 person-rem per year. The Commission's final environmental statement on use of mixed-oxide fuel in LWR's (NUREG-0002) indicates a maximum release of about 4800 Ci of Rn-222 when contributions from mining are included. NUREG-0002 also indicates that mining contributes about 500 person-rem (total body) and that milling contributes about 100 person-rem (total body) of a total of about 610 person-rem (total body) to offsite U.S. population per annual fuel requirement.

[6] Liquid radiological effluents from reprocessing and waste management activities in the fuel cycle contribute 1.4×10^{-4} person-rem (total body) to offsite U.S. population per annual fuel requirement or reference reactor year. For comparison all radiological liquid effluents from fuel cycle operations contribute about 100 person-rem (total body) to offsite U.S. population per annual fuel requirement or reference reactor year. This dose is <0.0006 pct of the average natural background radiation dose to this population.

Effective date: The foregoing amendments take effect on March 14, 1977.

(Sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended, Pub. L. 94–83, 89 Stat. 424 (42 U.S.C. 4332); Sec. 161, as amended, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 202, Pub. L. 93–438, 88 Stat. 1244 (42 U.S.C. 5842))

Dated at Washington, D.C., this 7th day of March 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-7199 Filed 3-8-77;2:36 p.m.]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. FE 76-3; Notice 3]

PART 533—AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES

Final Rule

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: This notice establishes average fuel economy standards for nonpassenger automobiles which are rated at 6,000 pounds gross vehicle weight or less and are manufactured in model year 1979. Vehicles affected by these standards include pickup trucks, vans, and four-wheel drive, jeep-type vehicles which are rated within that weight range. The standard for four-wheel drive nonpassenger automobiles which are jeep-type vehicles is 15.8 mpg. The standard for all other nonpassenger automobiles is 17.2 mpg. The purpose of these standards is to conserve gasoline by improving the fuel economy of the Nation's fleet of nonpassenger automobiles. The agency estimates that 102,500,000 gallons of gasoline will be saved annually by the 1979 nonpassenger automobile fleet, over 1976 levels. The decreasing world petroleum supply and the uncertain availability to this Nation of existing foreign petroleum, combined with the importance of petroleum to the national economy and standard of living have made these fuel economy standards necessary.

DATES: These standards will apply to the 1979 model year.

FOR FURTHER INFORMATION CONTACT:

Stephen P. Wood, Office of Chief Counsel, National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590 (202–426–9511).

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is establishing average fuel economy standards for nonpassenger automobiles manufactured in model year 1979. These standards will appear in a new Part 533, added to NHTSA regulations by this action. The average fuel economy standards are issued pursuant to section 502(b) of Title V of the Motor Vehicle Information and Cost Savings Act, as amended. This final rule was preceded by a questionnaire last summer and a notice of proposed rulemaking (NPRM), 41 FR 52087, November 26, 1976. The rule proposed in the NPRM placed all nonpassenger automobiles 6,000 pounds gross vehicle weight rating (GVWR) or less in a single class, and established an average fuel economy standard of 18.7 mpg for that class. The NPRM specified that this proposed standard would be reduced in light of any effects of 1979 emissions standards and testing procedures established by the EPA.

Comments to the NPRM were received by NHTSA and were carefully evaluated in the process of developing the final rule. Most of the comments were submitted by automobile manufacturers. There were no comments received from consumer groups, or other public interest organizations.

A number of issues were raised by the comments received in response to the NPRM. The resolution of several of those issues has resulted in changes to the final rule. The major issues which have been raised, and their resolution, along with specific changes to the final rule, are described in the following discussion.

Summary of changes in the rule and its rationale. The final rule, which is still limited to nonpassenger automobiles 6,000 pounds GVWR or less, provides for two classes of nonpassenger automobiles, and a separate average fuel economy standard for nonpassenger automobiles in each class. The average fuel economy standard for four wheel drive, jeep-type vehicles is 15.8 mpg. The average fuel economy standard for all other nonpassenger automobiles is 17.2 mpg.

Comments received from the manufacturers indicated that a separate class of nonpassenger automobiles, with a separate average fuel economy standard, was appropriate for four-wheel drive jeep-type vehicles. Therefore, the agency is establishing two average fuel economy standards for nonpassenger automobiles manufactured in model year 1979, one for the jeep-type vehicles, and one for the remainder of nonpassenger automobiles. However, manufacturers of jeep-type vehicles will have the option of counting their vehicles in the special class for those vehicles, or in the general class of other nonpassenger automobiles.

As described fully in the NPRM, the proposed standard was based primarily on the domestic manufacturers' production plans for 1979. In brief, this approach was taken to avoid market shifts to heavier, less fuel economical vehicles, which could be precipitated, or aggravated by requiring manufacturers to take drastic measures to improve fuel economy on short notice. Also, the agency believes that the short leadtime before model year 1979 precluded major changes from current 1979 product plans. Both final standards are based primarily on the manufacturer's product plans for 1979. The agency continues to believe that the approach taken in the NPRM is appropriate, for the reasons stated therein.

For the general class of nonpassenger automobiles that excludes four-wheel drive jeep-type vehicles, the domestic manufacturers indicated in their comments to the NPRM that an average fuel economy in the range of 18.7 mpg to 19.0 mpg was attainable for model year 1979, assuming both 1976 Federal emissions standards and testing procedures. Chrysler projected an average fuel economy of 16.5 mpg for 1979, assuming 1979 Federal testing procedures and the 1979 emissions standards; if Chrysler's estimated fuel economy reduction of 13 percent for emissions and testing procedures is taken out of the 16.5 projection, Chrysler in effect projected an average fuel economy of 19 mpg under 1976 emissions standards and testing procedures.

As described below, the agency does not believe that the manufacturers fleet of 1979 nonpassenger automobiles will experience a fuel economy penalty from the 1979 Federal emissions standards. However, based on its own analysis and the comments received, the agency concludes that the change in the fuel economy testing procedures in model year 1979 will result in a reduction in measured fuel economy of 8 percent. Therefore, in the final rule, the proposed standard of 18.7 mpg is lowered to 17.2 mpg.

The standard for four-wheel drive jeep-type nonpassenger automobiles, like the standard for the balance of nonpassenger automobiles, is based on the projected fuel economy of the manufacturers, on an industry or market wide basis. American Motors Corporation (AMC), Toyota and Chrysler are the only manufacturers of vehicles in this subclassification of nonpassenger automobiles. The agency's analysis of Toyota's fuel economy potential indicates an average fuel economy for Toyota approximately 15 percent lower than AMC. Chrysler has been achieving higher fuel economy than Toyota, but not as high as AMC. Because AMC is the major manufacturer of the vehicles and is projecting the highest fuel economy, the standard was based on the fuel economy projections of AMC. AMC indicated in their comments that 17 mpg was an attainable average fuel economy for model year 1979. Based on its consideration of AMC's product plans, the agency believes that AMC can make some additional improvement in fuel economy by model year 1979. Therefore, the agency has concluded that a level of 17.2 mpg is attainable for AMC under 1976 emissions standards and fuel economy testing procedures. By applying the reduction in measured fuel economy resulting from changes in the testing procedures, the final 1979 standard for general utility, jeep-type vehicles is 15.8 mpg.

A number of comments criticized NHTSA's consideration of technology available to improve fuel economy. Notwithstanding their criticisms all manufacturers indicated that 18.7 mpg to 19.0 mpg, assuming 1976 Federal emissions and testing procedures, was achievable for model year 1979. Therefore, the agency does not believe a full discussion of the criticisms of its technological assessment is necessary at this time, but will consider those criticisms in future rulemaking.

Scope of the average fuel economy standard. International Harvester commented that, although the preamble to the NPRM indicated that only vehicles 6,000 pounds or less, GVWR, were intended to be subject to the standard, the tended to be subject to the standard, the proposed standard as drafted includes in its scope vehicles less than 10,000 pounds GVWR. International Harvester bases its comment on its interpretation of proposed Part 523, Vehicle Classification, which was published in the FEDERAL REGISTER on December 20, 1976 (41 FR 55371).

The agency believes that International Harvester has misinterpreted proposed Part 523. Under that proposed regulation, the only vehicles with a GVWR in excess of 6,000 pounds which would be determined to be "automobiles" within the meaning of Title V are vehicles which are manufactured primarily for use in transporting not more than 10 individuals, and which do not meet the criteria for automobiles capable of off-highway operation. If International Harvester's vehicles with a GVWR in excess of 6,000 pounds are not manufactured primarily for that use, those vehicles are not automobiles and, therefore, cannot be nonpassenger automobiles under the Vehicle Classification NPRM. If those vehicles are primarily manufactured for this use, but do not meet those criteria, the vehicles are passenger automobiles.

Off-road vehicles. AMC contends in its comment to the NPRM that its Jeep CJ vehicle is not an automobile within the meaning of section 501(1) of Title V. AMC contends that the Jeep CJ is designed, manufactured, and marketed primarily for off-highway operation. Under section 501(1), only vehicles which are "manufactured primarily for use on the public streets, roads, and highways" can be "automobiles". Since the title authorizes the setting of average fuel economy standards only for "automobiles", AMC is in effect contending that its Jeep CJ vehicle cannot be subject to a fuel economy standard under the title.

Although AMC in its comment to the NPRM for nonpassenger automobiles did not indicate why it believes that its Jeep CJ vehicle is manufactured primarily for off-road use, AMC did submit a fuller expression of its views on that subject in a comment to the Vehicle Classification NPRM. In addition, the Ford Motor

Company submitted a comment to the Vehicle Classification NPRM which made a similar argument to the one made by AMC, that is, that certain vehicles, because of features making them capable of off highway operation, are not automobiles within the meaning of Title V because they are not manufactured primarily for use on the highways. AMC stated that Jeeps are manufactured primarily for off-road use because they are "built with low and medium speed capability and accommodate many off-road work-performing equipment accessories." Ford indicated that vehicles characterized by all five of the following features are not manufactured primarily for use on the highways: (1) Four-wheel drive, (2) high ground clearance in terms of approach, breakover, and departure angles, and running and axle clearance, (3) engine oil systems capable of operation at inclines up to a 60 percent grade, (4) relatively high axle ratios and heavy duty axle and suspension components, and (5) relatively high frontal area.

NHTSA has concluded that there is no merit in the claims of AMC and Ford that vehicles with the characteristics set out above are not subject to fuel economy standards because their off-road characteristics place them outside the scope of Title V. The characteristics set out by the manufacturers are merely characteristics of vehicles which are capable of off-highway operation. Neither manufacturer claimed that the vehicles referred to were not intended, or expected, to spend a substantial portion of their operating lives on the public streets, roads, or highways. Therefore, NHTSA believes that Congress intended these vehicles to be automobiles within the meaning of section 501 of Title V, and subject to fuel economy standards as nonpassenger automobiles. NHTSA bases its perception of Congressional intent upon the plain language of section 501, the uses of language identical to that used in other statutes where the vehicles referred to by Ford and AMC are clearly within the scope of those statutes, the legislative history of Title V, and the purpose from which the Title was enacted.

Congress clearly intended that vehicles capable of off-highway operation be subject to fuel economy standards as nonpassenger automobiles. The term "automobile capable of off-highway operation" is defined in section 501(3) of Title V. While such automobiles cannot be passenger automobiles, they can be subject to an average fuel economy standard under section 502(b) as "automobiles which are not passenger automobiles." Thus, a manufacturer must show more than an off-highway capability in order to show that a vehicle is beyond the scope of Title V.

In addition, a vehicle may be manufactured for more than one "primary" use. This interpretation of "primarily" is supported by the Supreme Court in *Board of Governors of the Federal Reserve System* v. *Agnew*, 329 U.S. 441 (1947). In "Agnew," the Supreme Court had to decide whether a securities firm which earned approximately two thirds of its revenue from brokerage, and less than one third from underwriting was "primarily engaged" in underwriting under the Banking Act of 1933. The Court believed that "primary" does not always mean "first," and stated, "An activity may be primary * * * if it is substantial." 329 U.S. at 426. Thus, under "Agnew," even if a vehicle was manufactured primarily for off-highway use, if highway use was a substantial use of the vehicle, it would be manufactured primarily for highway use also, and would therefore be subject to Title V.

The phrase "manufactured primarily for use on the public streets, roads, and highways," which is found in the definition of "automobile" in section 501(1) of Title V, and which is the key to the claims of Ford and AMC, is also found in the definitions of "motor vehicle" in section 102(1) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(1)) and section 2(15) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901(15)). "Automobile" under Title V, and "motor vehicle" under both the Vehicle Safety Act and the Cost Savings Act, do not completely overlap (for instance, "automobiles" are limited to four wheeled vehicles, while "motor vehicles" are not so limited). However, with respect to a vehicle's identity as an on-road or an off-road vehicle, the terms "motor vehicle" and "automobile" seem to refer to the same vehicles. Looking at the experience with these vehicles under the Motor Vehicle Safety Act and the Cost Savings Act, it is clear that the vehicles referred to by AMC and Ford are on-road vehicles, with a capability for off-highway operation.

After more than a decade of regulation under the Vehicle Safety Act, both Ford and AMC have acted consistently with the view that vehicles referred to here were "motor vehicles". Indeed, AMC admits that the vehicles are designed to meet the Federal safety standards applicable to motor vehicles. Moreover, the legislative history of the Cost Savings Act specifically contemplates that jeeps are subject to that Act. S. Rept. No. 92-413, 92d Cong., 1st Sess., at 20. Congress must be assumed to have been aware of this long, unchallenged regulatory practice which covered the vehicles at issue here when drafting the language found in section 501 of Title V.

NHTSA also notes that these vehicles are considered by the Environmental Protection Agency (EPA) to be subject to the emissions standards, under the Clean Air Act, which apply only to vehicles "designed for transporting persons or property on a street or highway."

There is nothing in the legislative history of Title V which indicates that the intent of Congress was that the Title have a more narrow scope than that given by the NHTSA's interpretation. In its comment to the Vehicle Classification NPRM, Ford quotes the following passage from the legislative history of Title V, in support of its claim that vehicles with all the features which Ford discussed are not manufactured primarily for on-road use:

> The effect of the definitional scheme of the bill is to exclude entirely vehicles not manufactured primarily for highway use (e.g., agricultural and construction equipment, *and vehicles manufactured primarily for off-road rather than highway use*). (Emphasis supplied by Ford.)

The quoted language adds nothing to Ford's argument. Although this language gives some examples of the kinds of vehicles which Congress intended not to be subject to fuel economy standards under the title, e.g., agricultural equipment and construction equipment, those vehicles are not characterized by the features which are claimed by the manufacturers to establish that a vehicle was not manufactured for highway use. Furthermore, the language which Ford underscored by no means referred necessarily to the vehicles which Ford seeks to have excluded from the title. Other vehicles, such as racing cars, fork-lifts, and airport fire apparatus are just some of the other vehicles which are not manufactured primarily for on-road use.

Indeed, if anything, the quoted language supports NHTSA's position that its interpretation of the "manufactured primarily" language is correct, since the two examples of vehicles which were given have long been considered by the NHTSA to be off-road vehicles. Therefore, Congress seems to be adopting the NHTSA interpretation. Moreover, it should be noted that the quoted material referred to the definitional scheme as it existed in HR 7014. In that earlier version of Title V, there was no specific recognition of automobiles which are capable of off-road operation. Therefore, the House report referred to a definitional scheme that less clearly included off-road vehicles than the scheme enacted into law.

Moreover, Ford did not discuss the legislative history of Title V in the Senate. The bill originally passed by the Senate dealing with automotive fuel economy standards was S.1883. Section 503(7) of S. 1883 read:

> "Light duty truck" means any motor vehicle rated at 6,000 pounds gross vehicle weight or less which (A) is designed primarily for purpose of transportation of property including a derivative of such a vehicle, or (B) *has special features modifying such vehicle for predominant offstreet or offhighway operation and use*. (emphasis added).

Hence, the vehicles AMC and Ford seek to have excluded from the title were specifically included in the original Senate bill.

The text of S. 1883 was incorporated verbatim into the Senate version of S. 622; 41 Cong. Rec. S-16957 (daily ed., September 26, 1975). The conference report for S. 622, states that "average fuel economy standards shall apply to all new 4-wheeled motor vehicles (referred to as "automobiles") manufactured or

imported into the United States which are rated at 6,000 pounds gross vehicle weight (GVW) or less", S. Rep. 94–516, at 153. In light of the express provisions of the Senate bill and the broadly inclusive statement in the conference report, the agency believes that the legislative history supports the NHTSA interpretation of the scope of Title V.

Finally, the purpose of the title dictates that its provisions, especially regarding the scope of its applicability, be given a liberal construction. Congress enacted Title V in response to the energy shortage and the pressing national need to reduce the consumption of gasoline. In light of the importance of energy conservation to the Nation's economic health and standard of living, NHTSA believes that Congress intended the title to have broad application, and that any interpretation of the Title that would have the effect of exempting an entire class of vehicles from regulation under the title must be firmly based in the language of the title or its legislative history. Neither AMC nor Ford has shown a clear expression of Congressional intent that the vehicles with the characteristics they described, making them suitable for off-road operation, should be exempt from fuel economy standards established under the Title. Indeed, as has been demonstrated, the intent of Congress would have those vehicles subject to the Title.

The agency realizes that the term "primarily", as used in the definition of passenger automobile in section 501(2) ("manufactured primarily for use in the transportation of not more than 10 individuals") is given a different meaning than when it is used in section 501(1) ("manufactured primarily for use on the public streets, roads and highways"). However, the agency believes that Congress did not intend that the word be used in the same sense in those two definitional sections. As discussed above, the use of the term "primarily" in the definition of "automobile" must be considered against a legislative backdrop of other statutes using the identical phrase, and the remedial purposes of Title V justifying a broad interpretation of those definitions which delineate the scope of its applicability. However, the use of the term "primarily" in the definition of "passenger automobile" brings other considerations into play. First, the need to give the term so broad a meaning is less compelling when the effect is not to include a vehicle in the scope of the Title, but only to place a vehicle into one of the categories clearly within the scope of the Title. Second, the definition of "passenger automobile", unlike the definition of "automobile" is not identical to existing definitions in other statutes with established interpretations. Third, since all automobiles carry at least one passenger, interpreting primarily to mean "substantial" would result in no automobile being classified as a nonpassenger automobile. Since Congress clearly intended that nonpassenger automobiles be considered apart from passenger automobiles, such an interpretation would defeat a clear Congressional intent.

Captive Imports. In the NPRM, the NHTSA indicated its tentative intent to calculate a single average fuel economy figure for domestic manufacturers which have captive imports by combining the captive imports with the domestically produced vehicles of those manufacturers. Captive imports are vehicles, such as the Chevrolet LUV and the Ford Courier pickup trucks, which are marketed by a domestic manufacturer but fabricated by a foreign manufacturer. It is anticipated that approximately 50,000 1979 LUV's and 50,000 1979 Couriers will be imported into this country. The agency noted that there were some questions about the propriety of this inclusion, including one relating to the meaning of the term "control" as used in section 503(c) of Title V and whether General Motors and Ford import these vehicles within the meaning of section 501(9) of Title V. Comments and information were requested from interested parties.

Comments were received from Chrysler, General Motors and Ford supporting the inclusion of the captive imports, and from the United Auto Workers (UAW) and AMC opposing the inclusion. Chrysler supported the inclusion of the captive imports because it believed this would allow the manufacturer to adopt the most cost-effective strategy for maximizing fleet fuel economy. General Motors supported the inclusion of the captive imports because it believed its ownership of 34 percent of the common stock of Isuzu (the producer of the LUV) plus its contractual control over the design, manufacture, and importing of the LUV vehicles makes General Motors the manufacturer under section 503(c) of Title V. Ford supported the inclusion of the captive imports because it believed Title V requires the separation of domestic and imported vehicles only for passenger automobiles, and because it believes its contractual arrangements with Toyo-Kogyo (the producer of the Courier) make Ford the importer of the Courier and hence the manufacturer under section 501(9). Ford also believes its contractual control over the design and manufacture of the Courier constitutes sufficient control to make it the manufacturer under section 503(c) of Title V. The UAW's opposition was based on its belief that the intent of the Title is to treat all imported and domestic vehicles separately, although it conceded that the language of the title mandates this separate treatment only for passenger automobiles. AMC objected because it believes the net effect of the inclusion of the captive imports would be to discriminate against non-importers and stimulate foreign production at the expense of domestic production.

The NHTSA has concluded that the inclusion of the captive imports in the model year (MY) 1979 fleet is proper. First, it is clear that Ford and General Motors are the statutory manufacturers of their captive imports. Under section 503(c), the term "manufacturer" includes anyone who "controls" the manufacture of the vehicle. The NHTSA believes that control is not limited to majority stock ownership. Rather, control may consist of either the ownership of a large enough block of common stock in a producer to constitute effective voting control of the firm, as we believe is true of General Motors' ownership of Isuzu stock, or contractual restrictions on the design and manufacture of the vehicle which essentially eliminate the producer's freedom to alter the production of the vehicle, which we believe is true of the contracts between General Motors and Isuzu and between Ford and Toyo-Kogyo. Therefore, we believe that General Motors' and Ford's relationships with the Japanese producers of these vehicles is sufficient to make General Motors and Ford the statutory manufacturers of these vehicles.

In addition, section 501(9) defines the importer of a vehicle to be its manufacturer. The NHTSA believes that acceptance of delivery in the foreign country and assumption of full responsibility for the shipment and import duties on the vehicles by a domestic firm, as is the case for Ford, is sufficient to make the domestic firm the importer of the vehicle, and hence its manufacturer.

Further, the NHTSA believes that separate treatment of domestic and imported NPA's is not required by the title. Section 503(b)(1) of Title V requires the separate treatment of domestic and captive import vehicles for passenger automobiles only. Section 503(a)(2) leaves open the question of whether to establish administrative requirements for separate treatment of domestic and captive import nonpassenger automobiles. The House report provides that procedures for calculating nonpassenger automobile average fuel economy are to be similar, although not necessarily identical to the procedures used for passenger automobiles. See H. Rept. No. 340, 94th Cong., 1st Sess. 91 (1975).

The provision in section 503(b)(1) for counting most captive import passenger automobiles together with the domestically-produced passenger automobiles in model years 1978 and 1979 provides the affected manufacturers with an opportunity to adjust to the separate treatment requirement. Most domestic manufacturers which have captive import passenger automobiles have comparable domestically-produced passenger automobiles also. The agency believes that if there is to be complete separate treatment of captive import and domestically-produced nonpassenger automobiles, there should be a similar adjustment period first. One factor in determining the nature of such an adjustment period is the absence of any domestically-produced nonpassenger automobiles that are comparable to the captive import nonpassenger automobiles.

The practical effect of not placing a limitation on counting the captive import nonpassenger automobiles in 1979 should be very small. The small, imported pickup truck market in this country, and Ford's and General Motors' share of it, have been fairly stable over

the past several years. The agency believes that this stability will continue through 1979. Therefore, the chances seem minimal of there being any significant increase in the number of captive import nonpassenger automobiles that could be attributed to the absence of a limitation. However, since the manufacturers believe that inclusion of captive imports will help them market a more fuel economical fleet of nonpassenger automobiles, the agency is willing to allow inclusion for model year 1979. Allowing such inclusion may result in some small fuel economy benefits. If it can be demonstrated in a petition for reconsideration that the absence of a limitation on the inclusion of captive imports would have a significant effect on the captive import market, the agency would consider amending the standard.

As to AMC's discrimination argument, it should be noted that while the inclusion of the imports may give a manufacturer importing nonpassenger automobiles with high fuel economy some added flexibility in achieving the standard, this flexibility is no greater than the flexibility that would be enjoyed by a manufacturer which domestically manufactures a number of nonpassenger automobiles with high fuel economy.

Finally, the agency wishes to emphasize again that the decision to include all captive import nonpassenger automobiles in the fleets of the domestic manufacturers which import them applies to model year 1979 only. As part of the rulemaking to begin this summer regarding nonpassenger automobile standards for after 1979, the agency is considering establishing a limitation similar to the one for captive import passenger automobiles in 1978 and 1979 and providing for completely separate treatment beginning in the early 1980's. In this connection, the agency will be gathering information regarding the desirability of this approach, and an appropriate base period, similar to the one specified in section 503(b)(2)(B) of the Act, for the purpose of calculating the limitation.

Classes of nonpassenger automobiles. In the NPRM, the agency proposed establishing a standard for nonpassenger automobiles as a single class. The agency stated that it did not have sufficient information to assess the desirability or other implications of a multiple class system, nor had it fully assessed the potential criteria for differentiating between or among classes, or the effect that a multiple classification system would have on the ability of a manufacturer to balance vehicles with high and low fuel economy.

Several comments discussed the classification issues which were raised in the NPRM. General Motors favored a single class for all nonpassenger automobiles, because such a system would allow a manufacturer maximum flexibility in meeting a standard. General Motors pointed out that a single class would enable the manufacturer to concentrate efforts for fuel economy improvement on its high volume products, while still being able to produce low volume, low fuel economy vehicles. General Motors indicated that a manufacturer might stop producing low volume, low fuel economy nonpassenger automobiles if those nonpassenger automobiles could not be balanced against other, more fuel economical nonpassenger automobiles. AMC argued that a single classification system favored large volume manufacturers with a broad product line which could balance low fuel economy vehicles against high fuel economy vehicles. AMC also argued that the vehicles which it produces, four-wheel drive, general utility jeep-type vehicles should be placed in a separate class because these vehicles were inherently less fuel economical than nonpassenger automobiles in general.

After considering these comments, as well as comments from International Harvester and Ford relating to separate classification, the agency has decided to establish a separate class for four-wheel drive, jeep-type vehicles. Because the agency intends that only four-wheel drive jeep-type vehicles, and not other four-wheel drive vehicles, such as some pickup trucks, be eligible for the separate class, the agency will allow only vehicles with wheelbases less than 110 inches to be eligible for the separate class. Each manufacturer of jeep-type vehicles will have the option of including those vehicles in the separate class, or including those vehicles in the general class of nonpassenger automobiles. In this way, the problems of both the manufacturer with a broad product line and the manufacturer with a narrow product line can be accommodated consistent with the purposes of Title V.

The basis for this decision is described below. The agency wishes to emphasize that the approach taken to the classification issue in this instance will not necessarily be used in the future when considering other manifestations of the classification issue.

Considering whether to establish a separate class for four-wheel drive, jeep-type vehicles brought into focus a problem in the analytical basis of the nonpassenger automobile fuel economy program. On one hand, section 502(b) clearly gives the agency the authority to establish separate classes of nonpassenger automobiles with each class having a separate standard. This grant of authority recognizes that there are some vehicles which have characteristics in some way related to fuel economy making them either very fuel economical or very fuel uneconomical, which may justify their being subject to a special standard. On the other hand, the fact that standards must be average fuel economy standards indicates that the manufacturers should be given some opportunity to balance vehicles with differing fuel economies to ensure, consistent with the need to conserve energy, that a reasonable variety of vehicle types can be produced to satisfy consumer demand.

In consideration of this problem, the agency made the following analysis. In the case of four-wheel drive, jeep-type vehicles, the agency considered whether the vehicles were necessarily low performers (in terms of fuel economy) as compared to nonpassenger automobiles as a group. After considering the relevant comments and other information concerning these vehicles, the agency determined that these vehicles were inherently low fuel performing vehicles in comparison with nonpassenger automobiles in general, due to characteristics such as four-wheel drive and high drive ratios.

After determining that the general utility vehicles had special characteristics relating to fuel economy which could justify a separate standard, the agency next considered the manufacturers of the vehicles to determine whether all nonpassenger automobile manufacturers produce vehicles against which the low performing vehicles could be balanced. A single average fuel economy standard based on the performance of a variety of nonpassenger automobiles of both inherently high and inherently low fuel economy may not be feasible for a manufacturer of only the inherently low fuel economy nonpassenger automobiles. The manufacturer of only inherently low fuel economy vehicles would not be able to perform the balancing that was assumed in developing the standard, and would therefore be unable to meet the standard. The conference report admonishes the Administrator to weigh the benefits to the Nation of a given fuel economy standard against the difficulties of individual manufacturers in meeting the standard. In doing so, he is cautioned to consider the competitive and national economic implications of the standards that might severely strain any manufacturer. (S. Rept. No. 516, 94th Cong., 1st Sess. 154–155 (1975).)

AMC is a manufacturer of four-wheel drive, jeep-type vehicles which does not produce a significant number of high fuel economy vehicles against which its Jeep CJ could be balanced. Therefore, in light of the considerations discussed above, the agency deems the four-wheel drive, jeep-type vehicle to be an appropriate candidate for separate classification.

The agency also considered the effect of a separate classification on Toyota, another manufacturer of a general utility, jeep-type vehicle. Toyota produces mostly very high fuel economy nonpassenger automobiles, against which their Land Cruiser, which makes up approximately 17 percent of their total nonpassenger automobile production, can be balanced. In addition, the Land Cruiser is much heavier and has substantially lower fuel economy than the AMC Jeep CJ. Because the Jeep CJ represents a much larger part of the four-wheel drive, jeep-type vehicle market, the maximum feasible level of fuel economy would be influenced more by the Jeep CJ than the Land Cruiser. The agency believes that Toyota would be unlikely to spend substantial resources to improve the fuel economy of the Land Cruiser to the level

where it could comply with the standard because that vehicle represents such a small portion of the Toyota fleet. Therefore, the agency believes it likely that Toyota would abandon the general utility, jeep-type vehicle market in this country rather than improve the fuel economy of the Land Cruiser, or pay a substantial civil penalty. The effect of Toyota's leaving the market would be to improve total average fuel economy of the nonpassenger automobile industry only slightly, but reduce competition in the general utility, jeep-type market under 6000 GVWR from two significant competitors to one. (Although Chrysler produces a four-wheel drive, general utility vehicle, Chrysler is not considered a significant competitive force since only 1700 of their vehicles were sold in model year 1976. Moreover, Chrysler's response to a standard for jeep-type vehicles is very difficult to gauge. Chrysler would have to improve fuel economy less than Toyota, but the Chrysler fleet of jeep-type vehicles is very small.) The agency believes that this lessening of competition should be avoided if possible, consistent with the need to conserve energy.

Therefore, the agency has given the manufacturers the option of including their four-wheel drive, jeep-type vehicles in the special class for such vehicles, or in the overall nonpassenger automobile class. In this way, AMC could meet a standard that was appropriate for its Jeep CJ, and Toyota would be able to balance the fuel economy of its Land Cruiser against the fuel economies of its highly fuel economical other nonpassenger automobiles if it chose to do so. By so doing, Toyota would be more likely to stay in the market.

The agency wishes to point out that the analysis leading to the decision to treat four-wheel drive, jeep-type vehicles, as a separate class is closely tied to the language and purpose of Title V. Thus, the agency expresses no opinion as to whether such vehicles should be treated separately for other regulatory purposes, such as safety or emissions control.

A final point must be made. Although the agency has determined that certain characteristics of four-wheel drive, jeep-type vehicles, result in those vehicles having an inherently lower fuel economy and therefore a lower fuel economy standard than more numerous nonpassenger automobiles, such as pickup trucks and vans, the jeep-type vehicles will still be expected to have improved fuel economy. The agency believes that these vehicles can improve fuel economy through weight reduction, technological improvements, and performance reductions consistent with their intended use.

Responsibility for compliance. Each manufacturer is responsible for the fuel economy of the complete automobiles that it produces in a single stage. With respect to automobiles manufactured by two or more manufacturers, the agency has issued a proposed rule that would, in most circumstances, place the responsibility for their fuel economy on the manufacturer of the incomplete automobile (frame and chassis structure, power train, steering system, suspension system, and braking system). (Notice of Proposed Rulemaking, Manufacture of Multistage Automobiles, 42 FR 9040, February 14, 1977). Under the contemplated scheme, such a manufacturer must determine the fuel economy of the automobiles it manufactures and include those automobiles in its fleet in calculating its average fuel economy. The incomplete vehicle manufacturer must also specify a maximum curb weight and a maximum frontal area with which the vehicle is to be completed. If the final stage manufacturer completes the automobile so as to exceed either maximum or if it sells the automobile as one manufactured in a model year subsequent to the model year during which the incomplete vehicle manufacturer produced the incomplete vehicle, that final stage manufacturer would then become the manufacturer of the automobile for purposes of Title V.

Measures to improve fuel economy. In the NPRM, the NHTSA discussed several methods which could be used by manufacturers of nonpassenger automobiles to improve the average fuel economy of their nonpassenger automobile fleets. These methods included such techniques as technological improvements, weight reduction, and performance reductions. Many comments directed at these discussions of fuel economy improvement techniques were received from manufacturers of nonpassenger automobiles. Virtually all these comments made the point that the NHTSA, in one way or another, had overstated the potential for fuel economy improvement in nonpassenger automobiles.

It is important to put the assessment of fuel economy improvement contained in the NPRM in the proper perspective. The NPRM proposed an average fuel economy standard of 18.7 mpg. This proposed standard was intended to be set at a level that all manufacturers could meet without substantially modifying their product plans for model year 1979. The 18.7 mpg standard also assumed that there would be no adverse fuel economy effects resulting from the emissions standard and fuel economy testing procedures established by the EPA for model year 1979. In developing the proposed standard, NHTSA performed an engineering analysis to determine the appropriate level at which to set the standard consistent with that intention and assumption. This engineering analysis, which contained the discussion of the fuel economy improvement measures that were criticized by the commenters, concluded that those manufacturers that did not indicate a planned level of fuel economy of 18.7 mpg for model year 1979, could achieve that level without a substantial modification of their product plans (41 FR 52092). The NPRM made it clear that the NHTSA analysis of fuel economy potential did not depend on manufacturers' employing any particular method or methods of fuel economy improvement. The NPRM clearly stated

> The agency wishes to emphasize that the proposed standard is a performance standard and, therefore, that the manufacturers would not be required to take any particular step discussed below. It is anticipated, however, that each manufacturer would take one or more of the steps and place its own unique emphasis on each of those steps. Thus, the fuel economy improvements derived from those steps by a particular manufacturer would vary from the percentage fuel economy improvements as calculated by the agency.

Thus, the discussion of methods by which fuel economy could be improved was only a general discussion of how some manufacturers of nonpassenger automobiles could modify their product plans slightly to achieve an average fuel economy of 18.7 mpg by model year 1979. Although, in general, weight reduction, performance, reduction, technological improvements, and aerodynamic improvements are the basic methods to improve automotive fuel economy, the discussion in the NPRM was clearly not an exhaustive list of the details of fuel economy improvement possibilities, nor a directive to manufacturers instructing them on how to improve fuel economy. The agency anticipated that each manufacturer would achieve 18.7 mpg as it determined was best for itself.

The comments by the manufacturers to the NPRM indicate that the manufacturers will be able to achieve an average fuel economy of at least 18.7 mpg, assuming no fuel economy consequences due to emissions standards and testing procedures. Ford and General Motors each recommended a standard which they derived by reducing the proposed 18.7 mpg standard by the claimed effects of EPA's actions regarding emissions and testing procedures for model year 1979. Thus, both Ford and General Motors appear to assume that they will be able to achieve an average fuel economy of at least 18.7 mpg, excluding the possible effects of the 1979 emissions standard and test procedures. An analysis of Chrysler's comments leads to the same apparent assumption that at least 18.7 pmg is achievable by 1979. Chrysler projected an average fuel economy standard for model year 1979 of 16.5 mpg, assuming 1979 emissions standards and testing procedures. Chrysler stated that the change in emissions standards from 1976 to 1979 would result in a fuel economy loss of approximately 5 percent, and the change in testing procedures would result in a measured fuel economy loss of 8 percent. If those fuel economy losses, totalling 13 percent, are taken out of the Chrysler projection, their projection would be 19 mpg in 1979, under 1976 emissions standards and test procedures.

Thus, although Ford, General Motors, and Chrysler all criticized the NHTSA analysis of fuel economy improvement potential, those companies did not claim that they were incapable of reaching at least 18.7 mpg. Indeed, they tacitly

agreed that 18.7 mpg, under 1976 emissions standards and test procedures is achievable. Therefore, there is no need for the NHTSA to change the final standard for model year 1979 in light of those comments. The proper level of the standard will depend on whether changes in the emissions standards or testing procedures result in reductions in fuel economy, not whether the NHTSA has correctly evaluated the fuel economy improvement potential through a particular combination of a variety of specified measures. However, the agency still believes, based on its analysis and considering the comments, that an average fuel economy level of 18.7 mpg, under 1976 emissions standards and testing procedures, is achievable without significant changes in product plans.

It is important to note that many of the comments received in this area are relevant to fuel economy standards for model years beyond 1979. They will be considered in connection with the development of those standards.

Effect of Federal emissions standards and testing procedures. EPA has established more stringent emission standards for model year 1979. EPA has also modified the testing procedures for measuring emissions for nonpassenger automobiles in model year 1979 (December 28, 1976, FR 56316). The test procedure changes establish a higher road load horse power requirement for test vehicles than the previous year. On the basis of various studies, EPA has concluded that the revised road load horsepower requirement is a more accurate description of conditions which an in-use vehicle experiences. Aside from a small increase in NOx any affect that the test procedure change has on fuel economy is a "measured" effect only; it has no impact on real, in-use fuel consumption of a vehicle.

The standard proposed by the NHTSA was based on the assumption that changes made by the EPA in the MY 1979 emissions standard and testing procedures applicable to nonpassenger automobiles would impose no fuel economy penalty or testing effect on vehicles of the manufacturers. NHTSA recognized, however, that this assumption was subject to some doubt, and indicated a willingness to revise the standard to take into account any such penalty or effect actually shown to exist. Comments and information on the existence and magnitude of these penalties were requested from all interested parties.

Comments were received from General Motors, Ford, Chrysler, AMC and International Harvester. Every manufacturer challenged the assumption that the revised EPA emissions standard and testing procedures would have no effect on average fuel economy. International Harvester believes the penalty due to the emission standard will be 10–15 percent. AMC estimated the combined penalty to be greater than 10 percent. The estimated fuel economy penalty due to the emission standard, including the effect of increased NOx emissions resulting from higher engine loading due to the revised test procedures, was 5 percent for General Motors, 3 percent for Ford, and 7 percent for Chrysler. General Motors estimates the fuel economy effect for revised testing to be 6.2 percent. Ford estimates the testing effect to be 9 percent. Chrysler estimates the testing effect at 6 percent. General Motors, Ford and Chrysler also submitted to the NHTSA the data upon which these estimates were made.

After a consideration of technology that will be available in model year 1979, and the ability to optimize engine calibration, and a careful analysis of the data supplied by the manufacturers, the NHTSA has concluded that the manufacturers have failed to show that there will be any penalty due to the tighter emissions standard. However, they have shown an effect of 8 percent due to the revised testing procedures.

The change in the EPA emissions standard that affects fuel economy is the lowering of the standard for NOx from 3.1 grams per mile (gpm) to 2.3 gpm. It is not disputed that meeting a more stringent NOx standard can result in taking product actions would cause a degradation of fuel economy from levels achieved by a vehicle meeting a less stringent standard. However, it is also true that a number of product actions related to emissions control can be taken to restore the lost fuel economy. For example, where NOx is reduced through engine recalibration which can result in lost fuel economy, the recalibration can be optimized to eliminate, or at least reduce, the fuel economy penalty. This optimization, or fine tuning, has occurred in the past as manufacturers have accumulated experience with the engine recalibration. Also, emissions control systems improve as the manufacturers gain experience with them, which can result in improved NOx control without a loss of fuel economy. Moreover, the use of existing emissions control systems, such as back pressure or proportional exhaust gas recirculation (EGR) systems can be expanded for nonpassenger automobiles. Finally, advance emission control systems, such as three way catalysts or electronic EGR exist and could be used for nonpassenger automobiles, although the agency recognizes that such advanced systems may not be cost effective in controlling NOx to meet a standard of 2.3 gpm.

In light of these possibilities for achieving increased emissions control while maintaining fuel economy, the agency assumed that by model year 1979, manufacturers would be able to meet the 2.3 gpm NOx standard without a degradation in fuel economy from the level achievable when the NOx standard was 3.1 gpm. The NPRM solicited comments on this assumption of no fuel economy loss due to a tightened NOx standard. Although manufacturers submitted a significant amount of information on the issue, the manufacturers failed to show that a NOx standard of 2.3 gpm would necessarily result in a loss of fuel economy.

General Motors tested five different vehicles to establish the magnitude of the fuel economy penalty due to the revised emission standard. The vehicles were tested before and after recalibration to reduce NOx from the level required to meet the 3.1 gpm NOx standard to the level required to meet the 2.3 gpm NOx standard. The recalibration consisted of increased EGR flow rates and/or spark retard. General Motors' test data is inconsistent with regard to the relationship between reduction in NOx and fuel economy. One vehicle met the new NOx standard as delivered and was not recalibrated from the calibrations used to meet the 3.1 gpm standard. Two vehicles of the same engine family showed small reductions in fuel economy and one vehicle showed a large reduction in fuel economy. General Motors averaged the data with no weighting to reflect sales mix and extrapolated the results to the percent NOx reduction for the MY 1979 emission standard level since the arithmetic averaged NOx reductions in their test did not meet a level required for the 2.3 gpm standard. The General Motors testing methodology was unsatisfactory because the sample tested did not adequately represent General Motors' fleet and no replicate tests and only one replicate vehicle configuration were included. Additionally, using a nonweighted average is improper unless the results from one engine family are representative of all engine families. This was not shown to be the case for General Motors data which indicated a wide range of results. In addition to the inconsistency of the test results, and the flaws in methodology, the other serious deficiencies in General Motors test program were that it considered no improved emission control technology, especially improved EGR systems, and the recalibrations were not optimized.

Ford tested five nonpassenger automobiles in three engine families with one replicate vehicle configuration in two of the engine families. Ford data were the best submitted by a manufacturer since they had replicate vehicles and repeat tests (from two to four of each). Again, however, not all vehicle configurations were represented. Ford's vehicle recalibration was successful in meeting target emission levels although one vehicle met the revised emission standard by a sufficient margin without recalibration. However, the recalibrations were performed on current emission control systems and no mention was made of improved EGR systems. Also, there was no evidence that the calibrations were optimized. For the replicate vehicles, there was considerable variability in the effect of the recalibrations. It was concluded that Ford data, like the GM data, demonstrated an inconsistent effect on fuel economy of meeting a NOx standard of 2.3 gpm and demonstrated wide vehicle variability. It was also noted that in one case a recalibration to reduce NOx emissions improved fuel economy. This is evidence that other calibrations were not optimized. Ford arrived at its claimed fuel economy penalty by arithmetically

averaging the results of its tests. This is improper unless the same results are expected for each engine family. In addition to its test data, Ford supplied supplemental data on the effects of the tighter California emission standard on fuel economy. The NHTSA believes the data are of limited usefulness because they rely on existing emission control technology for the California fleet, which is a small portion of the total fleet. Needs of the California fleet may not justify major changes in control techniques from those applied to the 49 state fleet. Moreover, the Ford data regarding California vehicles is inconsistent. Ford indicated that going from an engineering goal to meet a NOx standard of 3.1 gpm to a goal to meet a standard of 2.0 gpm in California resulted in a 10 percent reduction in fuel economy. However, Ford stated that the penalty from going from 3.1 to 2.3 for the 49 state fleet would result in a penalty of only 2 percent. In light of this discrepency, the agency believes that comparisons with California vehicles are not particularly compelling.

Chrysler recalibrated three MY 1979 passenger cars from a 2.0 gpm NOx standard level to a 3.1 gpm NOx standard level and interpolated the resulting fuel economy penalty for a reduction in NOx from 3.1 gpm to 2.3 gpm. All vehicles were tested twice, but no identical vehicles or additional configurations were included. The results showed considerable variability in the claimed effect on fuel economy of the MY 1979 emission standard. The most serious deficiency, in NHTSA's opinion, is the fact that they tested passenger automobiles rather than nonpassenger automobiles. Besides the differences in attributes such as axle ratios between nonpassenger automobiles and passenger automobiles, the recalibration of model year 1977 vehicles ignores the improvements in the emission control systems and calibrations between MY 1976 and MY 1977 for passenger automobiles. Also, no allowance is made for similar improvements in nonpassenger automobiles emission control systems and calibration optimization by MY 1979. Chrysler also supplied a comparison of 49-State and California fleets of nonpassenger automobiles. This comparison is subject to the same criticism as for that of Ford.

NHTSA performed a statistical analysis of the data submitted by the manufacturers to assess the reliability of the data for estimating the level of penalty they claimed. A 95 percent confidence interval (i.e., the range of values within which the true level of any penalty lies with a 0.95 probability) was calculated for the claimed fuel economy penalty for each manufacturer and for the total fleet. The results of this analysis showed that even if the analysis considered improvements in emissions control technology and optimization of recalibration, and even if the vehicles tested were representative of the manufacturers' fleets, the claims of the manufacturers are not supported by the data because of the wide range of the confidence interval.

In conclusion, NHTSA considers the manufacturers' claims of a fuel economy penalty resulting from the need to reduce NOx emissions in MY 1979 to be unsupported by their submissions. NHTSA considers the results of a proper recalibration program more compelling than any other means of supporting a claim. The recalibration programs undertaken by the manufacturers were in some cases unsuccessful in reducing NOx emission to the levels desired. More importantly, the recalibrations performed neither demonstrate nor anticipate optimization of calibration nor new technology. Given the fact that the recalibration programs were inconsistent and inconclusive, NHTSA must rely on recognizing past accomplishments and on anticipating new technology. EPA has stated in their rulemaking action for the MY 1979 emission standard that there does not have to be a fuel economy penalty associated wih its standard if the manufacturers have enough leadtime to optimize calibrations and control system designs. NHTSA agrees that there doesn't have to be a penalty if leadtime exists for recalibration optimization. Past performance indicates sufficient leadtime exists. However, NHTSA does not say there will be no penalty. Rather, the agency believes that the manufacturers have not demonstrated a penalty. The average fuel economy standard for model year 1979 has been set with no reduction included for the MY 1979 emission standard. However, the agency is open to submissions of further test data and leadtime information that will support the manufacturer's claims.

Unlike the situation with the change in emissions standards, the change in testing procedures, which include an increase in the roadload horsepower setting of approximately 30 percent, will definitely result in a decrease in measured fuel economy. Manufacturers submitted data to show the effect of the revised testing procedure on measured fuel economy. The agency performed an analysis of the data submitted by the manufacturers.

The agency believes that the data submitted by Ford are the most meaningful because of the large number of vehicles tested (96 vehicles) in 550 separate tests, the testing of many identical vehicles, and because many of the tests were repeated. This amount of data enabled the NHTSA to use a statistical analysis procedure to show that if a 95 percent confidence interval for the effect on fuel economy for the entire fleet of Ford nonpassenger automobiles were computed, this fleet average effect would have a narrow confidence interval range, and would be considered to be highly reliable. The General Motors data are considered less reliable because of the fewer number of vehicles tested, the fact that there were no tests on identical vehicles, no tests were duplicated, and the data are highly variable. Chrysler's data are considered less reliable than Ford's because only 2 of 3 engine families were tested, and there were no tests of all vehicle configurations or duplicate tests. After a careful analysis of these results, the NHTSA believes the manufacturers have demonstrated an 8 percent fuel economy effect and the average fuel economy standard has been reduced to reflect this effect. This effect reflects primarily the results of the Ford analysis. However, for use on an industry wide basis, the effect demonstrated by Ford has been reduced slightly in light of differences between the Ford fleet, and the industry fleet. For example, Ford produces a greater percentage of 6 cylinder engines than the industry average. In addition, Ford's average frontal area is larger than the industry average, which would cause a higher percentage of increase in road load. Both of these facts would result in a greater fuel economy effect. Also Ford produces a higher percentage of 4,000 pound inertia weight nonpassenger automobiles than the industry as a whole does. The percent increase in road load horsepower is greater for these lighter vehicles. Thus, the effect of the testing procedures on the industry average fuel economy would be slightly less than on Ford's average fuel economy.

Although the NHTSA is applying this correction for model year 1979, it will be revised in future model years if further data or analysis indicate that is appropriate.

Effect of California emissions standards. Ford stated that the 1979 emissions standards for California, which are more stringent than the 1979 Federal standards, will result in its California fleet of nonpassenger automobiles having an average fuel economy approximately 6 percent lower than its Federal fleet. Ford stated that the effect of the California fleet would be to lower the average fuel economy of its 50 state fleet by 0.1 mpg. Chrysler provided information showing that its California fleet will lower the average fuel economy of its 50 state fleet by 0.3 mpg. The NHTSA recognizes that emissions requirements for vehicles sold in California, and the different mix of vehicles sold in California may have the effect of lowering the 50 state average fuel economy of a manufacturer of nonpassenger automobiles. However, neither Ford nor Chrysler made an adequate case for lowering the proposed standard because of the effect of the California vehicles. Ford, in information provided to the NHTSA in response to the agency's questionnaire circulated last summer, projected an average fuel economy for its nonpassenger automobiles manufactured in model year 1979 in excess of 19 mpg, without considering the effects of the 1979 Federal emissions standards and testing procedures. Although Ford's California vehicles may lower its 50 state average fuel economy by 0.1 mpg., Ford will still be capable of achieving a level of fuel economy under 1976 Federal emissions standards and testing procedures that is higher than the 18.7 proposed in the NPRM. Likewise, although Chrysler indicated some effect of the California standards on its average fuel economy,

Chrysler still projected an average fuel economy for 1979 of 16.5 mpg, based on 1979 Federal testing procedures and emissions standards. If the fuel economy penalty and testing penalty estimated by Chrysler for emissions and testing procedures of 13 percent is taken out, Chrysler in effect projects a fuel economy of 19.0 mpg for 1979. Therefore, although California standards may make achievement of the level of 18.7 mpg, under 1976 Federal emissions standards and testing procedures, more difficult, there is no showing by Chrysler or Ford that the California standards make achievement of the level 18.7 mpg infeasible.

Comparison of proposed standard for nonpassenger automobiles with standard established for passenger automobiles. In section 502(a)(1) of Title V, Congress established an average fuel economy standard for passenger automobiles manufactured in model year 1979 of 19.0 mpg. Congress established no standards for nonpassenger automobiles. Several commenters have argued that the proposed average fuel economy standard for nonpassenger automobiles of 18.7 mpg was too high, based on a comparison between the proposed nonpassenger automobile standard and the passenger automobile standard established by Congress. General Motors stated that there was an average difference in inertia weight of 500 pounds between passenger automobiles and nonpassenger automobiles and if the fuel economy costs of the extra 500 pounds were considered, the fuel economy standard for nonpassenger automobiles should be no more than 16.9 mpg to be consistent with the standard for passenger automobiles. Chrysler argued that an average fuel economy standard for nonpassenger automobiles which was only 0.3 mpg below that set for passenger automobiles failed to take into account the differences between passenger and nonpassenger automobiles. In particular, Chrysler stated that if the nonpassenger automobile standard remained at 18.7 mpg, after considering the effect of emissions standards and testing procedures that will be in effect in model year 1979, that standard would be equivalent to a standard of 21 mpg calculated under the emissions standards and testing procedures which Chrysler stated were used by Congress in establishing the passenger automobile standard of 19.0 mpg.

The NHTSA believes that these comments do not contain a legitimate reason for lowering the proposed fuel economy standard for nonpassenger automobiles. Title V does not require, or even hint, that the fuel economy standard which the agency establishes for nonpassenger automobiles must be comparable to the standard which Congress set for passenger automobiles. What Title V requires is that average fuel economy standards established by the agency for nonpassenger automobiles be set at the level of maximum feasible fuel economy. This is what the agency has done. In addition, because the agency is analyzing fuel economy potential on the basis of data that are current now, rather than data that were current in 1975 when Title V was drafted, the agency believes that its own analysis of the proper level of fuel economy is deserving of greater weight than the earlier analysis of Congress.

Cost and benefit analysis. The NPRM contained a summary of costs and benefits concerning the proposed average fuel economy standard for nonpassenger automobiles. Ford stated that the NHTSA overstated the benefits and understated the costs of the proposed standard. Specifically, Ford stated that (1) the value of the gasoline saved was overstated because the price of gasoline assumed by NHTSA, $.65 per gallon, included an excise tax of $.13 per gallon, (2) the mileage used for calculating fuel savings should reflect the fact that annual vehicle mileage decreases as the vehicle grows older, and that the assumed vehicle life should reflect vehicle mortality statistics rather than an average life of ten years, (3) performance reductions in vehicles are not "virtually cost free", as stated in the NPRM, but have increased costs to consumers through reduced carrying capacity and increased trip time, (4) the cost of meeting the standard, if the proposed standard of 18.7 mpg is not reduced because of the penaltites from 1979 emissions standards and testing procedures, will be at least $100.00, rather than the $12.00 assumed by NHTSA, (5) the cost increase due to meeting the 1979 emissions standards is higher than assumed by the NHTSA, and (6) the weight reduction which NHTSA speculated might be necessary for General Motors to meet the standard can not necessarily be achieved for the cost estimated by NHTSA ($10.00–15.00 variable cost per vehicle and $500,000 investment), and that there is little correlation among particular weight reduction, variable costs, and investment levels associated with different components.

With respect to Ford's comment on the proper value of gasoline, it should be noted that the benefit and cost summary that was contained in the NPRM related to benefits and costs to consumers. Therefore, since consumers pay the excise tax on gasoline, it is proper to include that tax in a computation of the value of saved gasoline to the consumer. It is also important to note that the NHTSA considers $.65 per gallon to be a conservative estimate of the value of gasoline. The diminishing gasoline resources, and the uncertainty of the the availability of petroleum for manufacturing gasoline, which led Congress to establish the mandatory fuel economy program, give the agency reason to believe that the current pump price of gasoline is not an adequate indicator of its true social value.

The annual mileage figure used by the agency to calculate fuel savings was found in the Census of Transportation, 1972 Truck Inventory and Use Survey, published by the United States Bureau of the Census. Although annual vehicle mileage decreases with the age of the vehicle, assuming constant 11,000 miles per year for the vehicles life does not result in an inaccurate evaluation of total costs. It is the consideration of the total costs of the standard which the agency must consider.

The summary of costs and benefits of the proposed standard considered only quantifiable expenditures and savings relating to the standard. Although Ford is correct that there may be some additional costs of the improved fuel economy in terms of reduced utility, these nonquantifiable costs were not contained in the summary of costs and benefits. Since the final rule, like the proposed rule, is based upon the manufacturers' product plans for model year 1979, these performance costs are not expected to be great.

Ford contended that meeting the average fuel economy standards would result in an average retail price equivalent increase of at least $100.00 per vehicle, if the proposed standard of 18.7 mpg were not reduced for emissions and testing penalties. Since the final standard reflects a substantial reduction from the proposed standard of 8 percent, due to the change in the fuel economy testing procedures, the agency assumes that the estimated price increase of $100.00 is no longer applicable. Although some price increase may be likely to meet the final standard, there is nothing in the Ford comment to indicate that the NHTSA estimate of $24.00 per vehicle retail price increase ($12 cost to the manufacturer, with a markup of 100 percent) is an incorrect estimate of that increase.

With respect to the costs of fuel economy testing and compliance with emissions requirements, the figures assumed were supplied to NHTSA by the EPA, and represent its estimate of the average industry costs. The EPA estimate includes allowances for reuse of the vehicle. The Ford comment does not seem to recognize that an entirely new vehicle is not necessary to test each base level. Changes in recalibration and axle ratios can be made to vehicles, and allow some of the testing costs to be spread over a number of tests. Therefore, Ford's estimate of testing costs seems high. However, even assuming that Ford's estimates of the cost of testing are correct, that higher testing cost is not a basis for modifying the standard, or deciding not to establish a standard. The agency is required by section 502(b) of Title V to establish an average fuel economy standard for nonpassenger automobiles manufactured in model year 1979. Therefore, even assuming that Ford's estimate of testing costs represents a legitimate upper limit of the range of reasonable estimates of testing costs, the agency would not modify its decisions on the basis of the Ford cost figures.

With respect to Ford's contention that there is little correlation between particular weight reduction, variable cost, and investment level, the agency realized that some ways of taking weight out

of a nonpassenger automobile are more expensive than others. In evaluating the costs of weight reduction, the agency assumed that the manufacturer would attempt to use less expensive techniques of weight reduction.

In light of the foregoing, Title 49, Code of Federal Regulations, is amended by adding a new Part 533, Average Fuel Economy Standards for Nonpassenger Automobiles, to read as set forth below.

Issued on March 8, 1977.

JOHN W. SNOW,
Administrator, National Highway Traffic Safety Administration.

Sec.
533.1 Scope.
533.2 Purpose.
533.3 Applicability.
533.4 Definitions.
533.5 Requirements.
533.6 Measurement and calculations procedures.

AUTHORITY: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.

§ 533.1 Scope.

This part establishes average fuel economy standards pursuant to section 502(b) of the Motor Vehicle Information and Cost Savings Act, as amended, for nonpassenger automobiles.

§ 533.2 Purpose.

The purpose of this part is to increase the fuel economy of nonpassenger automobiles by establishing minimum levels of average fuel economy for those vehicles.

§ 533.3 Applicability.

This part applies to manufacturers of nonpassenger automobiles.

§ 533.4 Definitions.

(a) *Statutory terms.* (1) The terms "average fuel economy," "average fuel economy standard," "manufacture," "manufacturer," and "model year" are used as defined in section 501 of the Act.

(2) The term "automobile," is used as defined in section 501 of the Act and in accordance with the determinations in Part 523 of this chapter.

(b) *Other terms.* As used in this part, unless otherwise required by the context—

"Act" means the Motor Vehicle Information Cost Savings Act, as amended by Pub. L. 94-163.

"Nonpassenger automobile" is used in accordance with the determinations in Part 523 of this chapter.

"Jeep-type vehicle" means a 4-wheel drive, general purpose automobile capable of off-highway operation that has a wheelbase not more than 110 inches, and that has a jeep-type configuration.

§ 533.5 Requirements.

(a) Each manufacturer of nonpassenger automobiles shall comply with the requirement in paragraph (b) of this section, or, at the option of the manufacturer, shall comply with the requirements of paragraph (c) of this section.

(b) The average fuel economy of all nonpassenger automobiles manufactured in model year 1979 by a manufacturer described in paragraph (a) of this section, shall be not less than 17.2 mpg, as determined under § 533.6.

(c) (1) The average fuel economy of all nonpassenger automobiles, except jeep-type vehicles, manufactured in model year 1979 by a manufacturer described in paragraph (a) of this section, shall be not less than 17.2 mpg, and

(2) The average fuel economy of all jeep-type vehicles manufactured in model year 1979 by a manufacturer, described in paragraph (a) of this section, shall be not less than 15.8 mpg, as determine under § 533.6.

§ 533.6 Measurement and calculation procedures.

(a) Any reference to a class of nonpassenger automobiles manufactured by a manufacturer shall be deemed—

(1) To include all nonpassenger automobiles in that class manufactured by persons who control, are controlled by, or are under common control with, such manufacturer; and

(2) To exclude all nonpassenger automobiles in that class manufactured (within the meaning of paragraph (a) (1) of this section) during a model year by such manufacturer which are exported prior to the expiration of 30 days following the end of such model year.

(b) The average fuel economy of all nonpassenger automobiles that are manufactured by a manufacturer and are subject to § 533.5(b) or to § 533.5(c) shall be determined in accordance with procedures established by the Administrator of the Environmental Protection Agency under section 503(a)(2) of the Act.

[FR Doc.77-7271 Filed 3-8-77;2:37 pm]

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[OST Docket No. 51; Notice 77-8]

PART 609—TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

Transit Bus Requirements

AGENCY: Urban Mass Transportation Administration, Department of Transportation.

ACTION: 1. Final rule; 2. Adoption of interim procurement procedures for advanced design buses.

SUMMARY: One purpose of this document is to amend further the regulations on transportation for elderly and handicapped persons (see 41 FR 45842, Oct. 18, 1976). By notice published in the FEDERAL REGISTER of February 16, 1977 (42 FR 9654) those regulations were amended to postpone until May 27 a requirement that where a recipient of Urban Mass Transportation Administration ("UMTA") funds issues a bid solicitation for new standard, full size, urban transit buses, such buses must have a 24" effective floor height and an 8" high front door step. Today's amendment postpones those requirements pending further action and also makes a technical correction in the February 16 FEDERAL REGISTER Notice which inadvertently used a May 27, 1977 date when May 31, 1976 was intended. The February 16 Notice also announced that the Department of Transportation (DOT) would hold a public hearing on March 15, 1977 to obtain advice concerning advanced design bus development and the Transbus program. A decision on that issue was promised by May 27, 1977. The final rule which incorporates these amendments and which appears at the end of this doument is effective immediately; it will remain in effect at least until the decision promised by May 27, 1977 is made and implemented. Adequate time will be allowed if the decision requires bus manufacturers to retool or undertake similar activities.

The second purpose of this document is to adopt procedures to implement a policy, announced by DOT in the February 16 Notice, to permit UMTA grantees, at their option, to acquire either current or advanced design buses ("ADBs"). The procedures adopted today provide for an adjusted low bid format for procurement of advanced design buses. Existing UMTA low bid procedures will remain in effect for the acquisition of current buses.

FOR FURTHER INFORMATION CONTACT:

David A. Jewell, Director of Public Affairs, Office of the Secretary of Transportation, 400 7th Street SW., Washington, D.C. 20590. (202) 426-4570.

SUPPLEMENTARY INFORMATION: 1. *Introduction.* In the February 16 Notice, DOT stated that it recognized the need for transit bus policies and procedures that are designed to promote a viable and competitive bus manufacturing industry, to ensure a predictable and consistent federal policy that permits transit operators and manufacturers to make informed business decisions, to encourage development of new technology, and meet the needs of the elderly and handicapped and all other persons. Consistent with that need the February 16 Notice announced the March 15 public hearings and specified those issues on which the Secretary wished to receive comments. Requests to testify at the March 15 hearing have been received and acted upon.

The February 16 Notice also indicated that the Secretary wished to develop interim bus procurement procedures to remain in effect until his decision following the March 15 hearing is implemented. The Notice, therefore, requested the submission, on or before February 24, 1977, of written comments suggesting what interim procurement procedures should be adopted. Comments were received, read and evaluated, and DOT staff met with representatives of bus manufacturers, a trade association and elderly and handicapped groups to receive their suggestions. Minutes and tapes of these

meetings and copies of all written comments are available for public inspection from the Docket Clerk, Office of the General Counsel, Department of Transportation, 400 7th Street SW., Washington, D.C.

2. *The Adopted Procurement Procedure.* In approving the interim bus procurement procedure, the Secretary's objectives are: (1) To promote a viable and competitive bus manufacturing industry from which no manufacturer is precluded from participation (although Federal policy should not be directed in favor of any particular manufacturer); (2) not to prejudge the issues that are the subject of the March 15 hearing; and (3) to ensure the development of new technology buses that meet the needs of all segments of the public including those special requirements of elderly and handicapped persons.

The interim procurement procedure adopted today provides for existing low bid procedures for acquisition of current design buses and an adjusted low bid procedure for acquiring ADBs.

The procedure requires UMTA to establish a specification for a baseline ADB (one which indicates the basic features that every ADB must contain) and a series of price offsets for optional features offered on each manufacturer's ADB. A price offset is a monetary value established by UMTA for certain features, or a method for calculating that value for features subject to local variations (e.g., local maintenance costs which may vary according to local wage rates). Bidders (manufacturers) must meet the baseline specification and must offer a price for the total vehicle, including such optional features as the manufacturer chooses to include. The amount of the price offset for each optional feature would be made public and known to manufacturers before they decide which features to include in a given bus. The manufacturer's total price will be adjusted by subtracting the established value of the options included in that price. Awards will be made to the responsive and responsible bidder with the lowest adjusted bid price.

While the UMTA-established price offsets will be the norm, an important feature of this procurement procedure is that grantees may request review of any price offset in light of their own unique transportation conditions or needs. If a grantee can show that a change is warranted by local conditions or needs, UMTA will change the price offset for that particular locality. UMTA will announce the minimum baseline specification and the price offsets for use in procuring ADBs within three weeks of the date this announcement appears in the FEDERAL REGISTER. After that time grantees may begin the procurement process including seeking reviews of price offsets as necessary. Manufacturers may seek review of price offsets once the grantee's review process is completed and price offsets for a particular procurement have been established by UMTA.

3. *Other procurement procedures considered.* (1) Use of UMTA section 5 funds (those which a grantee may use, at its option, for either capital improvements or operating assistance) to pay for any advanced features beyond those contained in current generation buses. This option was rejected as unfair to cities which had already made plans for those funds and as possibly resulting in a deterrent to the manufacture of ADBs and a penalty to those cities which wish to buy them.

(2) A market allocation system that would assure the three existing domestic manufacturers of standard size transit buses a guaranteed share of the market. This option was rejected because it would preclude other manufacturers from entering the market and because it represents an excessive degree of federal control over a previously competitive market.

(3) A federally negotiated procurement process by which the Federal government would issue a solicitation for a volume bus purchase specifying a baseline advanced design bus and inviting additional features which would provide for greater safety, ease of maintenance, improved operating performance, styling, etc., but not assigning dollar values to such features. The proposal which offered the best value (but not necessarily the best price) would win the contract. As suboptions, state or local negotiated procurements to be conducted along the same lines were considered. This entire option was rejected because of our concern that the necessity for volume purchases might delay bus acquisitions and preclude some small grantees from purchasing buses suited to their unique needs. Principally, however, the option was rejected because it "federalizes" the market to an unnecessary degree.

(4) The fourth option considered was the creation of supply schedules (catalogs). Under this process, UMTA would negotiate a price with each manufacturer for a basic bus and for each available optional feature and would publish a price list for the basic bus and for each available option. The price list would remain in effect for a specified period of time. Grantees would then be authorized to purchase, for the published price, any of the buses with any of the options. A grantee selecting other than the lowest price bus would have to justify its selection to UMTA. This option was rejected because DOT preferred to continue, insofar as possible, a procurement procedure based on a competitive bid process.

4. *Reasons for selecting the adopted procedure.* The option providing for an adjusted low bid format for acquiring ADBs was selected because the Secretary believes that it accomplishes all of the goals enunciated in this document and in the February 16 Notice in the following ways:

(1) It retains to the greatest degree possible a competitive low bid market; (2) consistent with federal responsibilities, it provides maximum flexibility to grantees; (3) it enables all existing bus manufacturers to continue to offer their buses at competitive prices (both current design and ADBs); (4) it encourages the continued development of new technology and features on transit buses since, as new optional features are offered, UMTA will establish price offsets for such features. Importantly, it allows the Secretary to meet his statutory responsibilities to "assist in the development of improved mass transportation facilities (and) equipment" (49 U.S.C. 1601(b)(1)).

Additionally, the Secretary has a statutory responsibility (49 U.S.C. 1612) to ensure that his decisions reflect the special requirements of elderly and handicapped mass transit passengers. Representatives of elderly and handicapped groups made clear their position that the interim procedures should meet certain goals: (1) They should not prejudice the prompt mandate of a Transbus with an access ramp; (2) those manufacturers already pledged to the production of Transbus should not be competitively harmed; and (3) the policy should be certain, and in effect for as short a time as possible considering its effects on them and on the manufacturers. Additionally, the elderly and handicapped representatives stressed that features currently included in ADBs met their needs only marginally. The Secretary has concluded that the regulations and the interim procurement procedure adopted today meet the concerns expressed by the elderly and handicapped groups who expressed their opinions on these procurement issues. Additionally, the Secetary has concluded that this interim procedure does not prejudge the issues to be addressed in the March 15 hearing.

The 24" effective floor and step height requirements are not today being required because such a requirement could cause some manufacturers to engage in substantial retooling which, in turn, could prejudge the issues to be addressed at the March 15 hearing. Similarly, elderly and handicapped groups argued that any retooling would give manufacturers an incentive to delay the introduction of Transbus, if Transbus were to be mandated.

We are not requiring that any manufacturer meet a specific floor height requirement at this time, but will, of necessity, consider that issue in connection with the decision promised by May 27, 1977.

Accordingly, 49 CFR Part 609 is amended by revising § 609.15(a) to read as set forth below, effective March 8, 1977.

(Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601 et seq.)

Issued in Washington, D.C., on March 8, 1977.

BROCK ADAMS,
Secretary of Transportation.

49 CFR 609.15(a) is revised to read as follows:

§ 609.15 Buses.

(a) Paragraph (b) of this section applies to new, standard, full-size urban transit buses (of current or advanced design) for which an UMTA grantee is-

sues a procurement solicitation containing UMTA-approved vehicle specifications after February 15, 1977. Paragraph (c) of this section applies to new, standard, full-size urban transit buses (of current or advanced design) for which an UMTA grantee issues a procurement solicitation containing UMTA-approved vehicle specifications after (date reserved for later completion). The remaining paragraphs of this section apply to these and all other new transit buses exceeding 22 feet in length for which an UMTA grantee issues a procurement solicitation containing UMTA-approved vehicle specifications on or after May 31, 1976. For any new transit buses exceeding 22 feet in length but not otherwise described above, any requirements concerning wheelchair accessibility, floor height, or step height will be handled on a case-by-case basis as part of the project approval process.

[FR Doc.77-7311 Filed 3-11-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. No. 1260]

PART 1033—CAR SERVICE

Substitution of Refrigerator Cars for Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of March, 1977.

It appearing, That an acute shortage of boxcars for transporting shipments of cotton exists on The Atchison, Topeka and Santa Fe Railway Company (ATSF) at stations on its lines in Texas and New Mexico; that the ATSF has an available supply of certain refrigerator cars that may be substituted for this traffic at the ratio of two refrigerator cars for each boxcar; that use of these refrigerator cars for the transportation of cotton is precluded by certain tariff provisions, thus curtailing shipments of cotton; and that there is need for the use of these refrigerator cars to supplement the supplies of plain boxcars for transporting shipments of cotton; that it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1260 Substitution of refrigerator cars for boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) may substitute two refrigerator cars as described in paragraph (2) herein for each boxcar ordered for shipments of cotton from any station on the ATSF in Texas or New Mexico and destined to any other station on the ATSF, subject to the conditions provided in paragraphs (2) thru (6), inclusive of this order.

(2) *List of refrigerator cars to be applied:* SFRC 1000–1899, SFRC 2300–2799, SFRC 50000–50199.

(3) *Concurrence of shipper required.* The concurrence of the shipper must be obtained before two refrigerator cars are substituted for each boxcar ordered.

(4) *Exclusive ATSF movement required.* Shipments of cotton for which two refrigerator cars are substituted for one boxcar must originate and terminate at stations on the ATSF and must not be routed over any other carrier; except that shipments may originate or terminate in terminal switching service on connecting lines which do not participate in the line-haul.

(5) *Minimum weights.*[1] The minimum weight per shipment of cotton for which two refrigerator cards have been substituted for one boxcar shall be that specified in the applicable tariff for the car ordered.

(6) *Endorsement of billing.* Bills of lading and waybills covering movements authorized by this order shall contain a notation that shipment is moving under authority of Revised Service Order No. 1260.

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 10, 1977.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board, members Joel E. Burns and Lewis R. Teeple.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7468 Filed 3-11-77;8:45 am]

[1] Change.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-WE-22-AD; Amdt. 39-2850]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9-10 Series Airplanes

Amendment 39-1628 (38 FR 10253), AD 73-9-2, as amended by Amendments 39-1926 (39 FR 30108) and 39-2004 (39 FR 39433), requires repetitive inspections and/or repair or replacement of certain fuselage overwing frames on McDonnell Douglas Model DC-9-10 Series airplanes. Subsequent to issuing the AD as amended, and after evaluating the results of the operators inspections and past service experience, the Federal Aviation Administration has determined that the repetitive inspection intervals specified in paragraph A.1. of the AD can be increased to 1700 hours time in service without adversely affecting safety. Therefore, the AD is being further amended to provide for an increase in the repetitive inspection intervals.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1628 (38 FR 10253), AD 73-9-2, as amended by Amendment 39-1926 (39 FR 30108) and Amendment 39-2004 (39 FR 39433), is further amended by amending paragraph A.1. to read in pertinent part as follows:

* * * 1700 hours * * *.

This amendment is effective March 20, 1977.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California, on March 3, 1977.

ROBERT H. STANTON,
Director, Federal Aviation Administration, Western Region.

[FR Doc.77-7399 Filed 3-11-77;8:45 am]

[Airspace Docket No. 76-SW-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dallas-Fort Worth, Tex., transition area.

On January 24, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 4132) stating the Federal Aviation Administration proposed to alter the Dallas-Fort Worth, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Except for the comment from Air Transport Association of America (ATA) all comments received were favorable. Air Transport Association of America expressed concern that the change of the Hudson Airport from VFR to IFR may result in a derogation of airspace and air traffic control services being provided by the Dallas-Fort Worth Airport Traffic Control (ATC) Tower at the primary and approved secondary IFR airports in the area. Flight Standards Division and the Dallas-Fort Worth ATC Tower were contacted regarding the matter. The flight Standards Division review of the proposed instrument approach procedure, initial approach altitude, missed approach altitude, and missed approach procedure indicates vertical and lateral seperation from the Dallas-Fort Worth ATC Tower voiced no objections to the proposal and expected no derogation to air traffic control services as a result of the proposed procedure.

In view of the above, we are satisfied that the proposed action will not derogate the airspace and air traffic control procedures provided by the Dallas-Fort Worth ATC Tower.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, June 16, 1977, as hereinafter set forth.

§ 71.181 [Amended]

In Section 71.181 (42 FR 440), the Dallas-Fort Worth, Tex., transition area is amended to read, in part, by deleting: "to latitude 32°44'00" N., longitude 96°-26'00" W.; to latitude 32°34'00" N., longitude 96°37'00" W.;" and substituting therefor: "to latitude 32°44'00" N., longitude 96°26'00" W.; to latitude 32°41'00" N., longitude 96°29'30" W.; to latitude 32°37'30" N., longitude 96°30'-15" W.; to latitude 32°37'45" N., longitude 96°32'45" W.; to latitude 32°34'00" N., longitude 96°37'00" W.;".

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on March 3, 1977.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc.77-7395 Filed 3-11-77;8:45 am]

[Airspace Docket No. 76-SO-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 8, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 55890), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Andrews, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable except those submitted by the United States Air Force (USAF) and the United States Navy (USN). Their basic concern was that the proposal would create a severe impact upon aircrew training and operational readiness due to impact upon Gamecock "C" MOA, VFR Low Altitude Training Routes and an Olive Branch All Weather Low Level Route.

A review of the proposal in light of the comments received, disclosed the following:

1. The review disclosed that with exception to the Gamecock "C" MOA and the Olive Branch Route, all other operations are conducted in accordance with VFR. Military aircraft operating VFR on Low Level Training Routes and Olive Branch Routes are required to have at least a ceiling of 3,000 feet and visibility of five miles. With these weather minimums, both military and civil aircraft will be operating on a "see and be seen" basis, in accordance with Federal Aviation Regulations.

2. Military aircraft operating IFR in MOAs and on Olive Branch Routes are provided separation by ATC. However, these aircraft will be separated from nonparticipating IFR aircraft by ATC utilizing IFR separation standards.

Therefore, the objections by the USAF and USN to the Andrews, S.C., transition area lack substance and demonstrate no serious adverse impact upon military training or operational readiness.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, April 21, 1977, as hereinafter set forth.

In § 71.181 (42 FR 440), the following transition area is added:

ANDREWS, S.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Andrews Municipal Airport (Lat. 33°27'30" N., Long. 79°31'57" W.); within 3 miles each side of the 171° bearing from the Punch RBN (Lat. 33°27'29" N., Long. 79°32'00" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in East Point, Ga., on March 3, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-7396 Filed 3-11-77;8:45 am]

[Airspace Docket No. 76-WE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 21, 1977, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 3862) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would provide additional controlled airspace to accommodate an instrument approach procedure for Catalina Airport, Avalon, Calif. (Santa Catalina Island).

The establishment of this transition area is required to coincide with and accommodate the instrument approach procedure for Catalina Airport.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

As this designation is in the public interest, it may be made effective without regard to the 30-day notification requirements.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, March 10, 1977, as hereinafter set forth.

In § 71.181 (42 FR 440) Santa Catalina, Calif., is amended as follows:

"That" is deleted and "That airspace extending upward from 700 feet above the surface within 5 miles each side of the Santa Catalina 229°T (214°M) and 012°T (357°M) radials extending from 6 miles north to 12 miles southwest of the Santa Catalina VORTAC; that" is substituted therefor.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 4, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-7400 Filed 3-11-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Requests for Disclosure of Records

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule delegates to the Commission's General Counsel the final authority to decide Freedom of Information Act appeals. The General Counsel will also be empowered to authorize testimony or the production of records in response to a subpoena. This change is designed to speed up the processing of FOIA appeals and free the individual Commissioners from this task.

EFFECTIVE DATE: March 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3865

Accordingly, 16 CFR Part 4, is amended to read as follows:

§ 4.11 Requests for disclosure of records.

(a)(1)(i) * * *

(E) The letter of request should indicate whether any waiver of fees is requested. The Secretary shall make a determination on any such request in accordance with § 4.8(c) and notify the requester accordingly. A denial may be appealed to the General Counsel. If a waiver is requested, and the requester has not provided the indication required by subsection (C) above, unless the Secretary determines that the estimated fees will not exceed $25.00, the access request will be deemed not to have been received until the waiver is granted.

* * * * *

(iii) * * *

(D) If a request is not granted within the time limits set forth in subsections (A) and (B), the request shall be deemed to be denied and the requesting party may appeal such denial to the General Counsel in accordance with subsection (a)(2).

(iv) *Initial Determination.*—(A) The Secretary shall grant access to requested records, or any portion thereof, that must be made available under the Freedom of Information Act. He shall deny access to records that are exempt under the Freedom of Information Act (5 U.S.C. 552 (b)), unless he determines that such records fall within a category the Commission or the General Counsel has previously authorized to be made available to the public as a matter of policy. Denials shall set forth the reasons therefor and advise the requester that this determination can be appealed to the General Counsel either because the requester believes the records are not exempt, or because the requester believes the General Counsel should exercise his discretion to release such records notwithstanding their exempt status.

* * * * *

(2) *Appeals to the General Counsel from initial denials.* (i) *Form and contents; time of receipt.*—(A) If the Secretary denies an initial request for records in its entirety, the requester may, within 30 days of the date of the Secretary's determination, appeal such denial to the General Counsel. If the Secretary denies an initial request in part, the time for appeal shall not expire until 30 days after the date of the letter notifying the requester that all records to which access has been granted have been made available. The appeal shall be in writing and should include a copy of the initial request and a copy of the Secretary's response, if any. The appeal shall be addressed as follows:

Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

* * * * *

(C) Each appeal to the General Counsel which requests him to exercise his discretion to release exempt records shall set forth the interest of the requester in the subject matter and the purpose for which the records will be used if the request is granted.

(ii) *Time limit for appeal.* (A) The General Counsel shall, within twenty (20) working days of the receipt of an appeal, either grant or deny the appeal, in whole or in part.

* * * * *

(iii) *Determination of appeal.* (A) The General Counsel shall have the authority to grant or deny all appeals and to release as an exercise of discretion records exempt from mandatory disclosure under 5 U.S.C. § 552(b). In unusual or difficult cases he may, in his sole discretion, refer an appeal to the Commission for determination. A denial of an appeal in whole or in part shall set forth the basis for the denial, and shall advise the requester that judicial review of the decision is available either in the district in which the requester resides or has a principal place of business, in the district in which the agency records are situated, or in the District of Columbia.

(B) The General Counsel shall be deemed solely responsible for all denials of appeals, except where an appeal is denied by the Commission. In such instances, the Commission shall be deemed solely responsible for the denial.

(b) *Requests from government agencies and Congressional Committees.* (1) Requests from Congressional Committees and Subcommittees shall be referred to the General Counsel for presentation to the Commission, subject to the provisions in 5 U.S.C. § 552(c) that that section is not authority to withhold information from Congress.

(2) Requests from agencies of the Federal Government should be addressed to the liaison officer for the requesting agency, or if there is none, to the General Counsel for determination. Requests from nonfederal agencies should be addressed to the General Counsel. The appropriate liaison officer or the General Counsel may grant the request or refer it to the Commission for determination.

(c) *Information requested by subpoena.*—Any employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this chapter, requiring the production of any document or record or the disclosure of any information which under § 4.10 is exempt from availability for public inspection and copying, shall promptly advise the General Counsel of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the employee so served has not received instructions from the General Counsel authorizing disclosure of the information prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this paragraph. The General Counsel will consider and act upon compulsory process under this section with due regard for statutory restrictions, the Commission's rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records.

(5 U.S.C. 552; 15 U.S.C. 46(g).)

By direction of the Commission dated March 4, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-7445 Filed 3-11-77;8:45 am]

[Docket No. 9035-0]

PART 13—PROHIBITED TRADE PRACTICES

Kraftco Corp., et al.

Correction

In FR Doc. 77-5762 appearing on page 10979 of the issue for Friday, February 25, 1977, the following corrections should be made:

1. Page 10979, center column, immediately following the paragraph "The order to cease and desist, * * *, is as follows:", the following should appear:

"FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion having determined to deny the appeal:

It is ordered, That the initial decision of the administrative law judge, pages 1-18, be adopted as the Findings of Fact and Conclusions of Law of the Commission.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to Cease and Desist be, and it hereby is, entered:"

2. Page 10980, left column, after numbered paragraph 4., the folowing should appear:

"Chairman Collier filed a concurring statement."

3. Page 10979, center column, the footnote should also state that a concurring statement by Chairman Collier was filed with the original document.

Dated: March 4, 1977.

JOHN F. DUGAN,
Secretary.

[FR Doc.77-7411 Filed 3-11-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. Nos. 33-5813, 34-13323, 35-19913, AS-211]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

Accounting Series Release No. 132; Rescission

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of an Accounting Series Release.

SUMMARY: Accounting Series Release No. 132 (37 FR 26516, Dec. 13, 1972), Reporting of Leases in Financial Statements of Lessees, is being rescinded because the interpretation contained therein is no longer pertinent or necessary in the administration of the Commission's current rules. Reference is made to Release No. 33-5812 (34-13322, 35-19912), published under the securities and Exchange Commission in the Proposed Rules section of this FEDERAL REGISTER, for additional details.

EFFECTIVE DATE: March 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Walter K. Rush III, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 376-8019.

The Commission hereby rescinds Accounting Series Release No. 132 (33-5333, 34-9867, 35-17772), Part 211 of Title 17, Chapter II, of the Code of Federal Regulations.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 2, 1977.

[FR Doc.77-7426 Filed 3-11-77;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 233—SAN CARLOS INDIAN IRRIGATION, ARIZONA

Revision and Rates

MARCH 7, 1977.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by DM 230.21.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 (1970 ed.), Section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210-211).

Beginning on page 55212 of the December 17, 1976 FEDERAL REGISTER, there was published a notice of proposed rulemaking to revise §§ 233.5, 233.6, 233.7, 233.9, 233.10, 233.12, 233.16, 233.17, 233.20, 233.21, 233.25, 233.26, 233.51, 233.52, and § 233.53 of Part 233, Subchapter U, Chapter I, of Title 25, Code of Federal Regulations, dealing with power rates.

Interested persons were given 30 days to submit written comments, suggestions, or objections to the proposed changes. After full consideration of comments and objections received the proposed revisions are hereby adopted without change, as set forth below.

Effective date: These regulations become effective on April 13, 1977.

JOSE A. ZUNI,
Acting Deputy Commissioner of Indian Affairs.

Part 233 of Title 25 is amended as follows:

1. By revising the table of contents as follows:

Sec.
233.1 Effective date; changes.
233.2 Authority of Project Engineer.
233.3 Disputes.
233.4 Applications; contracts.
233.5 Deposits.
233.6 Extensions.
233.7 Installation or extension financed by consumer.
233.8 Temporary service.
233.9 Type of service.
233.10 Service connections.
233.11 Connection methods.
233.12 Metering.
233.13 Consumer responsibility.
233.14 Change of equipment.
233.15 Apparatus detrimental to service.
233.16 Motor starting equipment.
233.17 Service discontinued.
233.18 Bills for service.
233.19 Special bills.
233.20 Connect, reconnect, and accounting charges.
233.21 Delinquent bills.
233.22 Discontinuance by consumer.
233.23 Fraud; Tampering.
233.24 Compensation of employees.
233.25 Hardship cases.
233.26 Interruptions to service.
233.27 Contingent upon appropriations.
233.51 Rate Schedule No. 1—Residential Rate.
Sec.
233.52 Rate Schedule No. 2—General Rate.
233.53 Rate Schedule No. 3—Street and Area Lighting.

AUTHORITY: The provisions of this Part 233 issued under Sec. 5, 43 Stat. 476, 45 Stat. 210, 211; U.S.C. 301.

2. By revising § 233.5 to read as follows:

§ 233.5 Deposits.

A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than $30.00 will be required from each applicant. The Project Engineer may require an additional deposit should it become apparent that the estimated amount is insufficient to cover two months bills. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant may be required to deposit an amount sufficient to cover his portion of the required minimum charges for a period of not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

3. By revising § 233.6 to read as follows:

§ 233.6 Extensions.

(a) The length of an extension constructed at the expense of the Project shall not exceed 500 feet.

(b) The length of an extension shall include the horizontal length of the primary and secondary circuits and the service drop. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available.

4. By revising § 233.7 to read as follows:

§ 233.7 Installation or extension financed by consumer.

If funds, material or labor are not otherwise available for an installation or extension, or if an extension to a prospective consumer will require new construction beyond the distance specified in § 233.6, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for he construction. Such installations or extensions shall be built in accordance with suitable plans and specifications approved by the Project Engineer. All extensions when constructed shall be and remain the property of the United States.

5. By revising § 233.9 to read as follows:

§ 233.9 Type of service.

Service for lights and the usual domestic and other appliances, including motors and less than seven and one-half horsepower shall be single phase, nominally 120/240 volts, three wire, except when special approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of seven and one-half horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

6. By revising § 233.10 to read as follows:

§ 233.10 Service connections.

On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the Project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter will be furnished by the United States. The meter socket will be furnished and installed by the consumer and in a suitable location preferably on the outside of the building, or service pole, where the meter will be accessible to the meter reader at all times. Except for underground service installations, the meter socket shall not be more than 6 feet nor less than 5 feet above the ground or floor. For underground service installations, the meter shall be mounted a minmum of 3 feet above the ground or floor. The entire service installation must be satisfactory to the Project Engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alternations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the Project Engineer shall require a certificate of inspection and approval by the municpal inspector before connecting a new service.

7. By revising § 233.12 to read as follows:

§ 233.12 Metering.

(a) The Project shall furnish the meter, and the customer shall provide and maintain free of expense to the Project an unobstructed location satisfactory to the Project in accordance with § 233.11 above. In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location, or in such other areas and with such other arrangements as may be approved by the Project Engineer. Each meter shall be clearly marked so as to make it possible to identify the consumer.

(b) Customer's responsibility. The customer shall exercise reasonable care in protecting the Project's meter and other Project-owned equipment located on his premises. Only Project employees or agents, or persons authorized by law are permitted to inspect or handle same.

(c) Final connection. Final conection of the meter shall in all cases be made by the Project.

(d) Meters sealed. All meters shall be sealed by the Project. The breaking of a seal by unauthorized persons or tampering with a meter or meter wiring is prohibited by law and is subject to summarily discontinuance of service.

(e) Regularly scheduled meter tests shall be in accordance with the American National Standards Institute (ANSI) Code for electricity metering.

(f) Special meter tests. On request of a customer, the Project shall, within 10 days after receipt of such request, make special meter tests. The customer shall bear the cost of such tests, including meter removal and replacement when the meter is found to be within the limits of acceptable accuracy as defined in section (h). In all other cases the Project will bear the cost of the test.

(g) Replacement of meter. Whenever a customer requests the replacement of the service meter because of accuracy, such request shall be treated as a request for a test of such meter and, as such, shall fall under the provision of special meter tests.

(h) Standard of meter accuracy. The Project shall not place in service or knowingly allow to remain in service without adjustment any meter that has known error in registration of more than plus or minus two percent at light or at full load and unity power factor, or more than plus or minus three percent at full load and fifty percent power factor.

(i) Adjustment for inaccurate meter registration. Whenever a tested meter in service is found to be fast or slow beyond the limit of accepted accuracy as defined, the Project shall make an adjustment, based on the corrected registration for the period in which the meter was registering incorrectly, if such period is known, and if not known for a period of not exceeding six months, but in no event for a period longer than the present customer's occupancy. Whenever any bill or bills have been adjusted or corrected as provided above and whenever such adjustment amounts to $1.00 or more. The Project shall credit to the customer any amount found to have been collected in excess of the proper amount, or the Project may require the customer to pay any additional amount due, as the case may be.

(j) Incorrect meter installation. Whenever any customer shall have been over-charged or under-charged as a result of incorrect installation of a meter or the use of an incorrect meter multiplier in billing the account, the amount of the over-charge shall be adjusted and credited to the customer if in excess of $1.00 or the amount of the under-charge may be adjusted and billed to the customer if in excess of $5.00, provided that in no event shall such period of adjustment exceed the length of time the service has been supplied to the customer through the incorrect metering installation at the present location.

(k) Non-registering meter. When a meter fails to register for any period, for reasons beyond the reasonable control of the Project, the Project may estimate the charge for service during such period, such estimate to be based on the best available data.

8. By revising § 233.16 to read as follows:

§ 233.16 Motor starting equipment.

Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer. In no case will the Project Engineer approve "across the line starting" of motors larger than 150 horsepower.

9. By revising § 233.17 to read as follows:

§ 233.17 Service discontinued.

The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time. The Project Engineer may also discontinue service for failure of the consumer to comply with any of the provisions of this part.

10. By revising § 233.20 to read as follows:

§ 233.20 Connect, reconnect and accounting charges.

A non-refundable service establishment fee of $10.00 will be charged each time the Project is requested to establish or re-establish electric service to the customer's delivery point. The charge will be included in and rendered with the first month's bill for electricity after connection or reconnection service. An accounting charge of $5.00 will be made when a check is returned unpaid by a bank because of insufficient funds or other reasons. This charge will be in addition to any other applicable charges and will appear on the next month's bill for electricity.

11. By revising § 233.21 to read as follows:

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the tenth day following the date of issue of a bill showing arrears. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a collection charge of $12.50 and has made the deposit required under § 233.5. (Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.)

12. By revising § 233.25 to read as follows:

§ 233.25 Hardship cases.

The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer.

13. By revising § 233.26 to read as follows:

§ 233.26 Interruptions to service.

(a) The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States, its officers, agents or employees, assume no liability for damage due to interruptions of service to the consumer.

(b) If the customer's service fails, he shall endeavor to determine if he has blown fuses, tripped breaker, or his equipment is at fault before calling the Project. The customer may be charged the cost of the service call if the trouble is found to be caused by his equipment or actions.

14. By revising § 233.51 to read as follows:

§ 233.51 Rate Schedule No. 1—Residential Rate.

(a) Application of schedule. This schedule is applicable to single-phase or three-phase service for residences and small non-commercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) Monthly rate.

(1) $5.50, which includes the use of 50 kilowatt hours.

(2) 6.1 cents per kilowatt hour for the next 100 kilowatt hours.

(3) 3.7 cents per kilowatt hour for the next 350 kilowatt hours.

(4) 1.8 cents per kilowatt hour for all additional kilowatt hours.

(c) Minimum bill. The minimum bill shall be $5.50 per month except when a higher minimum bill is stipulated in the contract.

(d) Purchased power adjustment. An adjustment shall be added to each KWH chased power adjustment (rounded to used equal to the estimated average purthe nearest $.0001) paid by the Project to the Project's power suppliers.

15. By revising § 233.52 to read as follows:

§ 233.52 Rate Schedule No. 2—General Rate.

(a) This schedule is applicable to single-phase or three-phase electric service for all purposes except residences and small non-commercial users. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) Monthly rate.

(1) First 50 kilowatt hours, five dollars and fifty cents.

(2) 6.1 cents per kilowatt hour for the next 350 kilowatt hours.

(3) 3.7 cents per kilowatt hour for the next 600 kilowatt hours.

(4) 2.0 cents per kilowatt hour for the next 9000 kilowatt hours.

(5) When use is 10,000 kilowatt hours or more: First 10,000 kilowatt hours $229.05.

(6) Additional kilowatt hours at 2.0 cents per kilowatt hour, less a credit of 0.4 cents per kilowatt hour for each kilowatt hour above 200 times the billing demand (50 KW min.).

(c) Minimum bill. The minimum bill shall be $1.00 per month per kilowatt of billing demand, except where the customer's requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period. However, no monthly billing shall be less than $5.50.

(d) Contract demand. Each contract for 50 KW or over shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

(e) Actual demand. The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances, and equipment, or from check metering.

(f) Billing demand. The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

(g) Purchased power adjustment. An adjustment shall be added to each KWH used equal to the estimated average purchased power adjustment (rounded to the nearest $.0001) paid by the Project to the Project's power suppliers.

16. By revising § 233.53 to read as follows:

§ 233.53 Rate Schedule No. 3—Street and Area Lighting.

(a) Application. This rate schedule applies to service for yard lighting, lighting streets, alleys, thoroughfares, parks, schoolyards, industrial areas, parking lots, and similar area where dusk-to-dawn service is desired. The Project will own and operate the lighting system and provide normal lamp replacements. Other maintenance shall be at customer's expense.

(b) Monthly rate. (1) Lamps:

	Each		
	1	2 to 5	5 or more
200 W or less, incandescent (2,800 lm or less)	3.70	3.70	3.70
175 W mercury vapor (approximately 6,500 lm)	6.10	5.50	4.90
250 W mercury vapor (approximately 10,000 lm)	7.40	6.80	6.10
400 W mercury vapor (approximately 18,000 lm)	9.80	8.60	7.40

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service, will be charged as determined by the Project Engineer.

[FR Doc.77-7414 Filed 3-11-77;8:45 am]

CHAPTER III—INDIAN CLAIMS COMMISSION

PART 504—PUBLIC OBSERVATION OF COMMISSION MEETINGS; PROHIBITION OF EX PARTE COMMUNICATIONS RELEVANT TO MERITS OF PENDING COMMISSION PROCEEDINGS

Notice is hereby given that the Indian Claims Commission is promulgating an amendment to Title 25, Chapter III of the Code of Federal Regulations by the addition of a Part 504 thereto.

The purpose of Part 504 is to implement the provisions of the Government in the Sunshine Act, 5 U.S.C. 552b, 557 (d), which provides for opening agency meetings to public observation and prohibits *ex parte* communications between members or employees of an agency and interested persons outside the agency relevant to the merits of any proceeding before the agency.

This amendment to Title 25, Chapter III of the Code of Federal Regulations is made under the authority of section 3 of the Government in the Sunshine Act, 5 U.S.C. 552b(g) and sections 8 and 9 of the Indian Claims Commission Act, 60 Stat. 1051 (25 U.S.C. 70g, 70h).

The rules contained in Part 504 were the subject of a notice of proposed rulemaking which was published in the FEDERAL REGISTER on January 21, 1977 (42 FR 3864). The period for the submission of written comments on the proposal expired on February 28, 1977. As a result of the comments received certain modifications have been made in the proposal.

Section 504.7(b) has been modified to state expressly that in each instance where the Commission considers whether a meeting should be closed under one of the exemptions set forth in 5 U.S.C. 552b (c)(1) through (c)(10), the Commission will separately consider whether the public interest requires that the meeting be open, notwithstanding the availability of the statutory exemptions.

Section 504.9(b) has been modified by reversing the order of the last two

sentences to clarify that with respect to any vote described therein, no proxies are allowed and the vote of each participating Commissioner must be recorded.

Section 504.11 has been modified to set forth explicitly the legislative intent that the Chief Counsel's certification must be made before a meeting takes place and that, absent the certification, that meeting may not be closed to the public.

As so modified the Commission adopts these regulations, which are set forth in their final, revised form below, to be effective March 12, 1977.

Sec.

504.1 Scope and purpose.
504.2 Definitions.
504.3 Public observation of Commission hearings.
504.4 Public inspection of records in dockets.
504.5 Conduct of Commission business.
504.6 Public observation of meetings.
504.7 Closing of exempt meetings or portions thereof.
504.8 Procedure for announcing meetings.
504.9 Procedures for closing certain meetings or portions thereof.
504.10 Procedure for closing exempt meetings described in § 504.7(a)(2).
504.11 Chief Counsel's certification of closed meetings.
504.12 Maintenance of transcripts, recordings, or minutes.
504.13 Annual report to Congress.
504.14 *Ex Parte* Communications.

AUTHORITY: 5 U.S.C. 552b(g), unless otherwise noted.

§ 504.1 Scope and purpose.

It is hereby declared to be the policy of the Indian Claims Commission that the public is entitled to the fullest practicable information regarding its decision-making processes. It is the purpose of this part to provide the public with such information while protecting the rights of individuals and the ability of the Indian Claims Commission to carry out its responsibilities.

§ 504.2 Definitions.

For purposes of this part,

(a) "Commission" means the Indian Claims Commission, which is a collegial body composed of five members appointed by the President with the advice and consent of the Senate. The President designates one member as Chairman.

(b) "Commissioner" means a member of the Commission, including the Chairman.

(c) "Meeting" means the deliberations of at least three Commissioners where such deliberations determine or result in the joint conduct or disposition of the Commission's business, but does not include deliberations required or permitted by §§ 504.8 and 504.9.

(d) "Earliest practicable time" means as soon as possible, including after the commencement of the meeting or portion thereof in question.

§ 504.3 Public observation of Commission hearings.

All hearings before the Commission shall be open to public observation. (Sec. 9, 60 Stat. 1051 (25 U.S.C. 70h).)

§ 504.4 Public inspection of records in dockets.

The complete record in each docket before the Commission shall be available for public inspection at the office of the Clerk of the Commission between 8:00 a.m. and 4:00 p.m. on normal Federal business days. (Sec. 8, 60 Stat. 1051 (25 U.S.C. 70g).)

§ 504.5 Conduct of Commission business.

Commissioners shall not jointly conduct or dispose of Commission business other than in accordance with this part.

§ 504.6 Public observation of meetings.

Every portion of every Commission meeting shall, except as otherwise provided in § 504.7, be open to public observation.

§ 504.7 Closing of exempt meetings or portions thereof.

(a) Notwithstanding the requirements of § 504.6, the Commission's meetings may be closed to the public, and information concerning said meetings may be withheld from the public, when the Commission determines that the meeting is likely to:

(1) Relate solely to the internal personnel rules and practices of the Commission, or

(2) Concern the Commission's participation in a civil action or proceeding, or the conduct or disposition by the Commission of a particular case of formal adjudication involving a determination on the record after the opportunity for a hearing under § 503.22 of this chapter (section 22 of the Commission's general rules of procedure), or

(3) Involve any deliberations which fall within the exemptions contained in 5 U.S.C. 552b (c)(1) or (c)(3) through (c)(9).

(b) Notwithstanding the exemptions provided in paragraph (a) of this section, the Commission shall consider in each separate instance whether the public interest nevertheless requires that the meeting be open.

§ 504.8 Procedure for announcing meetings.

(a) Except with respect to meetings or positions thereof which may be closed to public observation under § 504.7(a)(2), announcement of which is described in § 504.10(d), the Commission shall publicly announce its meetings as described in paragraphs (b), (c), (d), and (e) of this section.

(b) The Commission shall issue a public notice at least ten (10) days before each Commission meeting which notice shall (1) state the date, time, and place of the meeting, (2) list the subjects or agenda items to be discussed at such meeting, (3) state whether the meeting is to be open or closed to public observation, and (4) give the name and business telephone number of the Executive Director of the Commission to whom requests for information about the meeting should be directed. In the event that a majority of the full membership of the Commission determined by a recorded vote that Commission business requires that a meeting be held within ten (10) days of such determination, the public notice described in the immediately preceding sentence shall be issued at the earliest practicable time.

(c) The date, time or place of a Commission meeting may be changed after issuance of the public notice described in paragraph (b) of this section only if the Commission gives public notice of any such change at the earliest practicable time. Subjects or agenda items to be discussed at a meeting or determinations by the Commission to open or close a meeting, or a portion of a meeting, to the public, after issuance of the public notice described in paragraph (b) of this section may be changed only if (1) a majority of the full membership of the Commission determine by a recorded vote that Commission business so requires and that no earlier public notice of the change or changes was possible, and (2) the Commission gives public notice of the change and the vote of each Commissioner upon such change or changes at the earliest practicable time.

(d) Immediately following the issuance of each public notice described in paragraphs (b) and (c) of this section, notice of the date, time, place, subjects or agenda items, whether the meeting or any portions thereof will be open or closed to public observation, any change in any of the preceding facts, and the name and business telephone number of the Executive Director of the Commission, shall be submitted for publication in the FEDERAL REGISTER.

(e) The Commission shall also promptly post all public notices described in paragraphs (b) and (c) of this section on a bulletin board maintained for this purpose at the offices of the Commission and shall mail copies to those who request that the Commission's Executive Director place their names on the Commission's general mailing list.

§ 504.9 Procedures for closing certain meetings or portions thereof.

(a) Except with respect to meetings or portions thereof which may be closed to public observation under § 504.7(a)(2), with respect to which the procedure described in § 504.10 applies, action by the Commission to close any meeting or portion thereof shall be governed by the procedures described in paragraphs (b), (c), and (d) of this section.

(b) Action to close a meeting or any portion thereof pursuant to paragraphs (a)(1) or (a)(3) of § 504.7 shall be taken only when a majority of the full membership of the Commission vote to do so. A separate vote of the Commissioners shall be taken with respect to each meeting a portion or portions of which are so proposed to be closed to public observation or with respect to anyi nformation which is proposed to be so withheld. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to public observation, or with respect to any information concerning such series of meetings, so long as each meeting in

such series involves the same particular matters and is scheduled to be held no more than thirty (30) days after the initial meeting in the series. Each meeting in the series shall be subject to the requirements as to notice to the public described in § 504.8. For each vote taken under this paragraph, the vote of each participating Commissioner will be recorded and no proxies will be allowed.

(c) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Commission close such portion to public observation for any of the reasons referred to in paragraphs (5), (6), or (7) of 5 U.S.C. 552b(c), any one Commissioner may request that a recorded vote of the Commissioners be taken to close such meeting.

(d) Within one day of any vote taken pursuant to paragraphs (b) or (c) of this § 504.9, the Executive Director of the Commission shall make available to the public a written copy thereof showing the vote of each Commissioner. If all or a portion of the meeting is to be closed to public observation, the Executive Director shall, within one day of the vote taken pursuant to paragraphs (b) or (c) of this section, make available to the public a full written explanation of the Commission's action closing the meeting or portion thereof, together with a list of all persons who are to attend the meeting and their affiliation. This information shall be made available in the same manner as described in paragraph (c) of § 504.8 to the extent that it is not exempt from disclosure under § 504.7.

§ 504.10 Procedure for closing exempt meetings described in § 504.7(a)(2).

(a) The Commission purposes are exclusively adjudicatory. They consist of trying claims permitted to the filed on behalf of Indian tribes, bands, and groups against the United States pursuant to section 2 of the Indian Claims Commission Act, 60 Stat. 1050 (25 U.S.C. 70a). The Commission has no regulatory or rulemaking functions, nor is it charged with administering any substantive legislation. To protect the integrity of its adjudicatory deliberations, Commission meetings have historically been closed to public observation. For these reasons the Commission has determined that a majority of its meetings may properly be closed to public observation pursuant to § 504.7(a)(2).

(b) In the case of any meeting, or portion thereof, which may be closed to public observation for the reasons described in paragraph (a) of this section, the Commission shall, by a recorded vote at the beginning of said meeting or portion thereof, vote on whether to close the meeting or portion thereof. If a majority of the full membership of the Commission vote to close the meeting or portion thereof, it shall be so closed. A copy of the vote, reflecting the vote of each Commissioner on the question, shall be made available to the public.

(c) In the case of meetings or portions thereof to which this section applies, the provisions of §§ 504.8 and 504.9 shall not apply.

(d) Except to the extent that such information is exempt from disclosure under § 504.7, public announcement of the date, time, place, and subject matters and agenda items of a meeting, or portion thereof, to which this § 504.10 applies, shall be posted at the earliest practicable time on the bulletin board maintained for this purpose at the offices of the Commission.

§ 504.11 Chief Counsel's certification of closed meetings.

For every meeting closed pursuant to § 504.7, the Chief Counsel of the Commission shall, before the commencement of the meeting, publicly certify that the meeting may be closed to the public and shall state which exemptions as set out in 5 U.S.C. 552b(c) are applicable. Absent such certification, the meeting may not be closed to the public. A copy of this certification, together with a statement from the presiding Commissioner setting forth the date, time, and place of the meeting, and the persons present shall be retained by the Commission.

§ 504.12 Maintenance of transcripts, recordings, or minutes.

(a) The Commission shall maintain a complete transcript, or electronic recording, adequate to record fully the proceedings, of each meeting or portion of a meeting closed to the pubic, except that, in the case of a meeting or portion thereof closed to the public under § 504.7 (a)(2), the Commission may instead maintain a set of minutes.

(b) The minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any action taken, and the reasons, including a description of each of the views expressed on any items and the record of any roll call vote, reflecting the vote of each Commissioner on the question. All documents considered in connection with any action shall be identified in the minutes.

(c) The Commission shall make promptly available to the public in the office of the Executive Director of the Commission, the transcript, electronic recording, or minutes of the discussion of any item on the agenda, except for those items or discussion which the Commission determines to contain information which may be withheld under § 504.7.

(d) Subject to the exemptions in § 504.7, copies of the transcript, minutes, or the transcription of a recording disclosing the identity of each speaker, will be furnished to any person at the actual cost of duplication or transcription.

(e) The Chief Counsel shall be responsible for determining what information may be withheld and what standards are to be applied in making that determination. Should an individual be denied access to information by a decision of the Chief Counsel, that individual may file a written appeal with the Commission. The Commission shall issue an order granting or denying the petitioner's appeal. No hearing will be permitted under this appeal. (Sec. 9, 60 Stat. 1051 (25 U.S.C. 70h).)

(f) The Commission shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion thereof, closed to the public, for at least two years after the meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion thereof, was held, whichever occurs later.

§ 504.13 Annual report to Congress.

The Commission shall annually report to Congress regarding its compliance with the Government in the Sunshine Act, 5 U.S.C. 552b. The report must include a tabulation of the total number of Commission meetings open to the public, the total number of meetings closed to the public, the reasons for closing the meetings, and a description of any litigation brought against the Commission under the Act, including any costs assessed against the Commission in such litigation.

§ 504.14 Ex parte communications.

(a) No person outside the Commission shall make or knowingly cause to be made to any Commissioner, Chief Counsel, staff attorney, or other employee of the Commission, an ex parte communication relevant to the merits of any proceeding before the Commission.

(b) No Commissioner, Chief Counsel, staff attorney, or other employee of the Commission shall make or knowingly cause to be made to any person outside the Commission, an ex parte communication relevant to the merits of any proceeding before he Commission.

(c) Any Commissioner, Chief Counsel, staff attorney, or other employee of the Commission who receives, or who makes or knowingly causes to be made a communication prohibited by this section, shall place on the public record of the proceeding:

(1) All such written communications;

(2) Memoranda stating the substance of all such oral communications; and

(3) All written responses, and memoranda stating the substance of all oral responses, to such communications.

(d) Upon receipt of a communication knowingly made or knowingly caused to be made by a party to the proceeding, or by counsel, in violation of this section, the Commission may, to the extent consistent with the interests of justice, require the offending party to show cause why its claim or interest in the proceeding should not be dismissed, denied, or otherwise adversely affected on account of such violation.

(e) A request for a status report on any matter currently before the Commission is not an ex parte communication within the meaning of this section. Questions regarding the status of a case shall be directed to the Clerk of the Commis-

sion. (Sec. 9, 60 Stat. 1051 (25 U.S.C. 70h).)

By order of the Commission dated March 9, 1977.

DAVID H. BIGELOW,
Executive Director.

[FR Doc.77-7449 Filed 3-11-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNATIONAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7470]

PART 1—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Change of Annual Accounting Period for Foreign Corporations

Correction

In FR Doc. 6443, appearing at page 12178, in the issue of Thursday, March 3, 1977, in the heading, the headings should read as set forth above.

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Order No. 152; Docket No. RM 77-1]

PART 3001—RULES OF PRACTICE

Rules Governing Procedures in Appeals of Postal Service Determinations To Close or Consolidate Post Offices; Correction

ORDER OF THE COMMISSION AMENDING RULES OF PRACTICE AND PROCEDURE

FEBRUARY 18, 1977.

In FR Doc. 77-5759 appearing at 42 FR 10989, Friday, February 25, 1977, the following changes should be made:

1. On page 10992, column 2, the amendatory language to § 3001.5 is corrected to read as follows:

"1. Amend § 3001.5(g) and add § 3001.5 (m) to read as follows:"

2. On page 10992, column 3, the amendatory language to § 3001.17 is corrected to read as follows:

"3. Add § 3001.17(a-1) and amend § 3001.17(b) and § 3001.17(c) to read as follows:"

3. On page 10992, column 3, the paragraph designations under § 3001.17 are corrected as follows:

(i) Change "(b) *Appellate proceedings under* 39 U.S.C. 404(b)." to read "(a-1) *Appellate proceedings under 39 U.S.C. 404(b).*";

(ii) Change "(c) *Publication and service of notice.*" to read "(b) *Publication and service of notice.*"; and

(iii) Change "(d) *Contents of notice.*" to read "(c) *Contents of notice.*".

DAVID F. HARRIS,
Secretary.

[FR Doc.77-6199 Filed 3-11-77;8:45 am]

Title 40—Protection of Environment

[FRL 694-3]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Jersey Employer Carpool and Mass Transit Incentive Program Approvals

As a part of the air pollution control plan for the State of New Jersey, 40 CFR 52.1590, "Employer's provisions for mass transit priority incentives," requires certain emloyers who maintain 400 or more parking spaces available for use by their employees to submit to the Environmental Protection Agency (EPA) an adequate transit incentive program designed to encourage the use by their employees of mass transit, carpools, vanpools and other low polluting transportation. Submitted programs are subject to EPA review and approval. To date 141 programs have been approved and 135 are still active.

40 CFR 52.1590(f) requires that, "Notice of such approval or disapproval will be published in Part 52 of Title 40, Code of Federal Regulations." The purpose of this FEDERAL REGISTER notice is to amend 40 CFR 52.1590 so as to incorporate into the regulation a current listing of 135 employer programs previously approved by EPA. All programs which are being incorporated at this time were approved by EPA only after an adequate opportunity for public comment. Final action approving these programs appeared in the FEDERAL REGISTER as follows: April 21, 1975 at 40 FR 17633; April 30, 1976 at 41 FR 18079; and, January 21, 1977 at 42 FR 3841.

The Administrator hereby finds for good cause that it would be unnecessary and impractical to subject this amendment to notice and public comment procedures or to delay its effectiveness since adequate opportunity for public comment was provided at the time of each program's original approval and since the amendment merely clarifies existing requirements and imposes no additional substantive requirements.

(Secs. 110 and 301, Clean Air Act as amended (42 U.S.C. 1857c?5, 1857g).)

Dated: March 4, 1977.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. In § 52.1590 paragraph (o) is added as follows:

§ 52.1590 Employer's provision for mass transit priority incentives.

* * * * *

(o) The Administrator has approved transit incentive programs for the following employers under the provisions of paragraph (f) of this regulation:

(1) On April 21, 1975:

Addressograph Multigraph Corp., 11 Mt. Pleasant Avenue, East Hanover, New Jersey 07936.
Airco Welding Products, Div. of Airco, Inc., P.O. Box 281, Clermont Terrace, Union, New Jersey 07083.
Allied Chemical Corporation, P.O. Box 2245R, Morristown, New Jersey 07960.
Amax-U.S. Metals Refining Company, 400 Middlesex Avenue, Carteret, New Jersey 07008.
American Can Company, 600 North Union Avenue, Union, New Jersey 07205.
American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540.
American Cyanamid Company, Wayne, New Jersey 07470.
American Hoechst Corporation, Route 202-206 North, Somerville, New Jersey 08876.
Anchor Hocking Corporation, P.O. Box 80, Salem, New Jersey 08079.
Anheuser-Busch, Inc., 200 U.S. Highway 1, Newark, New Jersey 07101.
Becton, Dickinson, and Company, Rutherford, New Jersey 07070.
Bell Laboratories, 600 Mountain Avenue, Murray Hill, New Jersey 07974.
Bendix Corporation, Electric Power Division, Eatontown, New Jersey 07724.
Bendix Navigation & Control Div., Teterboro, New Jersey 07608.
Boy Scouts of America, North Brunswick, New Jersey 08902.
Bristol-Myers Products, Division of Bristol-Myers Company, 225 Long Avenue, Hillside, New Jersey 07207.
Campbell Soup Company, Camden, New Jersey 08101.
Carter-Wallace, Inc., Half Acre Road, Cranbury, New Jersey 08512.
Chubb & Son, Inc., 51 John F. Kennedy Parkway, Short Hills, New Jersey 07078.
Ciba-Geigy Corporation, Pharmaceuticals Div., 556 Morris Avenue, Summit, New Jersey 07901.
CPC International, Inc., International Plaza, Englewood Cliffs, New Jersey 07632.
Crum & Foster Insurance Company, Madison Avenue at Canfield Road, P.O. Box 2387, Morristown, New Jersey 07960.
Curtiss-Wright Corporation, One Passaic Street, Woodridge, New Jersey 07075.
Delco-Remy, Division of General Motors, New Brunswick, New Jersey 08903.
Department of the Air Force, McGuire Air Force Base, New Jersey 08641.
Department of the Army, Fort Dix, New Jersey 08640.
Department of the Army, Military Ocean Terminal, Bayonne, New Jersey 07002.
DuPont Chambers Works, Deepwater, New Jersey 08023.
DuPont, Inc., Photo Products Department, Parlin, New Jersey 08859.
Eastern Airlines Incorporated, Woodbridge Township, Iselin, New Jersey 08830.
Educational Testing Service, Princeton, New Jersey 08540.
Exxon Chemical Company, P.O. Box 222, Linden, New Jersey 07036.
Exxon Research and Eng. Co., P.O. Box 101, Florham Park, New Jersey 07932.
Ford Motor Company, Mahwah Assembly Plant, State Highway No. 17, Mahwah, New Jersey 07430.
General Motors, Fisher Body Division, Trenton Plant, Parkway Avenue, Trenton, New Jersey 08605.

General Motors Corporation, Linden Plant, 1016 West Edgar Road, Linden, New Jersey 07036.
Givaudan Corporation, 100 Delawanna Avenue, Clifton, New Jersey 07014.
GTE Information Systems, Inc., East Park Drive, Mt. Laurel, New Jersey 08057.
Hackensack Hospital, 22 Hospital Place, Hackensack, New Jersey 07601.
Hoffmann-Laroche, Inc., 340 Kingsland Street, Nutley, New Jersey 07110.
Holly Stores, Inc., 7373 West Side Avenue, North Bergen, New Jersey 07047.
I.B.M. Corporation, P.O. Box 218, Dayton, New Jersey 08810.
I.B.M. Corporation, Parson's Pond Drive, Franklin Lakes, New Jersey 07417.
Insurance Company of North America, Pacific Employers Group, 1600 Arch Street, Philadelphia, Pennsylvania 19101 (Somerdale, New Jersey facility).
ITT, Avionics Div., 390 Washington Avenue, Nutley, New Jersey 07110.
Johnson & Johnson, New Brunswick, New Jersey 08903.
Lehn & Fink Products, Co., 225 Summit Avenue, Montvale, New Jersey 07645.
Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.
Lockheed Electronics Co., Inc., U.S. Highway No. 22, Plainfield, New Jersey 07061.
The Lummus Company, 1515 Broad Street, Bloomfield, New Jersey 07003.
The Mennen Company, Hanover Road, Morristown, New Jersey 07960.
Merk & Company, In., Rahway Site, Rahway, New Jersey 07065.
Mobil Oil Corporation, Paulsboro, New Jersey 08066.
Mobil Research and Development Corporation, Paulsboro Laboratory, Paulsboro, New Jersey 08066.
Mobil Research and Development Corporation, Engineering Department, P.O. Box 1026, Princeton, New Jersey 08540.
Monroe, The Calculator Company, The American Road, Morris Plains, New Jersey 07950.
Naval Weapons Station Earle, Colts Neck, New Jersey 07722.
New Jersey Bank, N.A., P.O. Box 2177, West Paterson, New Jersey 07509.
New Jersey State Department of the Treasury, State House, 125 West State St., Trenton, New Jersey 08625.
N.L. Industries, Inc., Titanium Pigment Div., P.O. Box 58, South Amboy, New Jersey 08879.
Owens-Corning Fiberglas Corporation, Shreve & Davis Roads, Barrington, New Jersey 08007.
Prentice-Hall, Inc., Englewood Cliffs, New Jersey 07632.
The Prudential Insurance Company of America, Prudential Plaza, Newark, New Jersey 07101.
RCA, Front & Cooper Streets, Camden, New Jersey 08102.
Rowe International, Inc., 75 Troy Hills Road, Whippany, New Jersey 07981.
Sandoz Wander, Inc., Route 10, East Hanover, New Jersey 07936.
Schering Corporation, Galloping Hill Road, Kenilworth, New Jersey 07033.
Sea-Land Service, Inc., Fleet Street, P.O. Box 2000, Elizabeth, New Jersey 07207.
Shulton, Incorporated, 697 Route No. 46, Clifton, New Jersey 07015.
Siemens Corporation, 186 Wood Avenue, South, Iselin, New Jersey 08830.
Silver Burdett Company, 250 James St., Morristown, New Jersey 07960 (formerly General Learning Corp.).
Simmons Company, Brunswick Avenue and Allen St., Elizabeth, New Jersey 07207.
Singer Company, Kearfott Division, 1150 McBride Avenue, Little Falls, New Jersey 07424.
E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903.
E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, New Jersey 08540.
State Farm Insurance Companies, 1750 Route 23, Wayne, New Jersey 07470.
Stone & Webster Engineering Co., 2500 McClellan Avenue, Pennsauken, New Jersey 08109.
Supermarkets General Corporation, 301 Blair Road, Woodbridge, New Jersey 07095.
Texaco Petroleum Products, Inc., P.O. Box 98, Westville, New Jersey 08093.
Wakefern Food Corporation, 600 York Street, Elizabeth, New Jersey 07207.
Warner-Lambert Company, 201 Tabor Road, Morris Plains, New Jersey 07950.
Western Electric Company, 100 Central Avenue, Kearny, New Jersey 07032.
Western Electric, P.O. Box 900, Princeton, New Jersey 08540.
Western Electric-N.J., Service Center, 650 Liberty Avenue, Union, New Jersey 07083.
Western Union, 1 Lake Street, Upper Saddle River, New Jersey 07458.
Veterans Administration Hospital, East Orange, New Jersey 07019.
195 Broadway Corporation, P.O. Box 2017, New Brunswick, New Jersey 08903 (Raritan River & Basking Ridge facilities).

(2) On April 30, 1976:

Amerace Corporation, Esna Division, 2330 Vauxhall Road, Union, New Jersey 07083.
American Cyanamid Company, Bound Brook, New Jersey 08805.
Automatic Switch Company, Florham Park, New Jersey 07932.
Burroughs Corporation, 141 Mt. Bethel Road, Warren, New Jersey 07060.
CBS Records, Lambs and Woodbury Roads, Pitman, New Jersey 08071.
Cessna Aircraft Company, Aircraft Radio and Control Division, P.O. Box 150, Boonton, New Jersey 07005.
Chevron Oil Company, Eastern Division, 1200 State Street, Perth Amboy, New Jersey 08861.
Colgate-Palmolive Company, 105 Hudson Street, Jersey City, New Jersey 07302.
Department of the Army, Headquarters, Picatinny Arsenal, Dover, New Jersey 07801.
Department of the Navy, Naval Air Propulsion Test Center, Trenton, New Jersey 08628.
Department of Transportation, State of New Jersey, 1035 Parkway Avenue, Trenton, New Jersey 08625.
Electronic Associates, West Long Branch, New Jersey 07764.
Essex County Hospital Center, 125 Fairview Avenue, Cedar Grove, New Jersey 07009.
Fabergé Incorporated, 65 Railroad Avenue, Ridgefield, New Jersey 07657.
GAF Corporation, 1361 Alps Road, Wayne, New Jersey 07470.
Glassboro State College, U.S. Route 322, Glassboro, New Jersey 08028.
Amerada Hess Corporation, 1 Hess Plaza, Woodbridge, New Jersey 07095.
Hill Refrigeration Division, Emhart Corporation, P.O. Box 61, Trenton, New Jersey 08601.
Interdata Incorporated, 2 Crescent Place, Oceanport, New Jersey 07757.
Johns-Manville Products Corporation, 200 North Main Street, Manville, New Jersey 08835.
John F. Kennedy Medical Center, Edison, New Jersey 08817.
Walter Kidde & Company, Inc., 675 Main Street, Belleville, New Jersey 07109.
Kimberly-Clark Corporation, Schweitzer Division, Spotswood, New Jersey 08884.
McGraw-Hill, Incorporated, Princeton Road, Hightstown, New Jersey 08520.
Monmouth Medical Center, Second Avenue, Long Branch, New Jersey 07740.
Morristown Memorial Hospital, 100 Madison Avenue, Morristown, New Jersey 07960.
National Starch & Chemical Corporation, 10 Finderne Avenue, P.O. Box 6500, Bridgewater, New Jersey 08807.
New Jersey Institute of Technology, 323 High Street, Newark, New Jersey 07102.
New Jersey Manufacturers Insurance Company, Sullivan Way, Trenton, New Jersey 08607.
New Jersey Neuropsychiatric Institute, State of New Jersey, P.O. Box 1000, Princeton, New Jersey 08540.
William Paterson College of New Jersey, 300 Pompton Road, Wayne, New Jersey 07470.
Princeton University, Office of Administrative Services, P.O. Box 32, Princeton, New Jersey 08540.
Research Cottrell, P.O. Box 750, Bound Brook, New Jersey 08805.
Revlon, Route 27 and Talmadge Road, Edison, New Jersey 08817.
Rutgers University, New Brunswick, New Jersey 08903.
Saint Barnabas Medical Center, Old Short Hills Road, Livingston, New Jersey 07039.
Saint Josephs Hospital and Medical Center, 703 Main Street, Paterson, New Jersey 07503.
Scholastics Magazines, Inc., 900 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.
Sunshine Biscuits, Bordentown Avenue and Jernee Mill Road, P.O. Box 7, Sayreville, New Jersey 08872.
The Thomas & Betts Company, 36 Butler Street, Elizabeth, New Jersey 07207.
Trenton State College, Pennington Road, Trenton, New Jersey 08625.
Wallace & Tiernan Division, 25 Main Street, Belleville, New Jersey 07109.
Westinghouse Electric Corporation, One Westinghouse Plaza, Bloomfield, New Jersey 07003.
Weston Instrument Division, 614 Frelinghuysen Avenue, Newark, New Jersey 07114.
The J.B. Williams Company, Incorporated, 750 Walnut Avenue, Cranford, New Jersey 07016.
Union Carbide Corporation, Chemical and Plastics Division, P.O. Box 670, River Road, Bound Brook, New Jersey 08805.

(3) On January 21, 1977:

BASF Wyandotte Corporation, 100 Cherry Hill Road, Parsippany, New Jersey 07054.
Nabisco, Incorporated, East Hanover, New Jersey 07936.

[FR Doc.77-7501 Filed 3-11-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

Designation of Contracting Officers

Section 8-1.404-2, Chapter 8, Title 41, Code of Federal Regulations provides for designation of a contracting officer by issuance of VA Form 07-2267, Certificate of Designation (Contracting Officer). Paragraph (a) of this section is revised to clarify the issuance of the certificate of designation and to clarify who signs the certificate.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the public rulemaking process is deemed unnecessary in this instance as the amendments concern agency practice and procedures.

NOTE.—The Veterans Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

In § 8-1.404-2, paragraph (a) is revised to read as follows:

§ 8-1.404-2 Designation.

(a) When an employee's qualifications are established by his/her supervisor and the individual is to be designated as a contracting officer in accordance with § 8-75.101(b), VA Form 07-2267, Certificate of Designation (Contracting Officer), will be issued for display in the employee's working area. The certificate will be signed by the next higher superior who fills one of the postions listed under § 8-75.101(a). (Existing designations will be confirmed by issuance of VA Form 07-2267.)

* * * * *

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; (38 U.S.C. 210, 40 U.S.C. 486(c)).)

This regulation is effective March 14, 1977.

Approved: March 8, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77-7448 Filed 3-11-77;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-204]

PART 101-29—FEDERAL SPECIFICATIONS AND STANDARDS

Federal Standardization Documents

This regulation provides updated policy and procedures concerning the development, use, and issuance of Federal specifications, interim Federal specifications, and associated Qualified Products Lists and Federal standards.

1. The table of contents for Part 101-29 is amended to revise the following entries:

Sec.

101-29.201-1	Federal specifications.
101-29.201-2	Interim Federal specifications.
101-29.204	Exceptions to mandatory use of Federal specifications.
101-29.205	Deviations from Federal specifications.
101-29.205-1	Agency responsibility relative to deviations from Federal specifications.
101-29.207	Use of Federal specifications and interim Federal specifications in Federal construction contracts.
101-29.301-2	Interim Federal standards.
101-29.302	Mandatory use of Federal standards.

2. Section 101-29.000 is revised to read as follows:

§ 101-29.000 Scope of part.

This part sets forth the policy and procedures for the development and use of Federal specifications and associated Qualified Products Lists and Federal standards.

3. Sections 101-29.101 and 101-29.102 are revised to read as follows:

§ 101-29.101 Federal standardization documents.

Federal specifications, Federal Qualified Products Lists, and Federal standards are referred to collectively as Federal standardization documents. They are developed by GSA or other Federal agencies under the Assigned Agency Plan described in the "Federal Standardization Handbook" issued by the Commissioner, Federal Supply Service, GSA. Federal standardization documents are coordinated with other Federal agencies having technical, statutory, or regulatory interest in the commodity or other subject matter covered. Before these are issued, Federal specifications are reviewed by technical societies and organizations representing industrial producers and consumers.

§ 101-29.102 Procedures for development of Federal standardization documents.

The Commissioner, Federal Supply Service, will issue and maintain on a current basis a "Federal Standardization Handbook." The Federal Standardization Handbook sets forth operating procedures and applicable definitions used in the development of Federal standardization documents under the Assigned Agency Plan described therein. Federal agencies shall adhere to the provisions of the handbook in the development and coordination of Federal standardization documents.

4. Sections 101-29.201-1, 101-29.201-2, and 101-29.201-3 are revised to read as follows:

§ 101-29.201-1 Federal specifications.

"Federal specification" means a Government specification which covers those materials, products, or services used by two or more Federal agencies (at least one of which is a civil agency). Federal specifications are promulgated by GSA and are mandatory for use by all Federal agencies.

§ 101-29.201-2 Interim Federal specifications.

An "interim Federal specification" is a potential Federal specification issued in interim form for optional use by all Federal agencies. Interim amendments to Federal specifications and amendments to interim Federal specifications are included in this definition.

§ 101-29.201-3 Military specifications.

"Military specification" means a specification issued by the Department of Defense that is used solely or predominantly by and is mandatory for military activities. (This definition includes fully coordinated and limited coordination.)

5. Section 101-29.202 is revised to read as follows:

§ 101-29.202 Federal Qualified Products Lists.

"Federal Qualified Products Lists" (QPL's) means lists of products tested and approved under qualification tests set forth in certain Federal specifications. The qualification test requirement is included in the specification only when the Government requires this assurance of requisite quality of the product before the award of the contract. For procurement purposes, a qualified product is one which has been tested and approved for inclusion in the Federal QPL, whether or not the product has actually been so listed, before the bid opening date or award of a negotiated contract.

6. Section 101-29.204 is amended to read as follows:

§ 101-29.204 Exceptions to mandatory use of Federal specifications.

(a) Federal specifications need not be used under any of the following circumstances:

* * * * *

(2) The total amount of the purchase does not exceed $10,000. Multiple small purchases of the same item shall not be made for the purpose of avoiding the intent of this exception. Further, this exception in no way affects the requirements for the procurement of items available from GSA supply distribution facilities, Federal Supply Schedule contracts, GSA procurement programs, and certain procurement sources other than GSA, that have been assigned supply responsibility for Federal agencies as provided in Subparts 101-26.3, 101-26.4, 101-26.5, and 101-26.6.

* * * * *

(4) An interim Federal specification is used by an agency in lieu of the Federal specification.

* * * * *

(b) If the purchase involves the following, Federal specifications need not be used except to the extent that they are applicable, in whole or in part:

* * * * *

7. Section 101-29.205 is revised to read as follows:

§ 101-29.205 Deviations from Federal specifications.

When the essential needs of an agency are not adequately covered by an existing Federal specification and the proposed purchase does not come within the exceptions described in § 101-29.204, the agency may authorize deviations from the Federal specification. However, requirements of existing Federal specifications shall be used to the maximum extent practicable.

8. Section 101–29.205–1 is amended to read as follows:

§ 101–29.205–1 Agency responsibility relative to deviations from Federal specifications.

Each agency taking deviations shall establish procedures whereby a designated official having substantial procurement responsibility shall be responsible for ensuring that:

(a) Federal specifications are used, and provisions for exceptions and deviations are complied with.

* * * * *

(d) Notification of deviation or recommendation for change in the specification is sent promptly in duplicate to the General Services Administration (FM), Washington, D.C. 20406. A statement of the deviations with a justification and, where applicable, recommendation for revision or amendment of the specification shall be included. A notification is required for major deviations such as those that will result in the introduction of a new item of supply as evidenced by the development of a new item identification, or when a deviation is taken repeatedly.

9. Sections 101–29.207 and 101–29.208 are revised to read as follows:

§ 101–29.207 Use of Federal specifications and interim Federal specifications in Federal construction contracts.

When material, equipment, or services covered by an available Federal specification or interim Federal specification are specified in connection with Federal construction, the Federal specification or interim Federal specification shall be made a part of the specification for the construction contract, subject to the provisions in §§ 101–29.204, 101–29.205, and 101–29.206.

§ 101–29.208 Military and departmental specifications.

When a Federal specification is not available, existing interim Federal, military, and departmental specifications should be used by all agencies consistent with each agency's procedures for establishing priority for use of such specifications.

10. Section 101–29.301–2 is revised to read as follows:

§ 101–29.301–2 Interim Federal standards.

"Interim Federal standard" means a standard issued in interim form for optional use by all Federal agencies and intended for final processing as a new or revised Federal standard. GSA has discontinued the issuance of interim Federal standards in all but the most unusual circumstances. In most instances a military or departmental standard will serve as the coordination draft for a Federal standard, and the interim issuance will not be needed.

11. Section 101–29.302 is revised to read as follows:

§ 101–29.302 Mandatory use of Federal standards.

Federal standards shall be used by all Federal agencies, including the Department of Defense. The exceptions in § 101–29.204 relating to the mandatory use of Federal specifications are applicable to the use of Federal standards. A Federal agency may be granted an exception by GSA only upon submission of adequate justification to the General Services Administration (FM), Washington, DC 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date: This regulation is effective March 14, 1977.

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: March 1, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77–7412 Filed 3–11–77;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

Nomenclature Amendments; Correction

In FR Doc. 77–5047 appearing at page 10002 in the FEDERAL REGISTER of February 18, 1977, the chapter title number was erroneously shown as Chapter 14. The title is corrected to read "Chapter 114—Department of the Interior."

RICHARD R. HITE,
Acting Assistant Secretary of the Interior.

MARCH 7, 1977.

[FR Doc.77–7416 Filed 3–11–77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, South Dakota

The following special regulation is issued and is effective on March 14, 1977.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public sport fishing by rod and reel or pole on Lacreek National Wildlife Refuge is permitted on Cedar Creek Ponds Nos. 1, 2, and 3 where designated by signs as open to fishing in accordance with applicable State regulations subject to the following special conditions:

(1) The season for fishing on Cedar Creek Ponds, 1, 2, and 3 extends from April 1 through October 15, 1977, daylight hours only.

(2) The use of boats and the use of live minnows as bait, on the Refuge portion of Cedar Creek are prohibited.

(3) Public fishing on Lacreek National Wildlife Refuge may be closed by the manager whenever access roads are impassable, refuge wildlife need further protection from disturbance, or good refuge management dictates that the area be closed to the public.

The open fishing areas are shown on maps available at Lacreek National Wildlife Refuge Headquarters, Martin, SD 57551 or Area Office, U.S. Fish and Wildlife Service, Federal Building, Pierre, SD 57501.

The provisions of this special regulation supplement the regulations which govern fishing on national wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations Part 33, and are effective through October 15, 1977.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

MARCH 7, 1977.

[FR Doc.77–7415 Filed 3–11–77;8:45 am]

PART 33—SPORT FISHING

Tamarac National Wildlife Refuge, Minnesota

The following special regulations are issued and are effective on March 14, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Rochert, Minnesota, is permitted from January 1, 1977, through December 31, 1977, and shall be in accordance with all applicable State fishing laws and refuge regulations. Areas open for fishing comprise 13,675 acres and are designated on a map available at the Refuge headquarters and from the office of the Regional Director, United States Fish & Wildlife Service, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111.

Refuge waters open to fishing during all State seasons include North Tamarac Lake and 50 yards either side of Ottertail River bridges on County Roads No. 26 and No. 126. Refuge waters open to fishing from State opening day in May through Labor Day include Upper Egg, Wauboose, Two Island, Lost, and Blackbird Lakes.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Part 33, and are effective through December 31, 1977.

OMER N. SWENSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

MARCH 3, 1977.

[FR Doc.77–7451 Filed 3–11–77;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1612—GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Rule.

SUMMARY: The purpose of these rules is to implement within the Equal Employment Opportunity Commission the requirements of the Government in the Sunshine Act of 1976, 5 U.S.C. 552b (Pub. L. 94-409). The rules set forth the basic responsibilities of the Commission with regard to compliance with the Act, and offer guidance to members of the public who wish to exercise any of the rights established by the Act.

EFFECTIVE DATE: March 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Constance L. Dupre, Associate General Counsel, Legal Counsel Division, Office of the General Counsel, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: At 42 FR 7162 (February 7, 1977) the Commission published for public comment a Notice of Proposed Rulemaking. The thirty-day period for the submission of written comments on the proposed regulations to the Associate General Counsel of the Legal Counsel Division expired at the close of business on March 9, 1977. The Commission received no comments during the thirty-day period. However, the Commission made several changes in its proposed regulations most of which are editorial revisions and minor clarifications. Substantive changes are treated in the following discussion.

Significant Differences Between Final and Proposed Rules

1. A new section which did not appear in the proposed rules has been added to the final rules—§ 1612.6 closed meeting procedures: request initiated by an interested person. Subsequent sections have been renumbered accordingly.

2. Section 1612.3 of the proposed rules (open meeting policy) has been amended by the addition of two paragraphs. Paragraph (c) merely clarifies the "observation" rights of persons in attendance at Commission meetings by imposing upon the Commission an obligation to ensure that adequate space, visibility and acoustical equipment be provided.

Paragraph (d) provides that observers may use recording equipment and take photographs at Commission meetings. This provision enhances the right of those in attendance at meetings. However, paragraph (d) makes it clear that such equipment may be used only in a manner which does not interfere with or disrupt the meeting.

3. Section 1612.5 of the proposed rules has been revised. This section of the final rules deals only with the procedure for closing meetings where the request to close generates within the agency. The revised § 1612.5 at paragraphs (f) and (g) incorporates the provisions of § 1612.6 (c) and (d) of the proposed rules dealing with the information which must be made publicly available after a vote has been taken by the agency to open or close a meeting or to withhold information pertaining to a meeting.

4. Section 1612.6 of the proposed regulations has been renumbered and is now § 1612.7 of the final rules. The new § 1612.6 sets forth the procedures to be followed by a person requesting the closing of a meeting whose interest may be directly affected by a meeting or portion of a meeting in that the discussion is likely to:

(1) Involve accusing any person of a crime or formally censuring any person;

(2) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

(3) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

Section 1612.6 also specifies the procedures to be followed by the Commission in handling such requests.

5. Section 1612.12 of the proposed rules—meetings closed by regulation—has been renumbered and is now § 1612.13 of the final rules.

Paragraph (a) of this section constitutes the Commission's regulation promulgated pursuant to subsection (d)(4) of the Government in the Sunshine Act. This paragraph may be invoked by the Commission in closing meetings or portions of meetings where the subject matter to be discussed falls within the tenth exemption of the Sunshine Act, 5 U.S.C. 552b(c)(10).

Since proposed litigation against Title VII respondents has routinely been an agenda item for Commission meetings, the Commission has determined that a portion of the majority of its meetings is likely to be exempt from the open meeting requirements of the Sunshine Act, and that therefore, the Commission's regulation is appropriately promulgated.

6. References to "transcripts" in the proposed rules have been deleted, and the term "electronic recordings," substituted therefor. These changes merely reflect the Commission's decision to utilize the electronic recordings and not make transcripts of meetings due to the prohibitive expense of the latter procedure.

In consideration of the foregoing, the regulations which constitute Part 1612 of Chapter XIV, Title 29 of the Code of Federal Regulations are set forth in their final, revised form as follows:

Sec.

1612.1 Purpose and scope.
1612.2 Definitions.
1612.3 Open meeting policy.
1612.4 Exemptions to open meeting policy.
1612.5 Closed meeting procedures: agency initiated requests.
1612.6 Closed meeting procedures: request initiated by an interested person.
1612.7 Public announcement of agency meetings.
1612.8 Public announcement of changes in meetings.
1612.9 General Counsel's certification in closing a meeting.
1612.10 Recordkeeping requirements.
1612.11 Public access to records.
1612.12 Fees.
1612.13 Meetings closed by regulation.
1612.14 Judicial Review.

Authority: 5 U.S.C. 552b, sec. 713, 78 Stat. 265; 42 U.S.C. 2000e-12.

§ 1612.1 Purpose and scope.

This part contains the regulations of the Equal Employment Opportunity Commission (hereinafter, the Commission) implementing the Government In The Sunshine Act of 1976, 5 U.S.C. 552b, which entitles the public to the fullest practicable information regarding the decision-making processes of the Commission. The provisions of this Part set forth the basic responsibilities of the Commission with regard to the Commission's compliance with the requirements of the Sunshine Act and offers guidance to members of the public who wish to exercise any of the rights established by the Act.

§ 1612.2 Definitions.

The following definitions apply for purposes of this Part:

(a) The term "agency" means the Equal Employment Opportunity Commission and any subdivision thereof authorized to act on its behalf.

(b) The term "meeting" means the deliberations of at least three of the members of the agency, which is a quorum of Commissioners, where such deliberations determine or result in the joint conduct or disposition of official agency business (including conference calls), but does not include:

(1) Individual members' consideration of official agency business circulated to the members in writing for disposition by notation or other separate, sequential consideration of Commission business by Commissioners,

(2) Deliberations to decide whether a meeting or portion(s) of a meeting or series of meetings should be open or closed,

(3) Deliberations to decide whether to withhold from disclosure information pertaining to a meeting or portions of a

meeting or a series of meetings, or

(4) Deliberations pertaining to any change in any meeting or to changes in the public annoucement of such meeting.

(c) The term "member" means each Commissioner of the agency.

(d) The term "entire membership" means the number of members holding office at the time of the meeting in question.

(e) The term "person" means any individual, partnership, corporation, association, or public or private organization.

(f) The term "public observation" means attendance at any meeting open to the public but does not include participation, or attempted participation, in such meeting in any manner.

§ 1612.3 Open meeting policy.

(a) All meetings of the Commission shall be conducted in accordance with the provisions of this Part.

(b) Except as otherwise provided in § 1612.4, every portion of every meeting shall be open to public observation. Public observation does not include participation or disruptive conduct by observers. Any attempted participation or disruptive conduct by observers shall be cause for removal of persons so engaged at the discretion of the presiding member of the agency.

(c) When holding open meetings, the Commission shall provide ample space, sufficient visibility, and adequate acoustics for persons in attendance at the meeting.

(d) Observers may take still photographs and use portable sound recorders which do not require electrical outlets. Persons may take pictures only at the beginning of a meeting and may not use flash equipment. Permission to use non-battery operated sound recorders and visual recorders must be sought reasonably in advance of a meeting. Such request must be made in writing to the Commission through the Office of the Executive Secretariat. The Commission may permit such activities to be conducted under specified limitations which insure proper decorum and minimum interference with the meeting. In all cases, audio or visual recording shall not disrupt or otherwise impede the meeting.

§ 1612.4 Exemptions to open meeting policy.

Except in a case where the agency finds that the public interest requires otherwise, the provisions of § 1612.3 shall not apply to any meeting or portion of a meeting where the agency determines that an open meeting or the disclosure of information from such meeting or portions of a meeting is likely to:

(a) Disclose matters that are (1) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and (2) in fact properly classified pursuant to such Executive Order;

(b) Relate solely to the internal personnel rules and practices of the agency;

(c) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552), provided that such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of matters to be withheld;.

(d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Involve accusing any person of a crime or formally censuring any person;

(f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (1) interfere with enforcement proceedings, (2) deprive a persons of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except where the agency has already disclosed to the public the content or nature of the disclosed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(j) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures specified in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 1612.5 Closed meeting procedures: agency initiated requests.

(a) Any member of the agency, the Executive Director, the General Counsel, or any other Commission official submitting an agenda item for the subject meeting may request that any meeting or portion thereof be closed to public observation for any of the reasons provided in § 1612.4 of this Part by submitting a request in writing to the Commission through the Office of the Executive Secretariat no later than fourteen (14) calendar days prior to the meeting.

(b) Upon receipt of any request made under paragraph (a) of this section, the Executive Secretary shall submit the request to the General Counsel for certification in accordance with § 1612.9 of this Part.

(c) No later than seven (7) calendar days prior to the scheduled meeting the members of the agency shall, upon consideration of the request submitted and consideration of the certified opinion of the General Counsel, determine by recorded vote whether to close the meeting or portion of the meeting to public observation. The members may vote less than seven days prior to the scheduled meeting where:

(1) A majority of the members of the Commission determines by recorded vote that agency business requires that any such meeting or series of meetings be held at an earlier date.

(2) A meeting is closed under the Commission's regulation as set forth in § 1612.13(a) of this Part.

(3) A meeting is closed pursuant to a request made under § 1612.6 of this Part and submitted less than seven days prior to the meeting.

(4) There is a need to change the subject matter or the determination to open or close a meeting previously announced.

(d) The Commission shall, at the same time, vote on whether to withhold any information pertaining to the meeting and otherwise required to be announced (§ 1612.7(a)(3)) or made publicly available (paragraphs (f) (2) and (3) of this section).

(e) A meeting, portion of a meeting, or series of meetings may be closed to public observation only when a majority of the entire agency membership votes to take such action. Information pertaining to a meeting, portion of a meeting or series of meetings otherwise required to be announced (§ 1612.7(a)(3)) or made publicly available (paragraphs (f) (2) and (3) of this section) shall be withheld only when a majority of the entire agency membership votes to take such action.

(f) With respect to each vote taken on whether a meeting should be open or closed, the agency shall, within one day of such vote, make publicly available the following information:

(1) A written copy of the vote of each participating Commission member on the question.

(2) A written explanation of Commission action closing a meeting or portions thereof, and

(3) The name and affiliation of any persons who are expected to attend a closed meeting.

(g) The agency shall, within one day, make publicly available the vote of each Commission member on whether or not to withhold any of the information de-

scribed in paragraphs (f) (2) or (3) of this section.

(h) A separate vote shall be taken for each meeting proposed to be closed to the public and with respect to any information proposed to be withheld from the public. However, a single vote may be taken with respect to a series of meetings proposed to be closed to the public, and with respect to information concerning such series of meetings, if each meeting involves the same particular matters and is scheduled to be held no later than thirty (30) calendar days after the first meeting in the series.

§ 1612.6 Closed meeting procedures: request initiated by an interested person.

(a) Any person as defined in § 1612.2 of this Part whose interest may be directly affected by a portion of a meeting may request that the agency close that portion of the meeting to the public for any of the reasons listed in § 1612.4(e), (f) or (g).

(b) Any person described in paragraph (a) of this section who submits a request that a portion of a meeting be closed, shall submit such request to the Chairman of the agency at the following address: the Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C., 20506. Such person shall state with particularity that portion of a meeting sought to be closed and the reasons for such request.

(c) The Chairman, upon receipt of any request made under paragraph (a) of this section, shall furnish a copy of the request to:

(1) Each member of the agency.

(2) The General Counsel for certification in accordance with § 1612.9 of this Part.

(d) Any member of the agency may request agency action upon such request.

(e) The Commission shall, upon the request of any one of its members and consideration of the certified opinion of the General Counsel, determine by recorded vote whether to close such meeting or portion thereof.

(f) The Chairman of the Commission shall promptly communicate to any person making a request to close a meeting or portion of a meeting under this section the agency's final disposition of such request.

§ 1612.7 Public announcement of agency meetings.

(a) Public announcement of each meeting by the agency shall be accomplished by recorded telephone message at telephone number 202-634-6748 (between the hours of 9 a.m. and 5 p.m. e.t.), and by posting such announcement on the agency's bulletin board located near the entrance of the 2nd Floor of the Columbia Plaza Building at 2401 E Street NW., Washington, D.C., 20506, not later than one week prior to commencement of a meeting or the commencement of the first meeting in a series of meetings, except as otherwise provided in this section, and shall disclose:

(1) The time of the meeting.

(2) The place of the meeting.

(3) The subject matter of each portion of each meeting or series of meetings.

(4) Whether any portion(s) of a meeting will be open or closed to public observation.

(5) The name and telephone number of an official designated to respond to requests for information about the meeting.

(b) Where a meeting is closed to the public, the agency may withhold and not announce the information specified in paragraph (a)(3) of this section, if and to the extent that it finds that such action is justified under § 1612.4. Information shall be withheld only by a recorded vote of a majority of the entire membership of the agency.

(c) The announcement described in paragraph (a) of this section may be accomplished less than one week prior to the commencement of any meeting or series of meetings where:

(1) A majority of the members of the Commission determines by recorded vote that agency business requires that any such meeting or series of meetings be held at an earlier date.

(2) A meeting is closed under the Commission's regulation as set forth in § 1612.13(a) of this Part.

(3) A meeting is closed pursuant to a request made under § 1612.6 of this Part and submitted less than seven days prior to the meeting.

(4) There has been a change in the subject matter or determination to open or close a meeting previously announced.

In these instances, the agency shall make public announcement at the earliest practicable time.

(d) Immediately following any public announcement accomplished under the provisions of this section, the agency shall submit a notice for publication in the FEDERAL REGISTER disclosing:

(1) The time of the meeting.

(2) The place of the meeting.

(3) The subject matter of each portion of each meeting or series of meetings.

(4) Whether any portion(s) of a meeting will be open or closed to public observation.

(5) The name and telephone number of an official designated to respond to requests for information about the meeting.

§ 1612.8 Public announcement of changes in meetings.

(a) The agency is required to make a public announcement of any changes in its meeting or portion(s) thereof. If, after the announcement provided for in § 1612.7, the time or place of a meeting is changed or the meeting is cancelled, the agency will announce the change at the earliest practicable time. The subject matter or the determination to open or close the meeting may be changed only if (1) a majority of the entire membership of the agency determines by recorded vote that agency business so requires and that no earlier announcement of the change was possible and (2) the agency publicly announces the change and the vote of each member upon such change at the earliest practicable time.

(b) Immediately following any public announcement of any change accomplished under the provisions of this section, the agency shall submit a notice for publication in the FEDERAL REGISTER disclosing:

(1) The time of the meeting.

(2) The place of the meeting.

(3) The subject matter of each portion of each meeting or series of meetings.

(4) Whether any portion(s) of a meeting is open or closed to public observation.

(5) Any change in (1), (2), (3), or (4) of this paragraph.

(6) The name and telephone number of the official designated to respond to requests for information about any meeting.

§ 1612.9 General Counsel's certification in closing a meeting.

(a) Upon any proper request made pursuant to this Part, that the agency close a meeting or portion(s) thereof, the General Counsel shall certify in writing to the agency, whether in his or her opinion the closing of a meeting or portion(s) thereof is proper under the provisions of this Part and the terms of the Government in the Sunshine Act (5 U.S.C. 552b). If, in the opinion of the General Counsel, a meeting or portion(s) thereof is proper for closing under this Part and the terms of the Government in the Sunshine Act, his or her certification of that opinion shall cite each applicable particular exemption of that Act and provision of this Part.

(b) A copy of the certification of the General Counsel as described in paragraph (a) of this section together with a statement of the presiding officer of the meeting setting forth the time and place of the relevant meeting or meetings, and the persons present, shall be maintained by the agency in a public file.

§ 1612.10 Recordkeeping requirements.

(a) In the case of any meeting or portion(s) thereof to be closed to public observation under the provisions of this Part, the following records shall be maintained by the Executive Secretary of the agency:

(1) The certification of the General Counsel pursuant to § 1612.9 of this Part;

(2) A statement from the presiding officer of the meeting or portion(s) thereof setting forth the time and place of the meeting, and the persons present;

(3) A complete electronic recording adequate to record fully the proceedings of each meeting closed to the public observation, except that in a meeting closed pursuant to paragraph (h) or (j) of § 1612.4, the agency may maintain minutes in lieu of a recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a

full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. All documents considered in connection with any item shall be identified in the minutes.

(b) If the agency has determined that the meeting or portion(s) thereof may properly be closed to the public, the electronic recording or minutes shall not be made available to the public until such future time, if any, as it is determined by the Commission upon request, that the reasons for closing the meeting no longer pertain: Provided, however, that any separable portion of a recording or minutes will be made promptly available to the public if that portion does not contain information properly withheld under § 1612.4.

(c) The agency shall maintain a copy of the electronic recording or minutes for a period of two years after the meeting, or until one year after the conclusion of the proceeding to which the meeting relates, whichever occurs later.

§ 1612.11 Public access to records.

All requests for information shall be submitted in writing to the Chairman of the agency. Requests to inspect or copy the electronic recordings or minutes of agency meetings or portions thereof will be considered under the provisions of § 1612.4 of this Part.

§ 1612.12 Fees.

(a) Records provided to the public under this Part shall be furnished at the expense of the party requesting copies of the recording or minutes, upon payment of the actual cost of duplication.

(b) All required fees shall be paid in full prior to issuance of requested copies of records. Fees are payable to the "Treasurer of the United States."

§ 1612.13 Meetings closed by regulation.

(a) This paragraph constitutes the Commission's regulation promulgated pursuant to paragraph (d)(4) of the Government in the Sunshine Act and may be invoked by the agency to close meetings or portions thereof where the subject matter of such meeting or portion of a meeting is likely to involve:

(1) Matters pertaining to the issuance of subpoenas;

(2) Subpoena modification and revocation requests, and

(3) The Agency's participation in civil actions or proceedings pertaining thereto.

(b) When closing a meeting or portion thereof under the Commission's regulation set forth in paragraph (a) of this section, a majority of the Commission membership shall vote at or before the beginning of such meeting or portion thereof to do so. The vote to close a meeting by regulation shall be recorded and made publicly available.

(c) The Commission's determination to promulgate the regulation in paragraph (a) of this section is based upon a review of the agenda of Commission meetings for the two years prior to the promulgation of these regulations.

(1) Since the Commission's practice of conducting weekly meetings began in 1975, proposed litigation against Title VII respondents has been a regular agenda item. The tenth exemption of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(10), exempts the discussion of these matters from the open meeting requirements of the Act.

(2) Thus, the Commission has determined that a majority of its meetings or portions thereof may properly be closed to the public under the tenth exemption of the Sunshine Act, and that paragraph (d)(4) of the Sunshine Act is properly relied upon in promulgating the Commission's regulation in paragraph (a).

§ 1612.14 Judicial review.

Any person may bring an action in a United States District Court to challenge or enforce the provisions of this Part. Such action may be brought prior to or within sixty (60) calendar days after the meeting in question, except that if proper public announcement of the meeting is not made, the action may be instituted at any time within sixty (60) days after such announcement is made. An action may be brought where the agency meeting was held or in the District of Columbia.

By order of the Commission.

Signed this the 10th day of March, 1977.

ETHEL BENT WALSH,
Vice Chairman.

[FR Doc.77-7551 Filed 3-11-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Proposed General License for Routine Use of Plutonium-238 Powered Cardiac Pacemakers

The U.S. Nuclear Regulatory Commission has under consideration amendments to its regulations in 10 CFR Part 70, "Special Nuclear Material," that would establish (a) general licenses for the implantation, routine use and recovery of plutonium-238 powered cardiac pacemakers that have been proved reliable and safe under investigational programs of actual use and (b) the requirements for issuance of specific licenses authorizing distribution of pacemakers for routine use under the general license.

Plutonium-238 powered cardiac pacemakers have been used since 1972 in the United States under specific licenses for investigational programs. Before any plutonium-238 powered pacemaker is approved for implantation in a patient, prototype plutonium-238 sources, batteries and pacemakers are required to be tested under more severe conditions than would be expected in the normal use of pacemakers or in any postulated accidents to which pacemaker patients or pacemakers might be exposed, including tests for impact, crush, fire, cremation and corrosion. The manufacturer is also required to provide and implement a quality control program to assure that each production unit is a replica of units that have successfully passed the required safety tests and will completely contain the plutonium-238. The safety tests are set out in the proposed new Appendix A to 10 CFR Part 70. Details of the test requirements are set forth in the Commission's "Interim Safety Guide for the Design and Testing of Nuclear-Powered Cardiac Pacemakers." (Single copies of the Guide may be obtained from the Division of Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.) These tests are consistent with the internationally accepted standards of the Nuclear Energy Agency of the Organization for Economic Cooperation and Development.

Under the proposed amendments, experience acquired through the controlled investigational programs would be used in the issuance of specific licenses that authorize the distribution of plutonium-238 powered pacemakers for routine use under a new general license. In order to qualify a pacemaker for routine use under the general license, a distributor (manufacturer) would, among other things, be required to demonstrate with 90 percent confidence that the random failure rate of the pacemaker is less than 0.15 percent per month. This failure rate is comparable to that of non-nuclear powered pacemakers when the expected wearout from battery depletion is excluded. For purposes of this evaluation, a pacemaker is considered to fail if, for any reason, the pacemaker needs to be removed or replaced because of failure to provide satisfactory pacing to the patient. A discussion of the statistical evaluation of the performance of nuclear-powered cardiac pacemakers is presented in Appendix E of the final environmental statement on the routine use of plutonium-powered cardiac pacemakers (Document No. NUREG-0060).

Physicians implanting pacemakers under the investigational programs are required to follow a standard research protocol designed to determine the pacemaker's reliability under conditions of actual use in people and to follow procedures leading to recovery of the pacemaker for controlled disposal or reuse when it is no longer needed by the patient. Details on licensing requirements for these programs are set forth in the Commission's "Guide for Licensing the Investigational Use of Nuclear-powered Cardiac Pacemakers." (Single copies of the Guide may be obtained from the Commission's Division of Document Control.)

Under the proposed amendments, the Commission would simplify the requirements it imposes on the medical community for implantation of pacemakers after successful completion of the investigational program for a particular model pacemaker. No longer would a physician implanting that model pacemaker be required to follow a standard research protocol. Also, the hospital would not be required by the Commission to maintain contact with the patient following the implant operation.

Under the proposed general license for the routine use of plutonium-238 powered cardiac pacemakers, the patient would be required to register with the Commission information such as his address, his consent to return of the pacemaker for controlled disposal, and the address of someone who is likely to keep informed of the patient's location. The patient also would be required to keep current the information he filed with the Commission. This would be accomplished by periodic re-registration and by reporting of changes in the registered information. This requirement for re-registration and reporting of changes is intended to assist the Commission in accounting for the pacemakers. If a patient did not comply with this requirement, he would not be forced to discontinue use of his pacemaker.

In addition to establishing a general license for the routine use of plutonium-238 powered cardiac pacemakers, the proposed amendments would establish a general license for hospitals implanting the pacemakers and a general license for possession of such pacemakers during activities related to recovery for controlled disposal. Under the latter general license, possession incidental to recovery and transfer of the pacemakers for purposes of disposal would be authorized. Morticians and physicians removing pacemakers are expected to be the most frequent users of this general license.

Both Agreement States (now 25 in number) and the Commission issue specific licenses for the investigational use of plutonium-238 powered cardiac pacemakers. Although the Commission does not intend to effect any change in Agreement State licensing jurisdiction over investigational use, the Commission is proposing that plutonium-238 powered cardiac pacemakers in routine use should not be disposed of without a license from the Commission. To effectively implement this determination, under the proposed amendments the Commission would regulate the distribution, implantation, use and recovery for disposal of such pacemakers. Although the pacemakers would be manufactured to rigid safety specifications which would make it highly unlikely that the plutonium-238 in the pacemakers would be released, regardless of the method of disposal, their recovery for controlled disposal would further assure little or no potential hazard to the public health and safety or to the environment from wide-scale distribution of such pacemakers.

The determination that the Commission should be the sole regulator of the disposal of plutonium-238 powered cardiac pacemakers in routine use would be made pursuant to § 274c.(4) of the Atomic Energy Act of 1954, as amended, and § 150.15(a)(5) of 10 CFR Part 150, "Exemption and Continued Regulatory Authority in Agreement States Under section 274," (of the Atomic Energy Act of 1954, as amended). This determination would not affect an Agreement State's licensing of investigational use or regulation of radiation safety at manufacturing or distributing plants. Concurrently with publication of these proposed amendments the Commission is publishing proposed amendments to 10 CFR Part 150 that would reflect this determination.

An alternative to regulation of the routine distribution and use of the pacemakers exclusively by the Commission would be regulation of distributors and users by the Agreement States and the Commission. This alternative would provide less assurance of recovery of pacemakers since the users could be expected to move, either temporarily or permanently, from State to State; further, the problems in accounting for the pacemakers could be compounded if many agencies were involved.

Under the proposed amendments responsibilities for accounting for the pacemakers would be imposed on the distributors and the hospitals in which pacemarkers were implanted. In evaluating the distributor's application for a license, the Commission would determine, pursuant to § 70.23(a)(5) of 10 CFR Part 70, whether the applicant is financially qualified to account for the pacemakers he distributes and to provide reasonable assurance of eventual return of the pacemakers to him for controlled storage and disposal or reuse. The licensee will be expected to maintain his financial qualifications during the term of the license and to assure his ability to conduct his recovery program by such means as bonding, insurance, or creation of an appropriately established separate fund for that purpose.

Under the proposed amendments there would be few safety requirements imposed on hospitals where pacemakers are implanted since the activities conducted at the hospitals should cause only minimal radiation exposures. However, the hospitals would be regulated solely by the Commission in order to assure that information important to accounting for the pacemakers and to their recovery for disposal will be supplied to the distributors of the pacemakers.

The proposed amendments do not apply to a person who has a plutonium-238 powered cardiac pacemaker implanted outside the U.S. and who then enters the U.S. Such persons are relatively few and are now specifically licensed on a case-by-case basis. In the event they become significantly more numerous, consideration will be given to revision of the proposed amendments.

Pursuant to the National Environmental Policy Act of 1969, and the Commission's regulations in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," the Commission's Office of Nuclear Material Safety and Safeguards prepared a draft and later a final environmental impact statement in connection with the routine use of plutonium powered cardiac pacemakers. The final statement concludes that, based on a balancing of the benefits and risks involved, plutonium-238 powered pacemakers should be authorized for routine use. Copies of the Final Environmental Statement (Document No. NUEG-0060) are available for examination in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased for $9.25 for a printed text or for $2.25 for a microfiche from National Technical Information Service, Springfield, Virginia 22161.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them by May 13, 1977, to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Sections 70.18 through 70.20 are redesignated §§ 70.15 through 70.17 and new §§ 70.18 through 70.20 are added to read as follows:

§ 70.18 General license for possession and use of plutonium-238 powered cardiac pacemakers by hospitals.

(a) A general license is hereby issued to any hospital to possess and use plutonium-238 powered cardiac pacemakers in implantation programs in accordance with the provisions of paragraphs (b) through (e) of this section.

(b) The general license in paragraph (a) of this section applies only to plutonium-238 powered cardiac pacemakers that have been distributed in accordance with a specific license issued by the Commission pursuant to § 70.38.

(c) No hospital shall possess and use plutonium-238 powered cardiac pacemakers pursuant to the general license established by paragraph (a) of this section until it has filed Form NRC-____ "Registration Certificate—Implantation of Plutonium-238 Powered Cardiac Pacemakers Under General License," with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and received from the Commission a validated copy of Form NRC-____ with registration number assigned. The registrant shall furnish on Form NRC-____ the following information and such other information as may be required by that form:

(1) Name and address of the registrant;

(2) Identification of an individual by name and position who will represent hospital management and will constitute a point of contact between the Commission and the general licensee.

(d) A registrant who possesses and uses plutonium-238 powered cardiac pacemakers pursuant to the general license established in paragraph (a) of this section shall:

(1) Implement effective procedures for accountability and protection against loss or theft of plutonium-238 powered cardiac pacemakers before implantation and after removal from patients,

(2) Maintain records of receipt and disposition of each plutonium-238 pursuant to a license issued by the Commission or by an Agreement State,

(3) Assure that implanting physicians have specialized training in the therapeutic use of cardiac pacemakers or experience equivalent to such training,

(4) Prior to the implant operation, obtain from the patient or his representative a signed copy of Form NRC- ____, "Registration Certificate: Plutonium-238 Powered Cardiac Pacemaker," and maintain a file of all such signed copies.

(5) Promptly after each implantation, report to the manufacturer of the pacemaker information pertinent to assisting the manufacturer in conducting an accountability and recovery system, such as identification of the pacemaker by model and serial number, name and address of the patient, and name and address of the hospital and responsible physician, and

(6) Comply with the provisions of §§ 20.402 and 20.403 of this chapter for reporting radiation incidents, theft, or loss of licensed material, but shall be exempt from the other requirements of Parts 19 and 20 of this chapter.

(e) A registrant who possesses or uses plutonium-238 under the general license of paragraph (a) of this section shall report to the Director of Nuclear Material Safety and Safeguards any changes in the information furnished by him in the Form NRC- ____, "Registration Certificate-Implantation of Plutonium-238 Powered Cardiac Pacemakers Under General License." The report shall be submitted within 30 days after the effective date of such change.

§ 70.19 General license for routine use of plutonium-238 powered cardiac pacemakers.

(a) A general license is hereby issued to any individual to possess and use, in accordance with the provisions of paragraphs (b) through (d) of this section, plutonium-238 in the form of an implanted plutonium-238 powered cardiac pacemaker that has been distributed in accordance with a specific license issued by the Commission pursuant to § 70.38.

(b) Prior to implant of the pacemaker, an individual who will possess and use plutonium-238 contained in an implanted cardiac pacemaker pursuant to the general license in paragraph (a) of this section or his representative shall:

(1) Complete Form NRC ____ "Registration Certificate: Plutonium-238 Powered Cardiac Pacemaker,"

(2) Furnish one copy of the completed form to the hospital that implants the pacemaker, and

(3) Within ten (10) days following the implant operation send one copy of the completed form to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(c) An individual who possesses and uses plutonium-238 contained in an implanted cardiac pacemaker pursuant to the general license in paragraph (a) of this section shall:

(1) Report in writing any changes to the information on Form NRC _____ within 30 days after the effective date of such change, and

(2) Subsequent to 6 months after the implant operation, re-register in January of each year by sending a completed Form NRC _____ to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(d) An individual who possesses and uses plutonium-238 pursuant to the general license in paragraph (a) of this section is exempt from the requirements of Parts 19 and 20 of this chapter with respect to the plutonium-238 contained in the pacemaker.

§ 70.20 General license for possession of plutonium-238 powered cardiac pacemarkers incidental to disposal.

A general license is hereby issued to any individual who removes an implanted plutonium-238 powered cardiac pacemaker, or otherwise receives such a pacemaker, to possess the pacemaker. *Provided, however,* That such pacemaker shall be expeditiously transferred to the manufacturer or distributor or to another person authorized to receive the plutonium-238. Such individual shall comply with the provisions of § 20.301 of this chapter but is otherwise exempt from the requirements of Parts 19 and 20 of this chapter with respect to the plutonium-238 contained in the pacemaker.

2. New §§ 70.38 and 70.38a are added to read as follows:

§ 70.38 Specific licenses for distribution of plutonium-238 powered pacemakers for use under general license.

An application for a specific license to manufacture or import plutonium-238 powered cardiac pacemakers for distribution for use by persons generally licensed under § 70.19 will be approved if:

(a) The applicant has satisfied the general requirements of § 70.23 and the requirements of paragraphs (b) through (d) of this section: *Provided, however,* That the requirements of §§ 70.23(a) (2), (3) and (4) do not apply to an applicant located in an Agreement State and specifically licensed by that State to manufacture, process or produce plutonium-238 powered cardiac pacemakers;

(b) The application contains sufficient information regarding each model pacemaker to demonstrate that (1) the pacemakers are designed, manufactured, tested, labeled and subjected to adequate quality control to provide reasonable assurance that radiation levels from the pacemakers will not cause unnecessary radiation exposures to patients or significant radiation exposures to the public, (2) the plutonium-238 will be contained in the pacemakers in normal use and under conditions of accidents or loss, (3) the physical and chemical form of the plutonium-238 is as nondispersible (in the environment) and nontransportable (in the body) as is practicable, and (4) the plutonium-238 containment system will allow no release of plutonium-238 when subjected to the safety performance tests set out in Appendix A of this part;

(c) The applicant has been authorized to distribute the pacemaker for investigational use and submits sufficient information acquired through an investigational implantation program to demonstrate that the pacemaker has satisfied with 90 percent confidence a reliability standard of not more than 0.15 percent per month random failures; [1] and

(d) The applicant submits sufficient information regarding his program to account for pacemakers used under general license and to provide reasonable assurance of eventual return of the pacemakers to the applicant for controlled storage and disposal or reuse.

§ 70.38a Same: Conditions of licenses.

Each person licensed under § 70.38 shall:

(a) Maintain complete records of all tests, audits and actions relating to quality control of plutonium-238 powered pacemakers or component parts and make such records available to the Commission for a period of 25 years from the date of manufacture of each pacemaker and component parts.

(b) Assure that the labeling of each pacemaker satisfies the following requirements:

(1) The plutonium-238 fuel capsule (or battery housing in the case where the fuel capsule is permanently sealed within the battery housing) shall be conspicuously and legibly marked by means resistant to fire and corrosion, and without compromising the reliability of the containment, with the following:

(i) The radiation symbol prescribed by § 20.203(a) of this chapter;

(ii) The words "Radioactive Material" or substantially similar wording;

(iii) Identity and activity of the principal radioisotope and year of sealing of the fuel capsule;

(iv) The name of the manufacturer and serial number of the plutonium-238 battery (or fuel capsule);

(v) The words "Notify Health Authorities for Disposal" or substantially similar wording.

(2) Except as provided in paragraph (b)(3) of this section, the pacemaker housing shall be conspicuously and legibly marked by means resistant to fire and corrosion with the following:

(i) The radiation symbol prescribed by § 20.203(a) of this chapter;

(ii) The words "Radioactive Pacemaker" or substantially similar wording;

(iii) Identity and activity of the principal radioisotope and year of sealing of the pacemaker;

(iv) The name of the manufacturer and serial number of the pacemaker;

(v) The words "Notify Health Authorities for Disposal" or substantially similar wording.

(3) If the pacemaker housing is essentially composed of epoxy resin, it shall bear a label meeting all the requirements of paragraph (b)(2) of this section except resistance to fire. Following exposure to fire that will consume the epoxy resin and the protective covering, the markings on the fuel capsule or battery housing shall become visible.

(c) Keep records showing the name and address of each patient receiving a pacemaker for use under the general license in § 70.19. The records also shall show for each patient the date of the implant operation, quantity of plutonium-238 contained in the pacemaker, model number, serial number, and date of return of the pacemaker to the licensee or other disposal upon removal from the patient.

(d) Submit a semiannual summary report in January and in July of each year to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, indicating the number of pacemakers implanted during the preceding six (6) months and the total number of pacemakers outstanding (i.e., implanted, at hospitals, in transit, or otherwise outside of the licensee's facility).

(e) Take reasonable measures to assure recovery, including assumption of all costs incidental to removal and return of pacemakers and provision for packaging, labeling and instructions for transport of pacemakers after removal.

(f) Immediately report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, any known or suspected: (1) Theft or loss of a plutonium-238 powered cardiac pacemaker, (2) release of plutonium-238 from a pacemaker, (3) production defect, or (4) statistically significant increase in failure rate under routine use when that rate is compared with the failure rate established under the investigational program.

(g) Within ten (10) days report to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C., any failure of a pacemaker to provide satisfactory pacing to a patient.

3. A new Appendix "A" is added to 10 CFR Part 70 to read as follows:

APPENDIX A—SAFETY PERFORMANCE TESTS FOR PLUTONIUM-238 POWERED CARDIAC PACEMAKERS

The safety performance qualification tests described below shall be performed for plutonium-238 powered cardiac pacemakers. Following each of the safety performance tests the ability of the fuel containment system to prevent release of plutonium-238 shall be established by analyses and tests capable of detecting any breach of containment down to an ultimate limit of sensitivity equivalent to 10^{-6} cm³/sec of helium at a temperature of 0° Centigrade and a pressure of 760 mm of mercury. A more complete description of the

[1] For the purpose of this evaluation, a pacemaker is considered to fail if, for any reason, the pulse generator fails to provide satisfactory pacing to the patient. A discussion of the statistical evaluation of the performance of nuclear-powered cardiac pacemakers is contained in Appendix E of U.S. NRC's publication NUREG-0060.

tests is provided in Appendix B of the U.S. NRC's publication NUREG–0060.

1. *Mechanical.* The fuel capsule shall be caused to impact at a velocity of 50 meters per second onto a flat essentially unyielding surface. The fuel capsule shall be subjected to a static stress (crush) load of 1000 kilograms between roughened steel jaws.

2. *Thermal.* The battery shall be subjected to a temperature of 800° C in air for a period of 30 minutes followed by immersion in water at room temperature and the 1000 kilograms static stress (crush) test specified in paragraph 1. The pacemaker shall be subjected to a cremation cycle of two hours in an oxidizing atmosphere with a minimum temperature of 800° C and a sustained temperature of 1300° C for at least 90 minutes.

3. *Corrosion.* It shall be established by corrosion tests and engineering analyses that, when corrosion in sea water of the encapsulating material for the plutonium-238 is extrapolated to a time corresponding to 10 half-lives for plutonium-238, the plutonium-238 will be contained by the encapsulating material. Possible pressure buildup inside the encapsulating material shall be considered in this evaluation.

(Secs. 53, 161, Pub. L. 83–703, 68 Stat. 930, 948; sec. 201, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 2073, 2201, 5841).)

Dated at Washington, D.C., this 7th day of March 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-7290 Filed 3-11-77;8:45 am]

[10 CFR Part 150]

PLUTONIUM-238 POWERED CARDIAC PACEMAKERS

Exemptions and Continued Regulatory Authority in Agreement States

The U.S. Nuclear Regulatory Commission is considering an amendment to its regulations in 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under section 274" (of the Atomic Energy Act of 1954, as amended), which would make the Commission the sole agency regulating the routine use under general license of plutonium-238 powered cardiac pacemakers and the distribution under specific license of pacemakers used under such general license.

Section 274 of the Atomic Energy Act of 1954, as amended, and § 150.15 of 10 CFR Part 150 state that persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the disposal of such byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be disposed of without a license from the Commission. Section 274 and § 150.15 further provide that within Agreement States the Commission may by rule, regulation, or order require that the manufacturer, processor or producer of any product containing byproduct, source, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

The Commission is publishing concurrently with this notice proposed amendments of 10 CFR Part 70 that would establish (a) a general license to hospitals for implantation of plutonium-238 powered cardiac pacemakers approved by the Commission for routine use, (b) a general license to patients to use such pacemakers, (c) a general license to persons possessing such pacemakers incidental to recovery and disposal, and (d) requirements for issuance of specific licenses authorizing distribution of pacemakers for possession and use under the general licenses. The pacemakers would be manufactured to rigid safety specifications which make it highly unlikely that the plutonium contained in the pacemakers would be released to the environment. However, in order to further assure that there would be little or no potential hazard to the public health and safety or to the environment resulting from the wide-scale distribution of pacemakers, the patient (a general licensee of the Commission) would be required to register with the Commission and to return the pacemaker to the distributor or manufacturer (a specific licensee of the Commission) for controlled storage and disposal or reuse when it is no longer of use to the patient.

An alternative to regulation of the routine distribution and use of the pacemakers exclusively by the Commission would be regulation of distributors and users by each of the Agreement States and the Commission. This alternative would provide less assurance of recovery since the users could be expected to move from State to State; further, the problems of accounting for the pacemakers could be compounded if many agencies were involved.

The Commission is considering a determination that, because of the potential hazards associated with disposal of large numbers of plutonium-238 powered cardiac pacemakers under routine use, they should not be disposed of without a license from the Commission. In implementing this determination the Commission would assert its authority in Agreement States over routine implantation, use and recovery of such pacemakers under general license and over the specifically licensed distribution of pacemakers used under the general license. The Commission's exercise of authority in the Agreement States together with its exercise of authority in non-Agreement States would result in only the Commission regulating the distribution, implantation, and recovery of pacemakers used under the general license. The proposed amendment to § 150.15 of Part 150 which follows would reflect the proposed determination. The proposed amendment would not affect an Agreement State's authority to license the use of nuclear powered cardiac pacemakers in investigational programs or to regulate radiation safety at installations at which such pacemakers are manufactured or distributed.

Accordingly, concurrent with adoption in final form of the proposed amendments of 10 CFR Part 70, the amendment of 10 CFR Part 150 which follows would be promulgated.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them by May 13, 1977, to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments on the proposed amendment may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

New paragraphs (a)(8) and (a)(9) are added to § 150.15 to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

* * * * *

(8) The transfer of possession or control by the manufacturer or distributor of cardiac pacemakers containing plutonium-238 and intended for routine use under the general license in § 70.19 of this chapter.

(9) The possession, use and disposal of plutonium-238 powered cardiac pacemakers under the general licenses in §§ 70.18, 70.19 and 70.20 of this chapter.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93–438, 88 Stat. 1243 (42 U.SC 5841).)

Dated at Washington, D.C., this 7th day of March, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-7289 Filed 3-11-77; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 77-CE-2-AD]

AIRWORTHINESS DIRECTIVES

Beech Model 278 Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive (AD) applicable to Beech Model 278 propellers installed on Beech Models H35, J35, K35, M35, N35, P35, A45 (T34A), B45 and D45 (T34B) airplanes. Amendment 39-897

(34 FR 20266), as revised by Amendment 39-967 (35 FR 5680), AD 69-26-4, is an AD applicable to Beech Model 278 propellers installed on the aforementioned airplanes. AD 69-26-4 requires, prior to further flight, replacement of the pitch control bolts on this propeller that cannot be identified as P/N 278-336 bolts. AD 69-26-4 also requires 100 hour repetitive dye penetrant inspections of the P/N 278-336 bolts until Beech Kit No. 278-0002S, incorporating P/N 27-3688-1 or -3 pitch control bolts, is installed. The installation of the Beech Kit per AD 69-26-4 is optional. Subsequent to the issuance of AD 69-26-4, failures of P/N 278-336 pitch control bolts continue to be reported. Because of these failures, the FAA concludes that the P/N 278-336 bolts should be removed from service and installation of Beech Kit No. 278-0002S made mandatory. Accordingly, an AD is being proposde to this effect. This proposal would supersede AD 69-26-4.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1558 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before May 13, 1977, will be considered before action is taken upon the proposed Rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

BEECH. Applies to Model 278 propellers installed on Models H35, J35, K35, M35, N35, P35, A45 (T34A), B45 and D45 (T34B) Airplanes.

Compliance: Required as indicated, unless previously accomplished.

To prevent loss of propeller control, accomplish the following:

(A) Within 100 hours' time in service after the last inspection accomplished per AD 69-26-4, using dye penetrant procedures, inspect Beech P/N 278-336 pitch control bolts for evidence of cracks in the exposed thread runout area between the hex flats and the aft pitch setting nut. If a crack is detected, install Beech Kit No. 278-0002 S incorporating Beech P/N 278-368-1 or -3 pitch control bolts and steel pitch control yoke, in accordance with Beechcraft Service Instructions 0302-248, or later approved revisions.

(B) Within 100 hours' time in service after the effective date of this AD, install Beech Kit No. 278-0002 S incorporating P/N 278-368-1 or -3 pitch control bolts and steel pitch control yoke, in accordance with Beechcraft Service Instructions 0302-248, or later approved revisions.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes AD 69-26-4 (Amendments 39-897 and 39-967).

Issued in Kansas City, Missouri, on February 28, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-7397 Filed 3-11-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-2]

VOR AIRWAY SEGMENT

Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke V-74N between Anthony, Kans., and Ponca City, Okla.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before April 13, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591. The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

The proposed amendment would revoke V-74N between Anthony, Kans., and Ponca City, Okla. This segment of V-74N is not utilized sufficiently to justify its continued designation as an airway alternate.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 7, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-7398 Filed 3-11-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 211]

[Rel. Nos. 33-5812, 34-13322, 35-19912]

LEASE DISCLOSURE REQUIREMENTS

Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing adopting certain new rules and modifying existing rules to (1) conform its lease accounting and disclosure rules to those recently adopted by the Financial Accounting Standards Board ("FASB"); (2) require certain lease disclosures of public utilities and other rate regulated enterprises that are not required to conform their lease accounting and disclosures to those recommended by the FASB; and (3) require, in specific instances, early application of the lease accounting and disclosure requirements of the FASB.

DATE: Comments should be submitted on or before May 31, 1977.

ADDRESS: Comments should refer to File S7-680 and should be submmitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Walter K. Rush III, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-376-8019).

SUPPLEMENTAL INFORMATION:

On October 5, 1973, the Securities and Exchange Commission stated in Accounting Series Release No. 147 (38 FR 29215, Oct. 23, 1973) (Securities Act Release No. 5428, Securities Exchange Act Release No. 10421, Public Utility Holding Company Act Release No. 18111) that at the time the Financial Accounting Standards Board develops improved standards of accounting for leases the Commission would reconsider its lease disclosure requirements.

In November 1976 the FASB issued Statement of Financial Accounting Standards No. 13, "Accounting for Leases," (SFAS No. 13). The Commission believes SFAS No. 13 provides improved standards of accounting and disclosure for leases and is therefore proposing changes to its existing lease rules relating to leases.

EXISTING REQUIREMENTS

Accounting Series Release No. 132. In Accounting Series Release No. 132 (37 FR 26516, Dec. 13, 1972) (Securities Act Release No. 5333, Securities Exchange Act Release No. 9867, Public Utility Holding Company Release No. 17772) dated November 17, 1972, the Commission stated its opinion "* * * that when lease transactions are entered into with

lessors without material independent economic substance, the transaction should be accounted for as a purchase in accordance with the procedures described in Accounting Principles Board Opinion No. 5.

ASR No. 132 was an interpretation by the Commission of what it believed generally accepted accounting principles (as represented by APB Opinion No. 5) required. APB Opinion No. 5 has been superseded by SFAS No. 13. In paragraph 7 of SFAS No. 13, four criteria are listed which define a lease which must be capitalized by the lessee; in paragraph 82 of SFAS No. 13 the FASB explains why it did not select the criterion of "lessor lacks independent economic substance":

> The Board considered the argument advanced by some that, if the lessor has no economic substance, the lessor serves merely as a conduit in that the lender looks to the lessee for payment and thus, it is asserted, the lessee is, in fact, the real debtor and purchaser. Whether the lessee is judged to be a debtor does not, in the Board's view, constitute a suitable criterion for determining lease classification for the reasons expressed in paragraph 71. The Board finds unpersuasive the argument that the lessee's accounting for a leasing transaction should be determined by the economic condition of an unrelated lessor. If a lease qualifies as an operating lease because it does not meet the criteria in paragraph 7, the Board finds no justification for requiring that it be accounted for as a capital lease by the lessee simply because an unrelated lessor lacks independent economic substance. In such a case, it probably means that someone else, presumably the lender, is in substance the lessor, but this circumstance, per se, should not alter the lessee's accounting. Accordingly, the Board rejected this criterion.

Since the Commission believes the criteria specified in paragraph 7 of SFAS No. 13 are satisfactory, Accounting Series Release No. 132 is being withdrawn. Reference is made to Accounting Series Release No. 211 (33-5813, 34-13323, 35-19913) published under Title 17 in the Rules and Regulations section of this FEDERAL REGISTER, for notice of the rescission of this release.

Disclosure requirements. The Commission's disclosure requirements for leases are contained in §§ 210.3-16 and 210.12-16 of Regulation S-X. The Commission has considered the disclosures required by SFAS No. 13 and believes that they are generally sufficient and is proposing to conform the requirements of Regulation S-X to SFAS No. 13 except as described below.

Paragraph 3 of SFAS No. 13 states: This Statement (SFAS No. 13) applies to regulated enterprises in accordance with the provisions of the Addendum to APB Opinion No. 2, "Accounting for the 'Investment Credit'." The effect of Addendum to APB Opinion No. 2 on accounting for or disclosure of capital leases under SFAS No. 13 is not clear. For example: Some believe the Addendum to APB Opinion No. 2 relates solely to the income statement and therefore regulated enterprises should be required to capitalize capital leases on their balance sheet and reduce the asset and liability in a fashion that results in the same charge to income as the charging to expense of rental payments when made. Others believe the Addendum applies to all financial statements and therefore capitalization is not required; however, some form of footnote disclosure is appropriate. And still others believe neither capitalization nor disclosure beyond that required for operating leases is required. In their view, unless the regulatory agencies recognize the concept of a capital lease in the rate-making process, disclosure of information related to capital leases is irrelevant.

The Commission has requested that the FASB reconsider or interpret the Addendum to APB Opinion No. 2 to eliminate the confusion which currently exists. However, until the confusion is eliminated, the Commission is proposing to require disclosure of the following information from regulated enterprises for leases which meet SFAS No. 13's definition of a capital lease but which are accounted for as operating leases:

(a) The amounts of the assets and liabilities which would have been included in the balance sheet had such leases been accounted for as capital leases; and

(b) The effect on net income (loss) and net income (loss) per share which would have resulted had such leases been accounted for as capital leases.

The Commission specifically invites comments on its proposal to require the above leasing disclosures from regulated enterprises. The Commission would also like the views of commentators as to whether such disclosures are appropriate (some believe in a rate-regulated enterprise that a change in the pattern of recognizing expenses will be met with a corresponding change in allowable revenues and there will be no effect on net income) or excessive (some advocate that SFAS No. 13 disclosures related to operating leases are sufficient or that disclosure only of the discounted lease liability is sufficient).

RETROACTIVE APPLICATION OF SFAS No. 13

Retroactive application of SFAS No. 13 is required for financial statements for calendar or fiscal years beginning after December 31, 1980. In paragraphs 115-120 of SFAS No. 13, the FASB explains that it adopted this long transition period so that companies would have sufficient time to accumulate the data necessary to accomplish restatement and to resolve problems arising from restrictive clauses in loan indentures or other agreements.

The Commission believes that retroactive application of SFAS No. 13 and the interperiod and intercompany comparability which results is highly desirable and should be accomplished as soon as practicable. The Commission notes that substantial data accumulation must be completed in 1977 in order to meet the disclosure requirements of paragraph 50 of SFAS No. 13 which requires certain disclosures for balance sheets as of December 31, 1977, and thereafter and for income statements for periods beginning after December 31, 1976. The Commission also notes that as of December 31, 1977, lessees will have accumulated at least five years of lease data in order to have met their current and prior disclosure requirements under § 210.3-16 and that the definition of a financing lease in § 210.3-16 does not differ significantly from a capital lease in paragraph 7 of SFAS No. 13.

For the reasons described above the Commission does not presently believe that at December 31, 1977 data accumulation will constitute a significant problem for public companies in accomplishing a restatement in accordance with the provisions of SFAS No. 13. Therefore, unless a registrant has been unable to resolve problems in connection with restrictive clauses in loan indentures or other agreements, the Commission is proposing that financial statements filed with the Commission for fiscal years ending on or after December 25, 1977, be restated in accordance with the provisions of SFAS No. 13. In addition, the Commission is proposing that if retroactive application of SFAS No. 13 would result in a violation of restrictive classes in loan indentures or other agreements, such fact be disclosed.

PROPOSED AMENDMENTS

COMMISSION ACTION

The Commission hereby proposes (1) issuance of an accounting series release (17 CFR Part 211) to require retroactive capitalization and restatement in financial statements for fiscal years ending on or after December 25, 1977 for all capital leases, unless a registrant has been unable to resolve problems in connection with restrictive clauses in loan indentures or other agreements. If current application would result in a problem under such a restrictive clause, disclosure of that fact will be required; and (2) revisions to paragraph (q) of § 210.3-16 of 17 CFR Part 210 as given below:

§ 210.3-16 General notes to financial statements. (See Release No. AS-4.)

* * * * *

(q) *Leased assets and lease commitments of regulated enterprises subject to the rate-making process.* (1) This rule is applicable to all regulated enterprises subject to the rate-making process that do not record capital leases as assets with associated liabilities. For purposes of this rule, a lease is defined as an agreement conveying the right to use property, plant, or equipment (land and/or depreciable assets) usually for a stated period of time. It includes agreements that, although not nominally identified as leases, meet the above definition, such as a "heat supply contract" for nuclear fuel. This definition does not include agreements that are contracts for services that do not transfer the right to use property, plant, or equipment from one contracting party to the other. On the

other hand, agreements that do transfer the right to use property, plant, or equipment meet the definition of a lease for purposes of this rule even though substantial services by the contractor (lessor) may be called for in connection with the operation or maintenance of such assets. This rule does not apply to lease agreements concerning the right to explore for or to exploit natural resources such as oil, gas, minerals, and timber. Nor does it apply to licensing agreements for items such as motion picture films, plays, manuscripts, patents, and copyrights. A lease is a capital lease if at its inception it meets one or more of the following four criteria:

(i) The lease transfers ownership of the property to the lessee by the end of the lease term.

(ii) The lease contains a bargain purchase option.

(iii) The lease term is equal to 75 percent or more of the estimated economic life of the leased property. However, if the beginning of the lease term falls within the last 25 percent of the total estimated economic life of the leased property, including earlier years of use, this criterion shall not be used for purposes of classifying the lease.

(iv) The present value at the beginning of the lease term of the minimum lease payments excluding that portion of the payments representing executory costs such as insurance, maintenance, and taxes to be paid by the lessor, including any profit thereon, equals or exceeds 90 percent of the excess of the fair value of the leased property to the lessor at the inception of the lease over any related investment tax credit retained by the lessor and expected to be realized by him. However, if the beginning of the lease term falls within the last 25 percent of the total estimated economic life of the leased property, including earlier years of use, this criterion shall not be used for purposes of classifying the lease. A lessee shall compute the present value of the minimum lease payments using his incremental borrowing rate, unless (A) it is practicable for him to learn the implicit rate computed by the lessor and (B) the implicit rate computed by the lessor is less than the lessee's incremental borrowing rate. If both of those conditions are met, the lessee shall use the implicit rate.

(2) The following information shall be provided for capital leases covered by this rule:

(i) As of the date for each required balance sheet, the aggregate amounts of the assets and liabilities that would have been recorded in the accounts had all leases meeting the definition of a capital lease been recorded as assets and liabilities.

(ii) For each period for which an income statement is required, the aggregate effect on net income (loss) and net income (loss) per share that would have been recorded had all leases meeting the definition of a capital lease been recorded as assets and liabilities.

* * * * *

These amendments are proposed to be adopted pursuant to authority in sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) (15 U.S.C. 78l, 78m, 78o(d), 78w) of the Securities Exchange Act of 1934; and sections 5(b), 14, and 20(a) (15 U.S.C. 79e, 79n, 79t) of the Public Utility Holding Company Act of 1935. Pursuant to section 23(a)(2) of the Exchange Act the Commission has considered the impact of these proposals on competition and is not aware, at this time, of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 2, 1977.

[FR Doc.77-7427 Filed 3-11-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

SPECIAL PROVISIONS APPLICABLE TO MANUFACTURERS AND RETAILERS EXCISE TAXES

Public Hearing on Proposed Regulations

Proposed regulations under sections 4054 through 4058, 4216, 4217, 4218 and 4221 through 4227 of the Internal Revenue Code of 1954 appear in the FEDERAL REGISTER for November 3, 1976 (41 FR 48346). These statutory provisions relate, inter alia, to special provisions applicable to retailers excise tax; definition of price for purposes of manufacturers tax; leases; and exemptions and registration requirements applicable to manufacturers excise tax. Correction notices were published in the FEDERAL REGISTER for November 10, 1976 (41 FR 49656) and November 12, 1976 (41 FR 50004).

A public hearing on the provisions of such proposed regulations will be held on April 22, 1977, beginning at 10 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Ave. N.W., Washington D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-566-3935. Under such § 601.601(a)(3) persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 13, 1977. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers, and copies of the agenda will be available free of charge at the hearing. Further information with respect to the hearing may be obtained from Mr. George H. Bradley, who may be contacted by telephone at (Washington, D.C.) 202-566-3935, or by mail as follows: Chief, Technical Section (CC:LR:T), 1111 Constitution Avenue, N.W., Room 4317, Washington, D.C. 20224.

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.77-7500 Filed 3-11-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, and 57]

NEW AND REVISED HEALTH AND SAFETY STANDARDS

Extension of Comment Period

On Friday, January 28, 1977, a notice of proposed rulemaking was published as Part II of the FEDERAL REGISTER (42 FR 5546-5565) pursuant to section 6 of the Federal Metal and Nonmetallic Mine Safety Act, as amended (30 U.S.C. 725). Portions of column three on page 5560 were unreadable. For the convenience of the readers, all of column three on page 5560 was republished in the FEDERAL REGISTER on Tuesday, February 8, 1977 (42 FR 7968). Also, corrections to certain pages were published in the FEDERAL REGISTER on Wednesday, March 2, 1977 (42 FR 12068), and Friday, March 4, 1977 (42 FR 12442-12443).

The notice invited interested persons to submit written data, views, and arguments concerning the proposed miscellaneous amendments to Parts 55, 56, and 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations, and informed interested persons who may be adversely affected by a proposed health and safety standard, which is designated as a mandatory standard and which is not recommended to the Secretary of the Interior as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee, of their right to timely file written objections and to request a public hearing on the proposed standard (30 U.S.C. 725 (b), (c), and (d)).

The American Mining Congress on behalf of its member companies, including mine equipment manufacturers and mine operators, indicated that additional time is necessary in order to compile relevant information and to respond to the proposed new and revised health and safety

definitions and standards. In view of this request, the period for submitting comments, filing objections, and requesting a public hearing is hereby extended from Monday, March 14, 1977, to and including Thursday, April 28, 1977, only for those mandatory standards NOT designated "MNMSAC".

We concur with the American Mining Congress that the initial comment period of 45 days is too brief a period of time to provide adequate time for organizations and other interested persons to prepare, compile, and submit their comments and objections on those mandatory standards not designated "MNMSAC". However, the 45 days provided in the FEDERAL REGISTER on January 28, 1977, is adequate for the submission of suggestions, comments, and arguments on mandatory standards designated "MNMSAC" because they are recommended for promulgation by the Federal Metal and Nonmetal Mine Safety Advisory Committee after the Advisory Committee held public meetings that were announced in the FEDERAL REGISTER with full public participation, including the submission of both oral and written comment, at such meetings. Accordingly, the public meetings of the Advisory Committee together with the 45 days provided in the FEDERAL REGISTER on January 28, 1977, have afforded ample time for the formulation and submission of written comments, suggestions, and arguments on these standards.

Comments, objections, and requests for public hearing should be addressed to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Room 618, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: March 10, 1977.

WILLIAM D. BETTENBERG,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-7632 Filed 3-11-77;9:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 128]

[CGD 76-235]

KITTERY, MAINE

Proposed Regulated Navigation Area

The Coast Guard is considering amending the regulated navigation areas regulations by establishing a regulated navigation area adjacent to the Portsmouth Naval Shipyard on Seavey Island, Kittery, Maine. The need for this proposal is to provide a safe area for floating crane operations by restricting the speed of transiting vessels to 5 mph. Although the crane is a wide beamed stable platform in itself, it can be significantly moved by the wake of pleasure craft traveling a moderate to high rate of speed. Some of the lifts the crane is required to make from drydocked vessels include nuclear reactor component parts.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to Commander, First Coast Guard District 150 Causeway St., Boston, Massachusetts 02114. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 76-235), and give reasons for any recommended change in the proposal. Copies of all written comments will be available for examination by interested persons at the Office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District will forward all comments received before April 28, 1977, and recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed that a new § 128.101 be added to Part 128 of Title 33 of the Code of Federal Regulations to read as follows:

§ 128.101 Kittery, Maine.

(a) The following is a Regulated Navigation Area—Waters within the boundary of a line beginning at 43°04'50" N., 70°44'52" W.; thence to 43°04'52" N., 70°44'53" W.; thence to 43°04'59" N., 70°44'46" W.; thence to 43°05'05" N., 70°44'32" W.; thence to 43°05'03" N., 70°44'30" W.; thence to the beginning point.

(b) Regulations—No vessel may operate in this area at speed in excess of five miles per hour.

(Sec. 104 Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 40 FR 43901, 49 CFR 1.46 (n)(4).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: March 7, 1977.

O. W. SILER,
Admiral, United States Coast Guard Commandant.

[FR Doc.77-7457 Filed 3-11-77;8:45 am]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM77-3]

RULES OF PRACTICE

Rules Governing Public Attendance at Meetings and Ex Parte Communications; Intent To Establish Service List

MARCH 4, 1977.

The Postal Rate Commission gives notice that it proposes to establish and maintain a service list under 39 CFR 3001.43(e)(4)(ii) for the purpose of distributing copies of public announcements of Commission meetings made pursuant to § 3001.43(e)(1).

Section 3001.43(e)(1) provides that the Commission shall make public announcement of each meeting, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting.

Section 3001.43(e)(4) provides that one of the means by which the Commission's Secretary will disseminate the prescribed public announcement is by maintaining a service list and mailing copies of the meeting announcements to persons whose names and addresses appear thereon.

Accordingly, the Commission invites persons who desire to receive a copy of public announcements of Commission meetings to submit their names and addresses with such requests to the Secretary of the Commission at the offices of the Postal Rate Commission, 2000 L Street NW, Washington, D.C. 20268.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-7425 Filed 3-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[PRL 698-1; PP6E1742/P46]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemption From Requirement of a Tolerance for Pesticide Bacillus Thuringiensis, Berliner

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Proposed amendment to 40 CFR 180.1011.

SUMMARY: Tihs notice proposes that the current exemption from the requirement of a tolerance for residues of *Bacillus thuringiensis*, Berliner be extended to include all raw agricultural commodities when the pesticide product is applied after harvest.

DATE: Comments must be received on or before April 13, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower Rm. 401, 401 M St. SW, Washington DC 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles Mitchell, Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency (202/426-9425).

SUPPLEMENTARY INFORMATION: On June 21, 1976, the Environmental Protection Agency (EPA) published a pesticide regulation in the FEDERAL REGISTER (41 FR 24885) which amended 40 CFR 180.1011 by exempting residues of

the microbial insecticide *Bacillus thuringiensis*, Berliner from the requirement of a tolerance in or on all raw agricultural commodities when the pesticide is applied to growing crops. This action was taken in response to a pesticide petition (PP 6E1742) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, N.J. 08903.

In a letter sent to the EPA dated August 27, 1976, Abbott Laboratories, Agricultural and Veterinary Products Div., North Chicago, IL 60064, has requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that the exemption from the requirement of a tolerance for residues of *Bacillus Thuringiensis*, Berliner be extended to include all raw agricultural commodities when the pesticide is applied after harvest.

The information submitted and all other relevant material have been evaluated. As noted in the notice of proposed rulemaking which preceded the promulgation of the June 21, 1976, regulation (41 FR 17945), *Bacillus thuringiensis*, Berliner is not a pathogenic organism, nor is it likely to become one, even under such extreme conditions as debilitation of a mammalian organism. The microorganism, additionally, is incapable of sporulation and multiplication under conditions existing in or on the vertebrate body, and consequently there is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). In addition, since this pesticide has properties fundamentally different from the factors considered by the Agency in requiring the assessment of oncogenic, mutagenic, teratogenic, reproductive, and metabolic effects, it has been determined that the data requirements for the assessment of these effects can be waived.

Therefore, it is concluded that the exemption should be extended to include residues in or on all raw agricultural commodities resulting from postharvest application of the insecticide. It is further concluded that such amendment to the regulations will protect the public health, and it is proposed, therefore, that 40 CFR 180.1011(b) be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, which contains any of the ingredients listed herein may request, on or before April 13, 1977, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject matter and the petition/document control number "PP6E1742/P46". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: March 7, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart D, § 180.1011(b) be revised to exempt residues *Bacillus thuringiensis*, Berliner from the requirement of a tolerance for residues in or on all raw agricultural commodities when applied after harvest, to read as follows:

§ 180.1011 Viable spores of the microorganism Bacillus thuringiensis, Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis*, Berliner, as specified in paragraph (a) of this section, in or on all raw agricultural commodities when it is applied either to growing crops or when it is applied after harvest in accordance with good agricultural practice.

* * * * *

[FR Doc.77-7364 Filed 3-11-77;8:45 am]

[40 CFR Part 180]

[FRL 697-8, OPP-300011]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations

At the request of several interested persons, the Administrator, Environmental Protection Agency (EPA), is proposing pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR Part 180.1001 by exempting certain additional pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

The inert (or occasionally active) ingredients concerned, the firms requesting that the Administrator propose exemptions with respect to them, and the basis for the determination of their safety are as follows:

Inert ingredient	Firm	Determination of safety
Alpha-alkyl (C_{12}-C_{22})-omega-hydroxypoly(oxyethylene) poly(oxypropylene) copolymer; poly(oxyethylene) content is 11-15 moles; poly(oxypropylene) content is 1-3 moles.	BASF Wyandotte Corp., Wyandotte, Mich. 48192.	No significant effects based on various long-term studies. Breakdown products will pose no hazard.
1,2-Benzisothiazolin-3-one	ICI United States, Inc., Wilmington, Del. 19897.	Lack of mammalian toxicity based on subacute rat and dog-feeding studies.
Monoammonium phosphate	Research Products Co., box 1057, Salina, Kans. 67401.	Generally recognized as safe (GRAS) by the Food and Drug Administration as a miscellaneous food additive.
[Phthalocyaninato(2-) copper; (C.I. pigment blue No. 15).	Dow Chemical Co., P.O. Box 1706, Midland, Mich. 48640.	No reasonable expectation of residues on the raw agricultural commodities.
Polyoxyethylated primary amine (C_{16}-C_{18}), the fatty amine is derived from an animal source and contains 3 pct water; the poly(oxyethylene) content averages 20 moles. (This compound is currently cleared under 180.1001 (d); this request proposes that the limits be changed.)	ICI United States, Wilmington, Del. 19897.	No significant effects based on 90-d dog and rat-feeding studies.
Sodium alpha-olefin sulfonate (Sodium (C_{15}-C_{20}) olefin sulfonate).	Lakeway Chemicals, Inc., Muskegon, Mich. 49443.	No significant effects based on 2-yr rat-feeding studies. The sulfonate constituent was previously cleared.

Based on the above information, available information on the chemistry of these substances, and a review of their use, it has been found that, when used in accordance with good agricultural practice, these substances are useful and do not pose a hazard. It is concluded, therefore, that the proposed amendments to 40 CFR Part 180.1001 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before April 13, 1977, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WN-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before April 13, 1977, and should bear a notation indicating both the subject matter and the OPP document control number "OPP-300011". All written comments filed in response to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: March 7, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart D, § 180.1001 be amended by (1) revising the entry "Polyoxyethylated primary (C_{16}–C_{18}) * * * in paragraph (d) by amending the limits and (2) alphabetically inserting new items in paragraphs (c) and (d), to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * * *

(c) * * *

Inert ingredient	Limits	Uses
* * * * * * *		
Monoammonium phosphate	No more than 3.75 pct by weight in formulation.	Postharvest fumigation in formulation with aluminum phosphide.
* * * * * * *		
Sodium alpha-olefin sulfonate (sodium (C_{16}-C_{18}) olefin sulfonate).		Surfactants, related adjuvants of surfactants.
* * * * * * *		

(d) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Alpha-alkyl (C_{16}-C_{18})-omegahydroxypoly(oxyethylene) poly(oxypropylene) copolymer; poly(oxyethylene) content is 11–15 moles; poly(oxypropylene) content is 1-3 moles.		Surfactants, related adjuvants of surfactants.
* * * * * * *		
1,2-benzisothiazolin-3-one	1 pct in formulation	Preservative.
* * * * * * *		
(Phthalocyaninato(2-)) copper; (C.I. pigment blue No. 15).	When used as a colorant in low-density plastic films.	Coloring agent, pigment.
* * * * * * *		
Polyoxyethylated primary amine (C_{16}-C_{18}), the fatty amine is derived from an animal source and contains 3 pct water; the poly(oxyethylene) content averages 20 moles.	Applied prior to planting of any crop, or as directed spray around the base of any crop.	Surfactant.
* * * * * * *		

[FR Doc.77-7363 Filed 3-11-77;8:45 am]

[40 CFR Part 403]

[FRL 698-7]

GENERAL PRETREATMENT REGULATIONS

Public Hearings and Meetings

On February 2, 1977, the Environmental Protection Agency (EPA) proposed in the FEDERAL REGISTER new general pretreatment regulations pursuant to Sections 208, 301, 307, 308, 402, and 501 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 86 Stat. 816 et seq, Pub. L. 92-500 or "the Act"). The new proposed general pretreatment regulations 40 CFR Part 403, would replace the existing general pretreatment regulation, 40 CFR Part 128. The proposed regulations would establish standards, mechanisms and procedures for controlling the introduction of industrial wastes into publicly-owned treatment works. The proposal also sets forth four alternative pretreatment strategies reflecting various approaches to establishing and enforcing pretreatment requirements.

In order to afford an opportunity for individuals to participate to the fullest in the EPA's rulemaking activity, the proposal published on February 2 announced that the EPA will conduct four hearings to receive public comment on the proposed regulations.

Meetings, open to the public, will be held on:

April 7, 1977—Hyatt Regency, 5 Embarcadero Center, San Francisco, California, 9:00 a.m. (Change from initial April 5, 1977 date contained in February 2 FEDERAL REGISTER notice.)

Those wishing to testify contact: Richard O'Connell (415) 556-0102, Enforcement Division, EPA, Region IX, 100 California Street, San Francisco, California 94111.

April 14, 1977—Park Plaza (Boston Statler Hilton), Park Square, Boston, Massachusetts, 9:00 a.m.

Those wishing to testify contact: Mr. Frank Ciavattieri (617) 223-5017, Enforcement Division, EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

April 19, 1977—Pick Congress Hotel, Gold Room, 520 S. Michigan Avenue, Chicago, Illinois, 9:00 a.m.

Those wishing to testify contact: Ms. Sue Walker (312) 353-2000, Office of the Regional Administrator, EPA, Region V, 230 S. Dearborn, Chicago, Illinois 60604.

April 21, 1977—Civil Service Commission Auditorium, 1900 E Street NW., Washington, D.C., 9:00 a.m.

Those wishing to testify contact: Ms. Ginger Patterson (202) 755-2117, Water Planning Division (WH-554), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

There are several major issues on which EPA is particularly interested in receiving public comments and relevant data. These fundamental issues are essentially the major differences between the four proposed strategies. These major issues are summarized below and are discussed more fully in the preamble to the proposed general pretreatment regulations (40 CFR Part 403) published in the FEDERAL REGISTER on February 2, 1977.

One of the most important issues involves the basis for establishing and applying the pretreatment standards. In the absence of specific statutory guidance, this issue concerns the extent to which EPA should recognize and consider the need for flexibility to adjust the national pretreatment program to local conditions, including water quality conditions.

Other questions on which public comment and relevant data are particularly requested include:

(1) Whether the pretreatment compliance program should primarily rely upon Federal and State enforcement directly against industry or place the major responsibility for achieving industry compliance on local authorities; and

(2) The adequacy and appropriateness of the coverage of industries and pollutants by Federal pretreatment standards in each of the four strategies.

The hearings will be of the informal, "legislative" type. Each speaker will present comments orally to the Agency officials (a presiding officer and other members of the hearing panel) for the record. While members of the hearing panel may ask questions in order to seek clarification or amplification of a speaker's comments, there will be no sworn testimony or cross-examination. The presiding officer may at his discretion limit irrelevant or repetitious oral presentations, and may set time limits for each presentation. If a substantial number of parties request to testify, the EPA is contemplating establishing a time limit of ten minutes per presentation. Oral statements should summarize any extensive written material so that there will be time for all interested parties to be heard.

In order to assist the Agency in scheduling presentations, persons desiring to speak are encouraged to notify the appropriate EPA office (as indicated above) by mail or phone no later than ten days prior to the applicable hearing date. The notification should identify the group or corporation (if any) on whose behalf the person wishes to speak.

A verbatim transcript will be made of the proceedings. Speakers are nevertheless encouraged to bring extra copies of their presentations for the convenience of the hearing reporter, the press, the hearing panel, and other participants. Speakers will be permitted to enter into the record any additional written comments or material they do not present orally.

Expenses incurred by individuals in attending this public meeting are the responsibility of the individual and not the EPA.

As indicated in the February 2 FEDERAL REGISTER notice, EPA has also asked for written comments on the proposed regulations (preferably in triplicate) to be submitted no later than May 3, 1977. Comments should be addressed to Environmental Protection Agency, Office of Analysis and Evaluation (WH-586), 401 M Street SW., Washington, D.C. 20460 (Attention: Mr. Stephen Heare).

Any member of the public wishing to obtain further information on this aspect of the Environmental Protection Agency rulemaking process should con-

tact Mr. Stephen Heare at the above address or by telephone at (202) 755–6885.

Dated: March 8, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77-7502 Filed 3-11-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

[46 CFR Parts 157, 176, 186]

[CGD 75-178]

MANNING OF VESSELS

Proposed Rulemaking

The Coast Guard is considering amending manning regulations in subchapters P and T of Title 46 of the Code of Federal Regulations to permit ocean operators to serve as pilots on vessels less than 65 feet in length inspected under the provisions of Subchapter T while carrying freight for hire. The proposal would also clarify the number of hours a licensed operator may perform duties and define the responsibilities of the licensed operator when a vessel is underway.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard, Room 8117, 400 7th Street SW., Washington, D.C. 20590. Each person or organization submitting a comment include a name and address, identify this notice (CGD 75–178), and give reasons for any recommendations made.

Comments received before April 28, 1977, will be considered befoer final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh St. SW., Washington, D.C. This proposal may be changed in light of comments received.

No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

NOTE.—This proposal has been reviewed for economic and inflationary effects under Executive Order 11821, OMB Circular A107, and DOT Order 2050.4 of February 2, 1976. This proposal is not major and does not require an Inflationary Impact Statement.

In consideration of the foregoing, it is proposed that Parts 157, 176, and 186 of Title 46 of the Code of Federal Regulations be amended as follows:

PART 157—MANNING REQUIREMENTS

§ 157.30–35 [Amended]

1. In § 157.30–35(a), by striking the words "of over 65 feet in length and" after the words "steam or motor vessel"; and by inserting the word "inspected" before the words "steam or motor vessel".

PART 176—INSPECTION AND CERTIFICATION

2. By amending § 176.01–1 by amending paragraphs (b) and (c) and by adding paragraphs (d), (e), and (f) to read as follows:

§ 176.01–1 When required—S.

* * * * *

(b) Each mechanically propelled vessel of 15 gross tons or greater that is inspected and certificated under this subchapter must be in compliance with the terms of the certificate when carrying freight for hire.

(c) For the purposes of this section—

(1) Voyage is the period from a vessel's departure to sea from a port or place to the vessel's return from sea to a port or place; and

(2) Port or place does not include an "artificial island", or "fixed structure" as defined in 33 CFR 140.10–5, or a "deepwater port" as defined in 33 U.S.C. 1502.

(d) A vessel subject to the provisions of this subchapter and required to be in compliance with its certificate of inspection at the outset of a voyage, or at any time during a voyage, must remain in compliance with the certificate until the completion of the voyage.

(e) When a vessel inspected and certificated under the provisions of this subchapter is operating under conditions not requiring compliance with its certificate of inspection, it is subject only to the laws, rules, and regulations governing the type of operation in which it is engaged.

(f) A temporary certificate of inspection, Form CG–854, is issued pending the issuance and delivery of the regular certificate of inspection if its issuance is necessary to prevent delaying a vessel. The temporary certificate must be carried in the same manner as the regular certificate.

PART 186—MANNING

3. By adding § 186.05–1 (b), (c) and (d) to read as follows:

§ 186.05–1 Manning requirements.

* * * * *

(b) For the purposes of this section–

(1) Voyage is the period from a vessel's departure to sea from a port or place to the vessel's return from sea to a port or place; and

(2) Port or place does not include an "artificial island", or "fixed structure" as defined in 33 CFR 140.10–5, or a "deepwater port" as defined in 33 U.S.C. 1502.

(c) No person holding a license which authorizes service on a vessel subject to the provisions of this subchapter may work on a vessel in excess of 12 hours in any consecutive twenty-four hour period during a voyage except in case of emergency.

(d) Vessels subject to the provisions of this subchapter must, while on a voyage, be under the actual direction and control of a person licensed by the Coast Guard to operate a vessel in the geographic area in which the vessel is operating.

4. By adding a new § 168.10–1(e) to read as follows:

§ 186.10–1 Licenses required.

* * * * *

(e) A license as ocean operator or operator of mechanically propelled passenger-carrying vessels authorizes the holder of the license to serve as master, pilot, or person in charge of any steam or motor vessel of less than 100 gross tons subject to the regulations in this Subchapter to the same extent that the license auhorizes the holder to operate passenger-carrying vessels of not more than 65 feet in length and less than 100 gross tons.

(R.S. 4462, as amended (46 U.S.C. 416); R.S. 4438, as amended (46 U.S.C. 224); R.S. 4463, as amended (46 U.S.C. 222); R.S. 4421, as amended (46 U.S.C. 399); 46 U.S.C. 526p, 673; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

Dated: March 3, 1977.

O. W. SILER,
Admiral, United States Coast Guard Commandant.

[FR Doc.77-7458 Filed 3-11-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION

Meeting

Notice is hereby given in accordance with § 800.5(c) of the Advisory Council on Historic Preservation's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on March 24, 1977, at 7 p.m., a public information meeting will be held at the Woonsocket City Hall, 169 Main Street, Woonsocket, Rhode Island. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed widening of Cumberland Avenue, an undertaking of the City of Woonsocket, Rhode Island as it affects the Club Marquette Building-Saint Anne's Gymnasium, a property determined eligible for inclusion in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Advisory Council.

II. An explanation of the undertaking and an evaluation of its effects on the property by the City of Woonsocket, Rhode Island.

III. A statement by the Rhode Island State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to approximately 10 minutes.

Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 "K" Street, NW., Washington, D.C. 20005 (202-254-3380).

ROBERT M. UTLEY,
Deputy Executive Director.

[FR Doc.77-7405 Filed 3-11-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

MILL CREEK WATERSHED, ILLINOIS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mill Creek Watershed, Clark and Edgar Counties, Illinois.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Daniel E. Holmes, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and recreation. The remaining planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by two floodwater retarding structures, one floodwater retarding-recreation structure, the associated recreation facilities, replacement of the Clarksville Bridge, and removal of major stream obstruction of the Mill Creek Channel.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication (March 29, 1977).

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 USC 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Conservation Service.

[FR Doc.77-7406 Filed 3-11-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BUCKNELL UNIVERSITY GEISINGER MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230. Docket Number: 76-00544. Applicant: Bucknell University and Geisinger Medical Center, Lewisburg, PA 17837 and Danville, PA 17821. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following research projects:

(a) The morphology of isolated membrane and organelle fractions from rat testis.

(b) Alterations in testicular ultrastructure following vitamin A depletion or administration of THC and other cannabinoids.

(c) Ultrastructural changes induced in liver and brain tissues following administration or THC or other cannabis derivatives.

(d) The distribution of ferritin labeled plant lectins and antibodies on lymphocyte plasma membranes of normal and cystic fibrosis patients.

(e) Ultrastructure of renal biopsy material.

(f) Ultrastructure of cardiac muscle obtained via biopsy prior to cardiac surgery.

(g) Submit structure of lipoamide dehydrogenase and other macromolecular complexes.

(h) Ultrastructure of *Golenkinia* and other algal cultures.

(i) Ultrastructure of the *y*-gland in crustaceans.

(j) Ultrastructure of *Drosophila* chromosomes.

The article will also be used for educational purposes in the following courses:

(1) Molecular Cytology (Biology 351)—emphasizes the basic structure of biological membranes and systematically surveys the various membrane systems and organelles which comprise the eucaryotic cell.

(2) Techniques in Electron Microscopy (Biology 353)—provides actual instruction in the use of the various instruments associated with electron microscopy and also provides the student with the theoretical background necessary for independent work in an electron microscopy laboratory.

(3) Independent Research (Biology 350, 360)—allows for individual student

research in an area of their own interest.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 26, 1976). Reasons: The description of the applicant's research purposes establishes the fact that a conventional transmission electron microscope comparable to the foreign article is pertinent to the purposes for which the article is intended to be used. We know of no conventional transmission electron microscope which was being manufactured in the United States at the time the foreign article was ordered ("Conventional transmission electron microscopes" are not to be confused with "scanning electron microscopes" which were manufactured domestically at the time the foreign article was ordered and are still being manufactured in the United States.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-7383 Filed 3-11-77;8:45 am]

DUKE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00015. Applicant: Duke University, Durham, North Carolina 27706. Article: Electron Microscope, Model JEM 100S and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for the study of lung tissues taken from appropriate experimental animals exposed to a variety of oxidants, such as oxygen, NO_2 andozone and human patients with a variety of carcinomas or various interstitial lung diseases. The specimens will be thin, plastic-embedded sections which have been cut on an ultramicrotome and stained and prepared for electron microscopy. The experiments to be conducted will involve sophisticated forms of stereology in which the lung structure is quantified by taking a large number of low magnification and high magnification electron miscrographs in random fashion, then subjecting these micrographs to a detailed computer analysis which will yield data about the various cells that make up the lung, including the number, size, average thickness and average surface area of every major lung cell type.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 29, 1976).

Reasons: The foreign article provides distortion free micrographs over a magnification range of 100 to 200,000X without a pole-piece change. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 21, 1977 that the article's low distortion in the low magnification range is pertinent to the applicant's intended use. HEW further advises that it knows of no domestic instrument which provided the pertinent feature at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-7385 Filed 3-11-77;8:45 am]

INDIANA UNIVERSITY AND PURDUE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00003. Applicant: Indiana University-Purdue University at Indianapolis, 630 West New York Street, Indianapolis, Indiana 46202. Article: MG 4 Universal Diaferometer complete with air pump, D.C. stabilizer and accessories. Manufacturer: Kipp & Zonen, The Netherlands. Intended use of article: The article is intended to be used for the investigation of oxygen consumption and carbon dioxide production for a variety of sick newborn patients to gain a better understanding of the pathophysiology involved so that new intervention techniques can be developed and old ones improved upon.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a non-invasive system for accurate measurement of oxygen consumption and carbon dioxide production of newborn infants. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 21, 1977 that the capability of the article described above is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-7387 Filed 3-11-77;8:45 am]

SMITHSONIAN INSTITUTION, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00012. Applicant: Smithsonian Institution, Department of Invertebrate Zoology, National Museum of Natural History, 10th & Constitution Ave. N.W., Washington, D.C. 20560. Article: Electron Microscope, Model EM 9S-2 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the examination of the tissues

of vertebrate animals, tissues and whole specimens of invertebrate animals, and various plant tissues. The objectives to be attained through use of the article include the following:

(a) A study of the structure and function of choanocyte chambers and their relation to higher sponge taxa,

(b) A study of the symbiotic algae in sponge tissue,

(c) A study to identify and quantify the nanoplankton and particulate organic matter in the watter column over the Carrie Bow Cay (Belize) Reef Tract,

(d) A study of the various sensory receptors of nematodes to determine to what changes in their environment (stimuli) they are sensitive, and what role they place in the animals' biology,

(e) To study the ultrastructure of nematode muscle to determine if there are certain structural correlations with fast and slow contracting muscle,

(f) To compare the muscles and cuticle of nematodes to determine if they reveal evolutionary relationships between major taxa,

(g) To study the glandular cells of certain plants that secrete oils used by bees as larval food,

(h) To study the peculiarities of the digestive system of the bee larvae that feed upon the secreted oils of plants,

(i) To determine phylogenetic relationships between plant taxa by examining the ultrastructure of pollen walls, and

(j) A study of the scales from butterfly wings to determine how their ultrastructure produces certain birefringent patterns of light.

The article will also be used by postdoctoral fellows conducting their research the most of which will involve the serial sectioning of their whole organisms, or their parts to obtain ultrastructural data for the purpose of better understanding evolutionary relationships. Application received by Commissioner of Customs: October 15, 1976. Advice submitted by the Department of Health, Education, and Welfare on: January 21, 1977. Article ordered: September 27, 1976.

Docket Number: 77-00017. Applicant: Penrose Hospital, 2215 N. Cascade Avenue, Colorado Springs, Co. 80907. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for ultrastructural studies of tissue for surgical biopsies of patients with various types of cancer, particularly of the hematopoietic and lymphopoietic systems, biopsies of cardiac muscle taken at the time of angiographic studies, needle biopsies of kidney and of bone marrow. Tissues from the same patients who later succumb and are studied at postmortem examination will be fixed and prepared for ultrastructural studies. The article will provide means for the study of the cytologic phenomenon at an ultrastructural level that may help to understand both the chemotherapeutic effects of these agents upon the above mentioned neoplastic diseases but also the non inconsiderable cytotoxic effects of the same agents which impede further use of the therapy. In addition, the article will be used in the following educational applications:

(a) A course in "Basic Techniques in the Preparation of Surgical and Autopsy Tissue for Electron Microscopic Study" in which the various procedures of fixation dehydration, embedding, thick and thin sectioning on the ultramicrotime as well as preparation of specimen grids and the staining of such sections will be taught.

(b) A course in "Use of Electron Microscope in the Study of the Ultrastructure of Tissue from Surgical and Autopsy Material" in which students will take the materials which they themselves have prepared and study those materials under the electron microscope preparing photographs of their observations.

(c) A course on the "Interpretation and Appliaction Thereof of Ultrastructure in the Routine Diagnosis of Pathologic Conditions" in which students will be expected to utilize the electron photomicrographs which they have prepared under (b) from the very tissues which they have prepared under (a) to make correlations between the light microscopic material available on the same cases with ultrastructural changes.

(d) A course on "Application of Ultrastructural Studies of Cells in Diagnostic Cytology" in which cytotechnologists are expected to prepare the grids using cytologic material rather than tissues and will be instructed in the use of the electron microscope in the study of the ultrastructural changes found in cytologic material from patients with disease.

(e) A course for medical students in "Correlations of Ultrastructural Changes" with light microscopic abnormalities in disease.

(f) An intensive post-graduate education program for practicing physicians of the medical staff of the Hospital.

Application received by Commissioner of Customs: October 19, 1976. Advice submitted by the Department of Health, Education, and Welfare on: January 21, 1977. Article ordered: September 17, 1976.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time each foreign article was ordered.

Reasons: Each of the foreign articles to which the foregoing applications relate is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. Each article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140-60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus each article covers the range of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its respectively cited memoranda that the low distortion, low magnification capabilities available specifically in the optical range at 140X, as well as, simplicity and ease of operation are pertinent to the purposes for which each foreign article is intended to be used.

HEW also advises that it knows of no domestic instrument or apparatus which provided the pertinent features of the article at the time each foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time each foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-7389 Filed 3-11-77;8:45 am]

UNIVERSITY OF CALIFORNIA—SAN DIEGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00550. Applicant: University of California, San Diego, M-013, La Jolla, Calif. 92093. Article: Optical Monitoring System for a Fluorescence Temperature-Jump Spectrophotometer. Manufacturer: Herr Hermann Brundl, West Germany. Intended use of article: The article will be coupled with existing instrumentation in order to examine fast reaction kinetics between pharmacological ligands and macromolecules by the technique of temperature-jump kinetics in conjunction with absorption and fluorescence monitoring. The article will also be used in the education of graduate students and postdoctoral fellows in the courses Medicine 298 and 299. Students specializing in molecular pharmacology will become acquainted with the instrument and techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

Reasons: The foreign article is able to measure temperature-jump fluorescent reaction kinetics. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 21, 1977 that the capability described above is pertinent to the applicant's intended uses. HEW also advises that domestic instruments do not provide this pertinent capability.

The Department of Commerce knows of not other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-7384 Filed 3-11-77;8:45 am]

UNIVERSITY OF CHICAGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6 (c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00006. Applicant: University of Chicago, 5801 S. Ellis Ave., Chicago, Ill. 60637. Article: 2 (Two) Electron Microscopes, Model, Elmiskop 102. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is intended to be used for studies of the ultrastructure of two groups of viruses involved in human cancer. The experiments will involve analysis of thin sections and of negatively stained preparation. In addition, the article will be used in the training of scientists at the predoctoral and postdoctoral levels in cancer research, part of which involves research work.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (September 21, 1976).

Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 21, 1976 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no domestic instrument which provided the pertinent feature at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-7386 Filed 3-11-77;8:45 am]

UNIVERSITY OF RICHMOND ET AL.

Application for Duty-Free Entry of Scientific Articles

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 36678 in the FEDERAL REGISTER of Tuesday, August 31, 1976, the following amendment is hereby made to reflect more fully the intended uses of the article:

Docket Number: 76-00500. Applicant: Lovelace Foundation for Medical Education and Research, 5200 Gibson Blvd. SE., Albuquerque, New Mexico 87112. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article. The article is intended to be used in studies of the health effects of inhaled effluents from powerplants which us a variety of fuels, such as nuclear fuels or coal in the following three general areas:

(1) Characterization of aerosol particles, both those naturally occurring and those used in the experimental studies.

(2) The characterization of normal anatomic structures of the respiratory tract, particularly those that can be correlated with physical and computer models of the lung.

(3) The characterization of lesions induced by inhalation of powerplant effluents.

The article will also be available for special research projects, primarily for students at the graduate level. Application received by Commissioner of Customs: July 29, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-7388 Filed 3-11-77;8:45 am]

Economic Development Administration

PROSPECTS FOR ADJUSTMENT ASSISTANCE FOR FIRMS IN THE FOOTWEAR INDUSTRY

Summary

The Department of Commerce has conducted a study of the firms in the footwear industry pursuant to Section 264 of the Trade Act of 1974. Such a study is required whenever the U.S. International Trade Commission makes an industry investigation under section 201 of the Act. The Department published a section 264 report of the footwear industry last year on March 5.

In its report on February 8, 1977, the Commission determined (by a 6 to 0 vote) that increased footwear imports are causing or threatening to cause serious injury to the domestic industry. Four of the Commissioners recommended the imposition of a tariff-rate quota system for a 5-year period as import relief for the U.S. footwear industry, one Commissioner recommended higher tariffs and one recommended trade adjustment assistance as the appropriate remedy. According to section 202 of the Trade Act, the President shall determine whether to provide import relief and what method and amount of import relief will be provided.

The Commission estimates that in 1975 approximately 376 companies produced nonrubber footwear in 36 states, a significant decline from the 597 producing firms in 1969. The Middle Atlantic and New England States are the leading producing areas. The 21 larger companies each producing over four million pairs of shoes annually account for about one-half of total output. Three-fourths of the firms in the industry, however, annually produce less than one percent of overall production.

Total average employment in the nonrubber footwear industry increased during the first eleven months of 1976, reversing a trend of falling employment which had characterized the industry for many years. For the period January-September 1976, domestic production increased by more than 15 percent to 348 million pairs, while imports amounted to 290 million pairs, an increase of almost 36 percent.

To be certified eligible to apply for trade adjustment assistance, a firm must petition the Department of Commerce and demonstrate that increased imports of articles like or directly competitive with those produced by the firm contributed importantly to declines in sales or production, or both, and to the separation, or threat of separation, of a significant number or proportion of the firm's workers. A trade-impacted producing firm may petition the Department for certification at any time regardless of a prospective Commission finding or its results. For firms in the footwear industry that are considering petitioning for certification, the first requirement of the qualifying criteria has been met, since U.S. imports of footwear increased in both 1975 and 1976.

As of the date of this report, 13 firms in the footwear industry have applied for and are receiving financial and technical assistance equal to almost $17.5 million under provisions of either the Trade Expansion Act of 1962 or the Trade Act of 1974. An additional 14 firms have been certified eligible to apply for assistance, a few of which may be developing their recovery plans and preparing their applications.

During its most recent investigation of the footwear industry, the Commission identified approximately 376 firms and mailed questionnaires to a sample of 179 of those firms. Questionnaires were returned by 94 of those companies and made available to the Department. Based upon that data, which only covered the first nine months of 1975 and 1976, 21 of those 94 firms appear to meet the Trade Act criteria for certification of an absolute decline in either total sales or total production and employment. Of those 21 firms, five have already been certified. If current data were available for the responding firms and for the firms which were not surveyed or did not respond, the estimated number of firms meeting the criteria would change.

However, even in those instances where data are available and firms have experienced the requisite declines, without an investigation of each individual firm there is no basis for determining whether imports contributed importantly to those declines. Under such circumstances, the Department is unable to determine the number of firms that are "likely to be certified as eligible" until the firms have actually submitted acceptable petitions.

Under the program of trade adjustment assistance for firms authorized by the Trade Act and administered by the Economic Development Administration ("EDA") in the Department of Commerce, a certified firm may apply for adjustment assistance to carry out its recovery plan. However, the fact that a firm is certified does not imply that such assistance will be furnished. That decision will depend upon whether the firm's adjustment proposal meets all of the statutory criteria essential for approval. Adjustment assistance may consist of financial assistance, technical assistance, or both. Financial assistance, in the form of direct loans or loan guarantees, may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

The Trade Act also provides for certification of communities located in trade-impacted areas or in areas where a firm or subdivision has transferred to a foreign country. Certified communities are eligible for public works grants, loans, and loan guarantees—all of which can be directed towards assisting affected firms. Under the Public Work and Economic Development Act of 1965 ("PWEDA"), as amended, direct and indirect assistance to firms is available without Trade Act certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit indirectly from grants to the designated places and related entities for financing public works, and directly from business development loans and guarantees.

Under PWEDA, neither loans nor guarantees can be used to assist firms relocating from one area to another or to expand production in an industry found to have long-term overcapacity. However, even though the footwear industry is characterized by long-term overcapacity, firms could obtain assistance under PWEDA for purposes of assuring the retention of existing capacity and employment. Moreover, PWEDA does authorize technical assistance to firms regardless of location and grants of loanable funds to communities with actual or threatened unemployment.

The Small Business Administration ("SBA") administers three programs of potential assistance to footwear firms: A management assistance program for small business; a loan program for local development companies; and a business loan program of direct, participating, and guaranteed loans. Eligibility is limited to independently owned and operated firms that are not dominant in their field and do not have over 500 average employment. The amount of the guaranteed loan, however, cannot exceed $500,000, and participating and direct loans have even lower limits.

The Farmers Home Administration ("FmHA") of the Department of Agriculture has two programs that could benefit firms in the footwear industry. Some companies may be able to participate in a program of loan guarantees to businesses located in areas other than cities of over 50,000 population. As with EDA business loans, however, these guarantees are not available to firms in industries found to have long-term overcapacity. FmHA also can make grants and loans to public bodies, such as local development organizations and governments, in areas other than cities of over 10,000 population. These funds can be used for public works projects, such as utility extensions and access roads, that would benefit industry.

Additional information about the adjustment assistance program and copies of the report *Prospects for Adjustment Assistance for Firms in the Footwear Industry*, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/377-5113).

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-7382 Filed 3-11-77;8:45 am]

National Oceanic and Atmospheric Administration

FISHERY MANAGEMENT PLANS

Report of the Secretary of Commerce

Section 305(f) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.) states that "The Secretary shall report to the Congress and the President, not later than March 1 of each year, on all activities of the Councils and the Secretary with respect to fishery management plans, regulations to implement such plans, and all other activities relating to the conservation and management of fishery resources that were undertaken under this Act during the preceding calendar year."

Accordingly, there is published herewith the report of the Secretary of Commerce for the calendar year of 1976 as required by the Act.

Issued at Washington, D.C., and dated March 1, 1977.

Dated: March 1, 1977.

JUANITA M. KREPS,
Secretary of Commerce.

MARCH 1, 1977.

The PRESIDENT,
President of the Senate,
Speaker of the House of Representatives.

SIRS: I have the honor to submit herewith, as required by section 305(f) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.), the first report on activities of the Regional Fishery Management Councils and the Department of Commerce with respect to fishery management plans, regulations to implement such plans, and other activities relating to the conservation and management of fishery resources that were undertaken during 1976 pursuant to the Act.

Respectfully,

JUANITA M. KREPS,
Secretary of Commerce.

Enclosure.

SUMMARY

The enactment on April 13, 1976, of the Fishery Conservation and Management Act of 1976 offers, for the first time, a rational means to assure the growth and vitality of the U.S. marine fisheries resources and their enlightened use for the greatest overall benefit to the nation. Government, industry, and the public have joined efforts with determination and enthusiasm to seize the opportunity offered by the Act, and the process of putting it into effect is well under way.

The first step was to establish the Regional Fishery Management Councils. Charters for the Councils, required by the Federal Advisory Committee Act, were filed on July 21 and 138 members were appointed or designated by the Secretary to the eight Councils by August 11.

With the support of the Department, the Councils were able to start operations shortly after their formation. An Orientation Conference for Council members was held on September 13-17, in Arlington, Virginia, to provide an opportunity for all those involved with implementing the Act to meet and discuss procedures. During the Conference, Councils made necessary arrangements to hold their initial organizational meetings in their respective geographical areas. At the same time, an Operations Manual developed for Councils' use was issued to provide information and guidance to them during their formative phase. In addition, Interim Regulations were published to establish standards for Council operations and guidelines for developing fishery management plans.

Councils started to meet regularly in late September and early October. By the end of 1976, they had become operating entities. During the short period the Councils have been in operation, they have:

Elected officers and selected, or were in the final stages of selecting, Executive Directors.

Selected administrative headquarters. (Six were selected and final selection of the remaining two had been narrowed to a few cities).

Established two Scientific and Statistical Committees and identified potential members.

Started to evaluate the fishery resources in their jurisdictional area, and for the most part, identified fishery management units for which they would be preparing plans.

Prepared budgets and submitted grant-in-aid applications for the first six months of operation.

Four Councils adopted bookkeeping systems, and all Councils have made progress in establishing their organization and operating practices and procedures.

Reviewed and provided comments on a host of matters, including Interim Regulations and various documents associated with management of foreign fishing. Included were draft environmental impact statements (required by the National Environmental Policy Act) which incorporated preliminary management plans, draft fishery regulations, fee schedules, etc.

The Department of Commerce initiated actions to bring foreign fishing within the fishery conservation zone under control in accordance with the Act. In anticipation of receiving foreign fishing permit applications before March 1, 1977, and recognizing that Councils may not be fully organized and capable of preparing fishery management plans necessary to control foreign fishing before that time, the Department prepared preliminary management plans. Work on this was begun in July 1976. By the end of the year, plans for 16 fisheries had been prepared. The plans identify that portion of the optimum yield for fishery resources which will not be harvested by domestic fishermen and accordingly constitutes the total allowable catch by foreign fishermen. Public hearings were held on the plans. Draft foreign fishing regulations were published delineating conditions for issuance of permits, catch quotas, vessel identification procedures, and reporting requirements.

Concurrently with plan development, several other major actions were undertaken which necessitated close cooperation between the Department of State, the U.S. Coast Guard, and the Department of Commerce. As a result:

Six governing international fishery agreements were signed and others were under negotiation at year's end.

Foreign permit and permit application forms were developed and transmitted to interested foreign nations.

A proposed fee schedule was prepared and published. (It establishes certain charges for foreign fishermen based on vessel size and value of the nation's fishery allocation from the U.S. fishery conservation zone.)

Enforcement and surveillance requirements were assessed and both short- and long-term strategies developed to ensure compliance with the Act beginning March 1, 1977.

The actions taken in 1976 were geared to organizing for the future. The foundation has been laid and 1977 should bring the Nation closer to attaining the purposes of the Fishery Conservation and Management Act.

TABLE OF CONTENTS

Summary
Introduction
Secretarial action
Council Formation:
  Appointments
  Charters
  National Conference
  Operations Manual
  Regulations
  Delegation of Authority
  Council Support
  Budget Preparation
  Council Staff
Fishery Management Activities:
  Draft Environmental Impact Statements/ Preliminary Management Plans
  Foreign Fishing Permits
  Fees and Fee Schedules
  Fishery Regulations
Inter-Agency Activities:
  Governing International Fishery Agreements
  Enforcement and Surveillance
Regional Fishery Management Council Action
  North Pacific Council Activities and Accomplishments
  Pacific Council Activities and Accomplishments
  Western Pacific Council Activities and Accomplishments
  New England Council Activities and Accomplishments
  Mid-Atlantic Council Activities and Accomplishments
  South Atlantic Council Activities and Accomplishments
  Caribbean Council Activities and Accomplishments
  Gulf of Mexico Council Activities and Accomplishments
APPENDIX I, FY 1977 Extended Jurisdiction Budget
APPENDIX II, Data on Council Locations, Officers, Administrative Staff, Members, Committees and Panels

INTRODUCTION

On April 13, 1976, the Fishery Conservation and Management Act of 1976 (FCMA), P.L. 94-265, was signed by the President. This Act provides for an exclusive U.S. fishery conservation zone that extends 200 nautical miles from the baseline from which the territorial sea is measured, and provides for the establishment of eight Regional Fishery Management Councils to serve as the instruments of Federal-State-private interaction in the conduct of fisheries management in the conservation zone.

The major responsibilities assigned to the Secretary of Commerce by the Act are to:

- Appoint Council members based on nominations by State Governors
- Promulgate uniform standards for Council operations
- Provide administrative support to Councils
- Ensure that Councils and their entities are legally organized
- Include Council funding requirements in the Department's budget request
- Review and approve Council-prepared fishery management plans
- Prepare, if necessary, fishery management plans and amendments
- Hold public hearings on plans and regulations and amendments
- Promulgate regulations and implement plans
- Assist the Secretary of State in governing international fishery agreement negotiations
- Develop, in cooperation with the Secretary of State and U.S. Coast Guard, foreign permit applications and permit forms
- Establish fees for foreign fishing in consultation with the Secretary of State, and collect such fees
- Cooperate with the Secretary of State in determining foreign fishing allocations
- Review foreign permit applications submitted, establish conditions and restrictions and issue permits
- Maintain a comprehensive program of fisheries research
- Provide Councils with scientific information and statistical data
- Cooperate with the U.S. Coast Guard in detection, surveillance, and compliance activities, and
- Report to the President and the Congress on activities of the Secretary and the Councils.

The eight Councils established by the Act are (1) New England, (2) Mid-Atlantic, (3) South Atlantic, (4) Gulf of Mexico, (5) Caribbean, (6) Pacific, (7) North Pacific, and (8) Western Pacific. The major responsibilities assigned to the Councils are to:

- Prepare fishery management plans and amendments thereto for each fishery within their geographic area of authority,
- Comment on plans prepared by the Secretary,
- Comment on foreign permit applications,
- Hold public hearings,
- Report to the Secretary, before February 1 of each year, on Council activities for the preceding year,
- Submit reports the Councils deem appropriate,
- Submit other relevant reports which may be requested by the Secretary,
- Assess continually the optimum yield and total foreign allowable catch levels, and
- Conduct other activities necessary and appropriate to the foregoing functions.

This report is submitted in accordance with the Secretary's obligation under the Act and is divided into two sections, (1) actions taken by the Secretary to implement the Act and (2) actions by the Councils to ensure implementation of the Act.

SECRETARIAL ACTION

The following actions were taken by the Secretary in 1976 in fulfilling his responsibilities under the Act: the establishment of the eight Councils and maintenance of full strength membership; the promulgation of Interim Regulations on Council operations; the provision of program and staff support to Councils; fishery management activities; the fulfillment of inter-agency responsibilities with regard to foreign fishing agreements, the processing of applications, and in enforcement and surveillance actions.

COUNCIL FORMATION

The number of members and the composition of the Councils are established in Section 302 of the Act. Of a total of 108 voting members on the eight Councils, 68 were appointed from a list of 461 nominations received from the appropriate Governors. Forty voting members were named from appropriate State and Federal offices as designated by the Act. In addition, an aggregate of 30 non-voting members is designated by various Federal and State entities, pursuant to the Act.

APPOINTMENTS

After the Act was signed, the Secretary immediately requested from the affected Governors nominations for memberships on the Councils and the name of the appropriate designated State official. The Secretary, through the Administrator, National Oceanic and Atmospheric Administration (NOAA), made the appointments, as required by the Act, on August 11, 1976.

CHARTERS

To fulfill the requirements of Section 9(c) of the Federal Advisory Committee Act (FACA), the Secretary prepared charters for the Fishery Management Councils and filed them, as required, on July 21, 1976. The charters delineate the geographic area of authority, outline the objectives and duties, define the membership, state the administrative requirements, and describe the duration of the Council and the filing requirements for charters for each 2-year period following the date of enactment of the FCMA.

The Act requires each Council to establish a Scientific and Statistical Committee. The Councils are authorized to establish Advisory Panels, if necessary. For the Committee or

any Advisory Panels established, the Council must obtain charters, pursuant to FACA.

NATIONAL CONFERENCE

During the period of September 13–17, 1976, the Secretary of Commerce held the National Orientation Conference in Arlington, Virginia for the new Council members. Nearly all the voting and nonvoting members attended the entire five days of the Conference.

The Council members were briefed by some members of Congress who had a significant role in the passage of the FCMA, the Secretary of Commerce, representatives of the Department of State and the United States Coast Guard (USCG), the Administrator of NOAA, and the Director of National Marine Fisheries Service (NMFS) and appropriate members of his staff.

The members were briefed on the legislative history of the Act, some of the organization, administrative, and budgetary problems facing the Councils, the interrelationship and legal impact of other relevant statutes, a review of the international responsibilities involved, and the enforcement problems anticipated. The Councils met informally following these presentations to evaluate and discuss the material presented. Spokespersons from each Council later presented the Councils' views regarding the policies and procedures presented by NMFS with a view to future adjustments where appropriate and feasible.

OPERATIONS MANUAL

Before the actual establishment of the Council's, NMFS developed an Operations Manual to serve as a technical guide for the Councils in their initial stages of operation. The Manual suggests uniform standards for Council organization, practices, and procedures, and offers guidelines for the preparation, review, and promulgation of Fishery Management Plans (FMPs). Other information relating to FMPs is also presented.

The Manual also reviews the applicability of the FACA, the Administrative Procedures Act, the Freedom of Information Act, the Privacy Act, and other applicable legislation.

The Councils and various members of the public have been requested to submit any comments, recommendations, or changes in the Manual that they feel are desirable.

REGULATIONS

The Act directs the Secretary to prescribe rules and regulations which deal with the national fishery management program and the responsibilities and functions of the eight Regional Fishery Management Councils in the development of FMPs.

Accordingly, on September 15, 1976, Interim Final Regulations were published in the FEDERAL REGISTER addressing those requirements of the Act. They established uniform standards for organization, practices and procedures for Councils and suggested guidelines for development of FMPs. The Interim Regulations took effect when published.

Interested persons, Councils, and governmental agencies were encouraged to submit written comments, views, or other data concerning the Regulations, and all such submissions will be considered before the publication of the Final Regulations in April 1977.

DELEGATION OF AUTHORITY

On September 30, 1976, by Amendment 4 of DOO[1] 25–5A the Secretary delegated authority for many Secretarial actions to the Administrator, NOAA. However, the Secretary reserved the authority to provide general policy guidance; to submit annual reports to the Congress and the President; to make final findings and notifications regarding regulation of fishing within State boundaries other than internal waters under subsection 306(b) of the Act; in particular instances, to issue Preliminary Management Plans (PMPs) and implementing regulations when the Secretary determines such action is appropriate; and in particular instances, to approve, disapprove, or partially approve Council FMPs, issue FMPs or amendments and implementing regulations.

The Administrator, NOAA, on December 1, 1976, in NOAA Directives Manual 05–57, further delegated certain authority to the Associate Administrator for Marine Resources (Associate Administrator). The Administrator reserved the authority to provide general policy guidance to the Associate Administrator, to consult with the Associate Administrator concerning functions delegated, and to appoint members of the Regional Fishery Management Councils.

The December delegation included authority for the Director, NMFS, (acting under the policy guidance of the Associate Administrator) to take all actions preliminary to, necessary for, or in further implementation of the exercise of functions of the Associate Administrator, those reserved to the Administrator, or those functions reserved to the Secretary.

COUNCIL SUPPORT

As the principal agency within NOAA to interact with Councils, NMFS provides interim support staff until the Councils are able to hire their own staffs and organize. Most assistance in 1976 was of an administrative or logistical nature associated with the scheduling and conduct of Council meetings, e.g., publishing notices in the FEDERAL REGISTER, coordinating travel and space arrangements, procurement, processing vouchers and compensation, preparation and distribution of minutes, etc. Also provided were other services such as overview presentations on fishery resources, data availability, technical support capabilities, and policy and legal interpretation. Some NMFS personnel are detailed to Councils on a full-time basis to provide the necessary support until such time as the Councils become organized and acquire their own administrative staffs.

BUDGET PREPARATION

The Congress provided an appropriation for the transition quarter, July–September 1976, of $2 million, and $22 million (Appendix I) to NOAA for FY 1977 for the purpose of implementing the extended jurisdiction program established under the Act. Of the $22 million, $3.1 million was allocated for operation of the Fishery Management Councils for the fiscal year.

To help the Councils obtain their first grants from the allocated funds to establish their operations, NMFS prepared budgets for each Council to cover the first six months of the fiscal year. The following list indicates the proposed sums for each Council:

New England	$171,300
Mid-Atlantic	178,800
South Atlantic	142,300
Caribbean	123,100
Gulf of Mexico	158,700
Pacific	141,200
Western Pacific	160,400
North Pacific	182,800

The total six-month proposed budget was $1,258,600. The sum of $1,858,400 remains available for the rest of the fiscal year for Council related activities.

At the National Conference, the Councils were requested informally to submit by January 1977 any proposed changes in the initial budget and to submit new budgets for the last six months of the fiscal year as well as for fiscal years 1978 and 1979. The Council budgets will be part of the NOAA budget and will come under the review process with the NOAA budget.

COUNCIL STAFF

NMFS assisted the Councils in their hiring procedures. Draft position descriptions for four positions, including the Executive Director, were prepared at the time the Councils were established and this material was provided to the Councils. All of the Councils made use of the information and requested further assistance in the preparation of vacancy announcements for the position of Executive Director. Through the efforts of NMFS and the Councils, a broad distribution of the announcements was possible, and almost 500 applications were made for the eight Executive Director positions for consideration by the Councils. By the end of the year, one Executive Director was hired, and three others were selected but had not reported for duty.

The hiring of any additional personnel by the Councils has, in general, been left by the Councils to the discretion of the Executive Directors when they report for duty.

FISHERY MANAGEMENT ACTIVITIES

DRAFT ENVIRONMENTAL IMPACT STATEMENTS/PRELIMINARY MANAGEMENT PLANS

The FCMA specified two type of plans: (1) PMPs (Section 201(g) and (2) FMPs (Section 303). NOAA/NMFS initially prepared the PMPs to provide fishery management over those fisheries for which there was a foreign application to fish, but no management plan could be prepared by a Council and implemented by the Secretary by March 1, 1977. The PMPs deal only with foreign fishing. In contrast, FMPs are prepared by the Councils for the purpose of providing fisheries management for both domestic and foreign fishermen. The FMPs, when approved and implemented by the Secretary of Commerce, replace the PMPs.

In June 1976, it became apparent that the Councils would not be organized in time to prepare FMPs and have the Secretary implement them by March 1, 1977. The Act states that the Secretary must prepare a PMP in such an event after applications for permits are received. However, mindful of the need to permit foreign fishing after February 28, and the requirements of the National Environmental Policy Act, NMFS proceeded to draft PMPs for those fisheries within the fishery conservation zone on which there is or has been recent foreign fishing. The thrust of the plans is to identify that portion of the optimum yield that will be harvested by U.S. fishermen. The remainder will constitute the surplus available for foreign fishermen.

Because no fishing permit application had been received from foreign governments at the time, the draft PMPs were distributed as draft environmental impact statements (DEISs). This distribution was for the purpose of complying with the requirements of the National Environmental Policy Act of 1969, which meant wide dissemination to the general public (including the newly formed Councils) so the public could participate as fully as possible in the final decisions these plans entailed. This action was intended to expedite later processing of permit applications when received. (The proposed plan for snails of the Eastern Bering Sea was the only plan that did not enter the DEIS process. It was determined that the environ-

[1] Department Organizational Order.

mental consequences of preparing and implementing this plan were so insignificant that a "negative determination" under the Environmental Protection Act was considered appropriate.)

The following DEISs were developed:

Troll Salmon Fishery of the Pacific
Trawl Fishery of Washington, Oregon, and California
Sablefish of the Bering Sea and the Northeastern Pacific
High Seas Salmon Fishery of the Eastern Bering Sea and Northeast Pacific
Trawl Fishery of the Gulf of Alaska
Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Aleutian Islands
Shrimp Fishery of the Eastern Bering Sea and the Gulf of Alaska
King and Tanner Crab Fisheries of the Eastern Bering Sea
Seamount Groundfish Fishery of the Pacific
Precious Coral Fishery of the Pacific
Hake Fisheries of the Northwestern Atlantic
Squid Fisheries of the Northwestern Atlantic
Atlantic Herring Fishery of the Nothwestern Atlantic
Finfish Caught Incidental to the Trawl Fisheries of the Northwestern Atlantic
Atlantic Mackerel Fishery of the Northwestern Atlantic

Public hearings on the DEISs were held by NMFS in November and early December. Comments were received, and a review process completed. The DEISs were then appropriately revised into final environmental impact statements (FEISs). After appropriate foreign fishing permit applications are received, these FEISs will provide the basis for PMPs and implementing regulations. Resource allocations among foreign nations by the Department of State and the issuance of fishing permits by the Department of Commerce can only be accomplished after the adoption of those plans and the promulgation of regulations.

Draft PMPs for billfish and pelagic species other than tuna taken in foreign longline fisheries have been prepared and are being reviewed by the Councils and the Department of State. These documents may then be prepared to enter the DEIS review process on a later schedule.

FOREIGN FISHING PERMITS

In response to the FCMA permit requirements, the NMFS, in coordination with the USCG and the Department of State, developed foreign fishing permit applications for dissemination by the Department of State to those countries desiring to fish within the U.S. fisheries conservation zone. Permit forms were developed, printed, and made ready for use when applications are approved, and the necessary fees are paid.

FEES AND FEE SCHEDULES

The Director, NMFS, published in the FEDERAL REGISTER on December 23, 1976, a draft fee schedule for foreign vessels operating in fisheries subject to the jurisdiction of the United States and requested public comments. The schedule was based upon the guidance provided in Section 204(b)(10) of the Act, which states "* * * reasonable fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection." The criteria used in establishing the fee schedule included reasonableness, recovery of management costs attributed to foreign fishing, non-discrimination, simplicity in computation and collection, and size and function of the vessel.

The computation of the fees will be based upon the vessel size and value of the foreign nation's allocation. The value of the allocation was based on the value of the 1975 ex-vessel price received by the U.S. fishermen for species that have a fishery, and on the average foreign ex-vessel price for species that have no U.S. fishery. In addition, the foreign nations will be required to reimburse the U.S. for the cost of observers placed onboard their vessels.

Public comments were requested by January 13, 1977, for review prior to establishing the final fee schedule. The fees should be determined early enough to enable foreign governments to pay those fees prior to March 1, 1977.

FISHERY REGULATIONS

On December 23, 1976, an "Invitation for Public Comment on Draft Foreign Fishing Regulations" was published in the FEDERAL REGISTER. These draft regulations were based upon the DEISs that the Secretary had prepared in anticipation of the preparation of PMPs. The DEISs contain all of the essential elements of PMPs. The regulations include the conditions for issuance of permits to foreign fishing vessels, catch quotas, vessel reporting requirements, vessel identification procedures, enforcement procedures, observer acceptance, and reports and recordkeeping.

The allowable surpluses available to foreign nations are listed in the draft regulations by species, ocean area, and quantity available in metric tons. In addition, there is a detailed discussion of each fishery including species, catch quota or effort limitations, open seasons and areas, closed seasons and areas, gear restrictions, statistical reporting, and incidental catch.

These regulations were made available for public comment, with such comments due on or before January 23, 1977. The Secretary will adopt final fishery regulations on or about February 7, 1977.

INTERAGENCY ACTIVITIES

In certain areas, the Secretary is directed to work in conjunction with other Agency heads to implement sections of the Act. Two areas of cooperation are clearly called for: First, the negotiation of governing international fishery agreements (GIFAs) is the primary responsibility of the Secretary of State and second, the enforcement of fishery regulations is the joint responsibility of the USCG and NMFS.

GOVERNING INTERNATIONAL FISHERY AGREEMENTS

One of the conditions for foreign fishing to be conducted after February 28, 1977, within the fishery conservation zone of the U.S., or for anadromous species or continental shelf fishery resources over which the U.S. asserts exclusive fishery management authority beyond the zone, is an effective GIFA between the U.S. and the foreign nation and the issuance of permits to the fishing vessels of that nation pursuant to that agreement. Exceptions to this requirement may apply in cases where (1) an existing international fishery agreement that was in effect on the date of enactment of the FCMA has not expired, been renegotiated, or otherwise ceased to be in force with respect to the United States, and a registration permit has been issued to such vessels by the Secretary of State; or (2) the foreign fishery is for tuna, including longline fisheries for tuna in which billfish are taken incidentally.

Negotiations on GIFAs were formally initiated in June 1976. The following list shows the GIFAs that had been signed as of December 31, 1976:

Country	*Date signed*
Polish People's Republic	Aug. 2, 1976.
Republic of China	Sept. 15, 1976.
East Germany	Oct. 5, 1976.
Romania	Nov. 23, 1976.
U.S.S.R.	Nov. 26, 1976.
Bulgaria	Dec. 17, 1976.

Each of the agreements includes articles by which a commitment is made, by the foreign nation and its fishing vessels, to comply with the terms and conditions set down in the Act. In addition, each has one Annex outlining procedures for permit applications, and another Annex outlining data collection and reporting requirements for vessels of the foreign nation. Some agreements also contain an Annex on Claims Boards and Agreed Minutes that note matters of particular concern to the Parties.

Negotiations on GIFAs with Spain, Republic of Korea, Japan, and the European Economic Community, which were initiated in August 1976, had not resulted in agreement by the end of the year.

As fishing relations with Canada involve special problems, the U.S. entered into other than GIFA negotiations with that country. The U.S. is presently involved in negotiating a new Pacific salmon agreement and a new comprehensive bilateral fisheries agreement. These negotiations have proceeded separately with the objective of concluding two long-term agreements that together will establish the basis for the full range of United States/Canada fishery relations when both countries extend fisheries jurisdiction to 200 miles. It became apparent during 1976, however, that neither agreement would be concluded before the two countries extend their fisheries jurisdiction. It was therefore agreed to negotiate a short-term fisheries agreement to allow time to finish the long-term agreements and to avoid confrontation and possible conflict. The date for the negotiations was set for January 17–31, 1977.

The Act also requires examination of all treaties that pertain to fishing for resources over which the U.S. will exercise exclusive fishery management authority to determine whether they are in conformity with the Act. As a result, U.S. membership in the 18-nation International Convention for the Northwest Atlantic Fisheries (ICNAF) and the three-nation International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC) was addressed. A decision was made to withdraw from ICNAF and notice of such intent was given in June 1976. Because no further action was taken on the notice of intent, the withdrawal became effective December 31, 1976. The U.S. also decided to give notice of the intention to withdraw from the INPFC, but notice had not been given as of December 31, 1976.

Pursuant to the Act, once a GIFA is signed with another nation, that nation may apply for permits for its fishing vessels. Although such agreements had not been signed with all nations by the end of the year, applications and permit forms were provided to those with whom negotiations were in progress so the foreign nation could have them ready for submission by the time the agreements were signed.

ENFORCEMENT AND SURVEILLANCE

A joint NMFS/USCG task force was formed to assess the initial requirements for foreign compliance under extended jurisdiction. Review and approval of the task force report are expected early in calendar year 1977.

A thorough exposition of the enforcement program will be included in the first semi-annual report as required under Section 311 (a) of the Act. This report will be submitted

to Congress and the Councils to keep them apprised of all significant aspects of enforcement.

REGIONAL FISHERY MANAGEMENT COUNCIL ACTION

As was noted earlier the eight Councils established under provisions of the FCMA are responsible for the preparation of fishery management plans and amendments thereto for each fishery within their geographical area of authority; preparing comments on plans prepared by the Secretary; commenting on foreign permit applications; conducting public hearings; continually assessing optimum yield and total foreign allowable catch levels and submitting reports to the Secretary. The Act calls for each Council to appoint an administrative staff to assist it in carrying out its functions; as well as a Scientific and Statistical Committee to assist it in the development, collection, and evaluation of scientific information relevent to plan preparation and amendments thereto. In addition, the Act permits the establishment of Advisory Panels to assist in carrying out Council functions. Councils are required to determine their own organization, practices and procedures for conducting business. In this section of the annual report, basic information is provided relative to their staffs, committees, panels, and significant accomplishments, during their initial period of operation. As also noted earlier, Council members were appointed on August 11, 1976, and an orientation meeting was held September 13–17. Councils generally began holding their first meetings in October, and accordingly Council activities generally cover a 3-month period.

The locations, staff, officers, committees, panels and members of the Councils are listed in Appendix II.

NORTH PACIFIC COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The North Pacific Council is responsible for management actions specified in FCMA for those fisheries in the fishery conservation zone off the State of Alaska.

COUNCIL MEETINGS

The North Pacific Council held two meetings in 1976.

October 5, 6, 7, and 8. This meeting was held in Juneau, Alaska, and the subjects discussed were (1) election of officers; (2) organization, including office location; (3) practices and procedures; (4) discussion of FMPs; and (5) discussion of priorities on FMPs.

December 2, 3, and 4. This meeting was held in Anchorage, Alaska. The meeting from 8:30 a.m. to 12:00 noon on December 2 was a closed meeting in accordance with a finding under the provisions of 5 U.S.C., 552(b)(1), signed by the Assistant Secretary for Administration of the Department of Commerce on November 11, 1976. The items discussed were (1) closed session to discuss classified material; (2) selection of an Executive Director; (3) organization and the budget; (4) discussion of FMPs under preparation by the Council; (5) joint meeting with the Alaska Board of Fisheries; (6) public hearing on management plans; and (7) action, if appropriate, on FMPs.

SCIENTIFIC AND STATISTICAL COMMITTEE MEETINGS

The North Pacific Fishery Management Council's Scientific and Statistical Committee was chartered on November 24, 1976. It held its first official meeting November 29–December 1, 1976. The items discussed at the first meeting were (1) election of officers and organization of the Committee; (2) practices and procedures; and (3) discussion of FMPs and their preparation.

ADVISORY PANEL

The North Pacific Fishery Management Council's Advisory Panel was chartered December 1, 1976, and held its first meeting December 2–December 5, 1976. The items considered were (1) election of officers and organization and (2) meetings in conjunction with the North Pacific Fishery Management Council.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL PUBLIC HEARINGS

One public hearing was held by the Council on the afternoon of December 4, 1976, in Anchorage, Alaska. Public comments were accepted on DEIS/PMP's and Council FMPs under development. Public comment was also invited at the October meeting and most of one morning was devoted to receiving such comments.

CLOSED MEETINGS

One closed meeting of the Council was held on December 2, 1976. The matters discussed related to on-going negotiations with the nations whose fleets fish in the conservation zone adjacent to the State of Alaska. Representatives of the Department of State and NMFS reviewed these negotiations and the prospects for reaching agreement with the concerned nations.

OTHER ACCOMPLISHMENTS

The Council selected Anchorage, Alaska, as the site for its permanent headquarters.

The Council reviewed the draft grant applications provided by NMFS and amended those applications. Budgets for fiscal years 1978 and 1979 were also reviewed.

Five DEIS/PMP's were reviewed by the North Pacific Council. With respect to the trawl fishery of the Gulf of Alaska, the Council recommended a reduction of the total allowable catch for Pacific Ocean perch to permit the stocks to rebuild, and a reduction in the total allowable catch for flounder that would provide for a slower expansion of the fishery. The Council proposed a change in the DEIS/PMP for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Aleutian Islands that would eliminate the foreign gillnet fishery for herring and reduce the total allowable catch to 11,000 metric tons. It was recommended that the total allowable catch for Pacific Ocean perch be reviewed and revised downward if warranted. With respect to the Sablefish of the Bering Sea and the Northeastern Pacific Ocean DEIS/PMP, the Council requested that the drafting office review the total allowable catch and revise it downward, if possible, since the recommended total allowable catch is little different than the equilibrium yield and may be too high to rebuild the stocks, especially in the Bering Sea.

The Council expressed a desire for a review of the King and Tanner Crab Fisheries of the Eastern Bering Sea DEIS/PMP for the purpose of devising a method of separating the foreign and domestic fleets.

The North Pacific Council noted that the DEIS/PMP for the Troll Salmon Fishery of the Pacific assigned to the Pacific Fishery Management Council the responsibility of preparing a FMP for troll salmon. On December 5 a letter was sent to the Secretary stating that the North Pacific Council wished to be assigned a joint planning responsibility for this fishery.

The North Pacific Council, at the December 2, through 5, 1976, meeting, requested the Scientific and Statistical Committee to expedite the development of the trawl and the tanner crab FMPs. No plans were completed in 1976.

REPORTS

No formal reports were received from the Secretary of Commerce and no formal reports were submitted to the Secretary. The Council did request, on December 5, 1976, an extension of the public comment period on the Interim Final Regulations. On December 17, 1976, the Council requested that it be represented on an international negotiating team when a fishery resource within the Council's area of responsibility may be affected.

On December 23, 1976, the Council wrote a letter to the Director, NMFS, requesting fisheries development funding.

MAN-YEARS OF STAFF SUPPORT

It is estimated that approximately two and one-half man-years of support were provided by the NMFS, two and one-third man-years by the Alaska Department of Fish and Game, and one-half man-year by private sources.

COSTS

The Council expenditures for 1976 were $27,400. The Council did not receive a grant for its operations, and all costs were covered by the NMFS, to be reimbursed upon receipt of the Council's grant.

PACIFIC COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The Pacific Fishery Management Council is responsible for management actions specified in FCMA for those fisheries in the fishery conservation zone off the States of California, Oregon, and Washington.

COUNCIL MEETINGS

The Pacific Fishery Management Council held three open meetings during 1976.

October 12, 13, 14, and 15. This meeting was held in Seattle, Washington, and the subjects discussed were (1) election of officers; (2) organizational and administrative matters, e.g., headquarters location, staff, and composition of the Scientific and Statistical Committee and the Salmon Advisory Panel; and (3) budget matters.

November 22 and 23. This meeting was held in San Francisco, California, and the matters considered were (1) location of the headquarters, with Portland, Oregon, selected; (2) membership of the Scientific and Statistical Committee; (3) membership on the Salmon Advisory Panel; (4) review of the available PMPs; and (5) review of the Polish GIFA.

December 14, 15, and 16. This meeting was held in Portland, Oregon, and the matters considered were (1) selection of the Executive Director; (2) review of the work completed by the Salmon Advisory Panel; (3) consideration of establishment of a Trawl and Sablefish Advisory Panel; (4) announcement of membership of the Anchovy Advisory Panel, with expansion of this panel to include jack mackerel management; and (5) the designation of groundfish, sablefish, dungeness crab, and pink shrimp as fishery management units.

SCIENTIFIC AND STATISTICAL COMMITTEE MEETINGS

The Pacific Council's Scientific and Statistical Committee was chartered on November 19, 1976. After its establishment, it held two open meetings.

November 22 and 23. This meeting was held in San Francisco, California, and the matters discussed were (1) selection of officers; (2) review of DEIS/PMP's for sablefish, troll salmon and trawl fisheries; (3) membership on the Salmon Management Plan Development Team; and (4) review of approaches to developing salmon management plans.

December 13, 14, 15, and 16. This meeting was held in Portland, Oregon, and the matters discussed were (1) review of the Committee's charter; (2) review of the Interim Final Regulations; and (3) consideration of jack mackerel as a separate management unit.

ADVISORY PANEL MEETINGS

The Pacific Council's Salmon Advisory Panel was chartered on December 14, 1976, and met one time.

December 14, 15, and 16. This meeting was held in Portland, Oregon, and the matters discussed were (1) election of officers and (2) consideration of the DEIS/PMP for the Troll Salmon Fishery of the Pacific.

CLOSED MEETINGS

The Pacific Council had no closed meetings under provisions of FACA during 1976.

OTHER ACCOMPLISHMENTS

The Council reviewed the following DEIS/PMP's prepared by the NMFS:

Troll Salmon Fishery of the Pacific

Trawl Fishery of Washington, Oregon, and California

Sablefish of the Bering Sea and Northeastern Pacific

The Council supported the conclusions reached in the DEIS/PMPs for the troll salmon and sablefish fisheries. With regard to the trawl fishery DEIS/PMP, the Council recommended that the incidental catches by foreign fishing involved in the hake fishery be reduced as follows: Pacific Ocean perch/rockfish from 2% of the hake catch to 1%; sole or flounder-type fish from 1% to 0.5%; and blackcod from 0.5% to 0.25%, and that the mesh sizes be strictly enforced. The Council also recommended that the 35,000 mertic tons of foreign allocation for jack mackerel in the DEIS/PMP be reduced to 4,000; that this 4,000 not be part of the 55,000 metric tons of total allowable catch; and that jack mackerel incidentally caught in foreign fisheries apply toward the 4,000-metric-ton limit.

REPORTS

The Pacific Fishery Management Council did not receive any formal reports from the Secretary of Commerce or submit any such reports to the Secretary. However, the Council communicated to the Director, NMFS, informing him (1) of suggested changes in the Interim Final Regulations under FCM; (2) the Council's concern regarding the timing and processing requirements under FCMA with respect to foreign fishing after March 1, 1977; and (3) the Council's inability to develop FMPs by March 1, 1977.

MAN-YEARS OF STAFF SUPPORT

It is estimated that NMFS provided about two and a half man-years of support to the Council.

COSTS

The Council expenditures for 1976 were $44,500. The Council did not receive a grant for its operations, and all costs were covered by NMFS, to be reimbursed upon receipt of the Council's grant.

WESTERN PACIFIC COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The Western Pacific Council is responsible for management actions specified in FCMA for those fisheries in the fisheries conservation zone off the State of Hawaii and the Territories of Guam and American Samoa.

COUNCIL MEETINGS

The Western Pacific Fishery Management Council held two meetings during 1976.

October 19, 20, and 21. This meeting was held in Honolulu, Hawaii, and the items under discussion were (1) election of officers; (2) organization, practices and procedures; (3) status of fisheries in the Western Pacific area; (4) preparation and implementation of FMPs; and (5) coordination of Council, State, and Federal programs.

December 15 and 16. This meeting was held in Honolulu, Hawaii, and the items under discussion were (1) organization, practices, and procedures; (2) budget matters; (3) acquisition of baseline information; (4) development of FMPs; and (5) role of the Council in fishery development.

MEETINGS OF COMMITTEES AND PANELS

On December 14, 1976, the charter for the Scientific and Statistical Committee was formally filed. Prior to December 31, 1976, no members were named to the Committee and no meetings were held. No Advisory Panels were established during 1976.

CLOSED MEETINGS

The Western Pacific Council had no closed meetings during 1976.

OTHER ACCOMPLISHMENTS

The Council decided to invite an official observer from the Northern Mariana Islands to their meetings in anticipation of the change in official status of those Islands. Joaquin P. Villagomez of Saipan has attended both meetings of the Council as an official observer.

The Council contacted several State and Federal officials to express its concern over a variety of matters. The Attorney General of Hawaii was presented with the Council's concern over the ill-defined status of the boundary between State and Federal jurisdiction in the waters around the Leeward Hawaiian Islands. The Council expressed its concern to the Commandant of the U.S. Coast Guard over the adequacy of enforcement capabilities assigned to the Council's vast geographical area of responsibility and asked him to give special attention to this problem. The Council asked the Secretary of the Navy to consider permitting U.S. fishing vessels to use Midway Island as an operating base in order to stimulate and support the development of American fisheries in the Hawaii area.

The Council expressed to NMFS its strong conviction that the important recreational and commercial billfish fisheries of Hawaii and Guam should be afforded a degree of protection from foreign competition no less than that proposed for other regions of the country. The Council also requested the Director, NMFS, to amend its Seamount Groundfish Fishery of the Pacific DEIS/PMP to prohibit trawling within 50 miles of Guam, thereby affording the same degree of protection for those resources as contemplated for the Hawaiian and Samoan areas.

The Council also passed a resolution for a one-time amendment to the statutory procedures required for implementing PMPs for foreign fishing in March 1977.

REPORTS

No formal reports were received from the Secretary of Commerce. The Council forwarded to the Secretary a resolution calling for amendment to the FCMA to extend the Council's jurisdiction to the fishery conservation zones around certain U.S. island possessions in the central Pacific Ocean.

MAN-YEARS OF STAFF SUPPORT

It is estimated that NMFS provided about one man-year of support to the Council.

COSTS

The Council expenditures for 1976 were $23,000. The Council did not receive a grant for its operations, and all costs were covered by the NMFS, to be reimbursed upon receipt of the Council's grant.

NEW ENGLAND COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The New England Council is responsible for management actions specified in FCMA for those fisheries in the fisheries conservation zone off the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.

COUNCIL MEETINGS

The New England Council held seven meetings during 1976.

October 1, 1976. This meeting was held in Boston, Massachusetts, and the primary items discussed were (1) election of officers; (2) organization of the Council and the location of its permanent headquarters; and (3) initial discussions of the Council's practices and procedures.

October 12 and 13, 1976. This meeting was held in Boston, Massachusetts, and the items for discussion were (1) organization and operation practices and procedures; (2) a review of the DEIS/PMPs involving Atlantic herring, red and silver hake, Atlantic mackerel, squid and other finfish; and (3) other management activities.

October 26, 27, and 28. This meeting was also held in Boston, Massachusetts. Discussions were on (1) organizational and operational practices and procedures; (2) a review of ongoing State and Federal fishery research and management activities; and (3) other management activities.

November 8, 9, and 10. This meeting was held in Waltham, Massachusetts. Discussions were on (1) review of applicants for the position of Executive Director; (2) the status of negotiations with Canada; (3) the new United States relationship to the ICNAF; and (4) a preliminary review of the Interim Final Regulations.

November 22 and 23. This meeting was held in Boston, Massachusetts. Discussions were on (1) coordination of Council activities with ongoing State/Federal programs; (2) identifying those fisheries for which the New England Council will prepare fishery management plans; (3) progress made on GIFAs; and (4) progress on negotiations with Canada.

December 15 and 16. This meeting was held in conjunction with the Mid-Atlantic Fishery Management Council at Governors Island, New York, and the items for joint consideration were (1) selection of species to be managed by the Councils and development of coordinating procedures between the Councils and (2) other management problems.

December 28, 29, and 30. This meeting was held in Peabody, Massachusetts, and the items under consideration were (1) final review of DEIS/PMPs; (2) development of operational and organizational procedures, including the annual report content and format; (3) personnel matters; and (4) other matters relating to fishery management.

MEETINGS OF COMMITTEES AND PANELS

Prior to December 31, 1976, the New England Council did not name members to a Scientific and Statistical Committee or establish any Advisory Panels.

CLOSED MEETINGS

The New England Council had no closed meetings during 1976.

OTHER ACCOMPLISHMENTS

The Council reviewed the following DEIS/PMPs prepared by the NMFS:

Squid Fisheries of the Northwestern Atlantic.

Finfish Caught Incidental to the Trawl Fisheries of the Northwestern Atlantic.

Atlantic Herring Fishery of the Northwestern Atlantic.

Hake Fisheries of the Northwestern Atlantic.
Atlantic Mackerel Fishery of the Northwestern Atlantic.

The Council approved the DEIS/PMPs with minor modifications.

In addition, the Council recommended to the appropriate Congressional representatives that measures be implemented to prevent future oil spills off the U.S. coasts. The Council reviewed a report on continental shelf oil exploration, and recommended support for a State/Federal fisheries management program for development of FMPS for Gulf of Maine northern shrimp and Atlantic sea clam. Finally, Peabody, Massachusetts, was selected as the permanent headquarters of the Council.

REPORTS

No reports were received from the Secretary of Commerce and no reports were submitted to the Secretary.

MAN-YEARS OF STAFF SUPPORT

It is estimated that NMFS provided about two and one-half man-years of support to the Council.

COSTS

The Council expenditures for 1976 were $34,900. The Council did not receive a grant for its operations, and all costs were covered by NMFS, to be reimbursed upon receipt of the Council's grant.

MID-ATLANTIC COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The Mid-Atlantic Fishery Management Council is responsible for management actions specified in FCMA for those fisheries in the fishery conservation zone off the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia.

COUNCIL MEETINGS

The Mid-Atlantic Council held five meetings in 1976.

September 28. This meeting was held in Baltimore, Maryland, and the subjects under consideration were (1) election of officers; (2) organization including office location; (3) practices and procedures; and (4) fishery management activities.

October 19, 20, and 21. This meeting was held in Philadelphia, Pennsylvania. Discussions were on (1) development of organizational practices and procedures; (2) review of fishery resource status; and (3) other fishery conservation and management related business.

November 18 and 19. This meeting was held in Arlington, Virginia. Discussions were on (1) a review of the Interim Final Regulations and operating procedures; (2) analysis of the fisheries of the Mid-Atlantic area; and (3) other management activities.

December 2. This meeting was held in Centereach, New York. Discussions were on (1) a further review of the Interim Final Regulations; (2) budget; (3) a review of the Polish GIFA; (4) staff selection; and (5) other management problems.

December 15 and 16. This meeting was held in conjunction with the New England Fishery Management Council at Governors Island, New York. Discussions were on (1) the selection of species to be managed by the Councils and development of coordinating procedures between Councils and (2) other management problems.

MEETINGS OF COMMITTEES AND PANELS

Prior to December 31, 1976, the Mid-Atlantic Council did not name members to a Scientific and Statistical Committee or establish any Advisory Panels.

CLOSED MEETINGS

The Mid-Atlantic Council had no closed meetings during 1976.

OTHER ACCOMPLISHMENTS

The Council reviewed and approved with minor modifications the following DEIS/PMPs prepared by NMFS:
Squid Fisheries of the Northwestern Atlantic.
Finfish Caught Incidental to the Trawl Fisheries of the Northwestern Atlantic.
Atlantic Herring Fishery of the Northwestern Atlantic.
Hake Fisheries of the Northwestern Atlantic.

The Council decided to form a pollution committee and has requested input on the Environmental Protection Agency's consideration of moving the New York Bight sludge dumpsite. In addition, the Council recommended a fish passage facility at the Conowingo Dam on the Susquehanna River, recommended support for State/Federal fisheries management program for development of FMPs for the Gulf of Maine northern shrimp and Atlantic sea clam, endorsed State funding for liaison support to the Council, and agreed with the New England Council on future needs for FMP development.

REPORTS

No reports were received from the Secretary of Commerce and no reports were submitted to the Secretary.

MAN-YEARS OF STAFF REPORT

It is estimated that NMFS provided about one man-year of support to the Council.

COSTS

The Council expenditures for 1976 were $31,000. The Council did not receive a grant for its operations, and all costs were covered by NMFS, to be reimbursed upon receipt of the Council's grant.

SOUTH ATLANTIC COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The South Atlantic Fishery Management Council is responsible for management actions specified in FCMA for those fisheries in the fishery conservation zone off of the States of North Carolina, South Carolina, Georgia, and the east coast of Florida.

COUNCIL MEETINGS

The South Atlantic Fishery Management Council held six open meetings during 1976.

October 18 and 19. This meeting was held in Charleston, South Carolina, and the subjects discussed were (1) election of officers; (2) Council organization; (3) practices and procedures; and (4) fishery management activities. Several informal organizational committees were formed to review the headquarters location, screen applications for the position of Executive Director, review and revise the budget, and develop a statement of organization practices and procedures.

November 3, 4, and 5. The meeting was held in Jacksonville, Florida, coincident with a meeting of the Gulf of Mexico Fishery Management Council, and the subjects discussed were (1) Council organization and administrative procedures and (2) technical procedures for FMP development. The Council reviewed in detail the Interim Final Regulations and submitted comments to the Director, NMFS, for incorporation in the Final Regulations.

November 18 and 19. This meeting was held in Savannah, Georgia, and discussed were (1) Council organization and administrative procedures and (2) technical procedures, including FMP development. At this meeting, Charleston, South Carolina, was selected as the headquarters site of the Council.

November 30. This meeting was held in Atlanta, Georgia, and the subject for discussion was Council organization and administrative procedures. Proposed benefit packages for prospective Council employees were discussed in detail.

December 6 and 7. This meeting was held in Morehead City, North Carolina, and discussed were (1) Council organization and administrative procedures; (2) technical procedures, including FMP development; and (3) the fee schedule for foreign fishing vessels. The budget was reviewed, and the Chairman was given authority to sign grant applications for the first- and second-half budgets of fiscal year 1977, and for fiscal years 1978 and 1979.

December 16. This meeting was held in Atlanta, Georgia, and discussed were (1) Council organization and administrative procedures; (2) Council budgets for fiscal years 1977, 1978, and 1979; and (3) technical procedures, including FMP development. At this meeting, Ernest D. Premetz was selected as the Executive Director. In addition, a task force was named to coordinate multiple Council preparation of a billfish FMP.

MEETINGS OF COMMITTEES AND PANELS

Prior to December 31, 1976, the South Atlantic Council did not name members to a Scientific and Statistical Committee or establish any Advisory Panels.

CLOSED MEETINGS

The South Atlantic Council had no closed meetings during 1976.

OTHER ACCOMPLISHMENTS

The Council reviewed a proposed DEIS/PMP for the Atlantic Pelagic Longline Fishery with the Gulf of Mexico Fishery Management Council. The Council also resolved not to fund other Agencies that would use Council contract money as a substitute for programs on-going prior to passage of FCMA, or to fund contracts with States that act to shift funding from State to Federal funding through the Council.

REPORTS

The Council did not receive any formal reports from the Secretary of Commerce. The Council did submit to the Secretary its comments on the Interim Final Regulations on November 23, 1976; a Joint Resolution regarding the coordination of Fishery Management Council FMP development for billfish; a resolution requesting affirmative action by Congress on the GIFAs, and a second resolution for legislative relief in the processing of foreign fishing permit applications to permit interim fishing in the conservation zone by foreign vessels.

The Secretary assigned to the South Atlantic Council responsibility for development of a management plan for Atlantic billfish in coordination with the other four Councils on the East Coast and Gulf of Mexico.

MAN-YEARS OF STAFF SUPPORT

It is estimated that NMFS provided about on and a half man-years of support to the Council. States provided about one man-year, and private sources about two man-years.

COSTS

The Council expenditures for 1976 were $54,300. The Council did not receive a grant for its operations, and all costs were covered by NMFS, to be reimbursed upon receipt of the Council's grant.

CARIBBEAN COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The Caribbean Fishery Management Council is responsible for management actions specified in FCMA for those fisheries in the fishery conservation zone off Puerto Rico and the U.S. Virgin Islands.

COUNCIL MEETINGS

The Caribbean Fishery Management Council held three open meetings during 1976.

September 28, 29, and 30. This meeting was held at St. Thomas, Virgin Islands. Discussions were on (1) election of officers; (2) organization; (3) practices and procedures; and (4) fishery management activities.

October 21 and 22. This meeting was held at San Juan, Puerto Rico. Discussions were on (1) Council organization and administrative procedures and (2) technical procedures including FMP development.

November 29, 30, December 1 and 2. This meeting was held at St. Croix, Virgin Islands Discussions were on (1) Council organization and administrative procedures; (2) technical procedures including FMP development; and (3) consideration of interisland fishing problems.

MEETINGS OF COMMITTEES AND PANELS

Prior to December 31, 1976, the Caribbean Council did not name members to a Scientific and Statistical Committee or establish any Advisory Panels.

OTHER ACCOMPLISHMENTS

CLOSED MEETINGS

The Caribbean Council had no closed meetings during 1976.

The Council selected San Juan, Puerto Rico, as the location of the Council's headquarters. The position of Executive Director was advertised but no final decision on the position was made during 1976.

The Council approved the budget for the first six months of fiscal year 1977, and amended the budget proposals for the second six months of fiscal year 1977 and for the full fiscal year of 1978. Grant proposals were prepared and submitted for approval in mid-December 1976. These proposals had not been approved prior to December 31. The Council also developed and approved charters for its Scientific and Statistical Committee and its Advisory Panel. These charters were forwarded for formal filing in mid-December 1976.

The Council also initiated talks with the British Virgin Islands regarding interisland cooperation in the management of Caribbean fishery resources.

REPORTS

No formal reports were received from the Secretary of Commerce and no reports were submitted to the Secretary.

MAN-YEARS OF STAFF SUPPORT

It is estimated that NMFS provided about two and one-half man-years of support to the Council; about one-third man-year was provided by Puerto Rico and the Virgin Islands; and about one man-year by private sources.

COSTS

The Council expenditures for 1976 were $36,500. The Council did not receive a grant for its operations, and all costs were covered by NMFS, to be reimbursed upon receipt of the Council's grant.

GULF OF MEXICO COUNCIL ACTIVITIES AND ACCOMPLISHMENTS

The Gulf of Mexico Fishery Management Council is responsible for management actions specified in FCMA for those fisheries in the fishery conservation zone off the States of Texas, Louisiana, Mississippi, Alabama, and the west coast of Florida.

COUNCIL MEETINGS

The Gulf of Mexico Council held three open meetings during 1976.

October 12 and 13. This meeting was held in New Orleans, Louisiana. Discussions were on (1) election of officers; (2) organization; (3) practices and procedures; and (4) fishery management activities.

November 3, 4, and 5. This meeting was held in Jacksonville, Florida. Discussions were on (1) Council organization and administration procedures and (2) technical procedures including FMP development.

December 8, 9, and 10. This meeting was held in Houston, Texas. Discussions were on (1) Council organization and administration procedures; (2) budget and financial management plans; (3) FMP development and procedures; and (4) PMPs.

MEETINGS OF COMMITTEES AND PANELS

Prior to December 31, 1976, the Gulf of Mexico Council did not name members to a Scientific and Statistical Committee or establish any Advisory Panels.

CLOSED MEETINGS

The Gulf of Mexico Council had no closed meetings during 1976.

OTHER ACCOMPLISHMENTS

No other matters were considered.

REPORTS

No formal reports were received from the Secretary of Commerce or transmitted to the Secretary.

The Council did submit to the Secretary a resolution concerning coordination of the Fishery Management Councils on the billfish FMP development, dated November 4, 1976; and a resolution dated November 5, 1976, concerning environmental assessment, the taking of billfish in the conservation zone by foreign vessels, and conformation with the FCMA of all international treaties that may be developed. On December 10, 1976, the Council forwarded to the Director, NMFS, resolutions dealing with (1) relief from FCMA regarding continued fishing by foreign fleets after March 1, 1977, and (2) urging the preparation of a billfish DEIS/PMP, expressing concern over the fishery resources, and supporting the inclusion of zonal restrictions in the DEIS/PMP.

MAN-YEARS OF STAFF SUPPORT

It is estimated that NMFS contributed approximately one and a half man-years of support. State sources two-thirds of a man-year, and private sources one and one-third man-years.

COSTS

The Council expenditures for 1976 were $53,000. The Council did not receive a grant for its operations and the costs were covered by NMFS, to be reimbursed upon receipt of the Council's grants.

APPENDIX I.—*Fiscal year 1977 extended jurisdiction funding by NOAA component*

	Positions	Thousands of dollars
National Marine Fisheries Service (NMFS):		
Data analysis—analysis of data on fishery stocks	36	1,994
Coastal zone management support—strengthen regional input into State CZM planning	8	280
International fisheries management—increase staff to review and update all international agreements	7	275
State/Federal fisheries management—regional fisheries management staff to handle Council generated responsibilities	25	515
National review of operations—plan review and policy guidance	15	600
Permit system—develop and operate system to issue foreign fishing permits	6	92
Regional council operations—administrative and contractual start-up requirements		3,111
Enforcement/surveillance—increase NMFS staff to ensure foreign compliance	31	1,107
Economic/commercial fisheries statistics—regional data management system	18	715
Bioeconomic data bases—strengthen capability to analyze socioeconomic aspects of fisheries	28	1,024
Recreational fisheries—expand contract collection of statistics	2	515
NMFS subtotal	176	9,991
National Ocean Survey (NOS):		
Boundary surveys—establish baseline for enforcement of 200-mile zone	6	1,500
Vessel construction/support—increase vessel operations and construct 2 new vessels	31	9,512
NOS subtotal	37	11,012
Sea Grant—strengthen studies and advisory services relative to extended jurisdiction		500
Executive Administration—strengthen legal and administrative staffs in the regional offices	33	497
Total	246	22,000

APPENDIX II

LOCATIONS OF COUNCIL ADMINISTRATIVE HEADQUARTERS

North Pacific—Anchorage, Alaska.
Pacific—Portland, Oregon.
Western Pacific—Honolulu, Hawaii.
New England—Peabody, Massachusetts.
Mid-Atlantic—(Not determined).
South Atlantic—Charleston, South Carolina.
Caribbean—San Juan, Puerto Rico.
Gulf of Mexico—(Not determined).

Council officers and date elected

Council	Name and office	Date elected
North Pacific	Elmer Rasmuson, chairman.	Oct. 5, 1976
Do	Harold E. Lokken, vice chairman.	Do.
Pacific	John W. McKean, chairman.	Oct. 12, 1976
Do	E. Charles Fullerton, vice chairman.	Do.
Western Pacific	Wadsworth Y. H. Yee, chairman.	Do.
Do	Paul J. Bordallo, vice chairman.	Do.
Do	Peter E. Reid, vice chairman.	Do.
New England	Henry Lyman, chairman.	Oct. 1, 1976
Do	Thomas A. Norris, vice chairman.	Do.
Mid-Atlantic	David H. Hart, chairman.	Sept. 28, 1976
Do	Elliot J. Goldman, vice chairman.	Do.
South Atlantic	Bruce A. Lentz, chairman.	Oct. 18, 1976
Do	Edwin B. Joseph, vice chairman.	Do.
Caribbean	Omar Munoz-Roure, chairman.	Sept. 28, 1976
Do	Virdin C. Brown, vice chairman.	Do.
Gulf of Mexico	John A. Mehos, chairman.	Oct. 12, 1976
Do	Theodore B. Ford, III, vice chairman.	Do.

ADMINISTRATIVE STAFF APPOINTED

North Pacific: (Executive Director not selected); Florence Mynarski (temporary); Norma Jean McCorkle (temporary).

Pacific: Lorry Nakatsu—Executive Director.

Western Pacific: Wilvan Van Campen—Executive Director; Edward K. W. Lee—Administrative Officer; Rose B. Simonds—Secretary.

New England: (Executive Director not selected).

Mid-Atlantic: John C. Bryson—Executive Director.

South Atlantic: Ernest D. Premetz—Executive Director.

Caribbean: (Executive Director not selected).

Gulf of Mexico: (Executive Director not selected).

NORTH PACIFIC COUNCIL MEMBERS

VOTING MEMBERS

Douglas B. Eaton, Commercial fisherman, Kodiak, Alaska.

Henry F. Eaton, Koniag Native Corporation, Kodiak, Alaska.

Harold E. Lokken, Seattle Fishing Vessel Owners' Association, Seattle, Washington.

Donald L. McKernan, University of Washington, Seattle, Washington.

Charles H. Meacham, Office of the Governor of Alaska, Juneau, Alaska.

Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska.

Elmer Rasmuson, National Bank of Alaska, Anchorage, Alaska.

Clem Tillion, Commercial fisherman, Halibut Cove, Alaska.

James W. Brooks, Alaska Department of Fish and Game, Juneau, Alaska.

John R. Donaldson, Oregon Department of Fish and Wildlife, Portland, Oregon.

Donald W. Moos, Washington Department of Fisheries, Olympia, Washington.

NONVOTING MEMBERS

John P. Harville, Pacific Marine Fisheries Commission, Portland, Oregon.

Jan E. Riffe, U.S. Fish and Wildlife Service, Anchorage, Alaska.

Rear Admiral J. B. Hayes, U.S. Coast Guard, Juneau, Alaska.

Lorry M. Nakatsu, U.S. Department of State, Washington, D.C.

PACIFIC COUNCIL MEMBERS

VOTING MEMBERS

James A. Crutchfield, Department of Economics, University of Washington, Seattle, Washington.

George J. Easley, Commercial fisherman, Coos Bay, Oregon.

Joseph C. Greenley, Idaho Department of Fish and Game, Boise, Idaho.

Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, Seattle, Washington.

Herman J. McDevitt, McDevitt, McDevitt and Meyers, Pocatello, Idaho.

Donald W. Moos, Department of Fisheries, Olympia, Washington.

Vernon J. Smith, Building Operations Division, General Services Agency, San Jose, California.

NONVOTING MEMBERS

Kathryn Clark-Bourne, Office of Fisheries, Department of State, Washington, D.C.

John R. Donaldson, Oregon Department of Fish and Wildlife, Portland, Oregon.

E. Charles Fullerton, Department of Fish and Game, Sacramento, California.

Gilbert A. Hunter, Eureka Fisheries, Inc., Fields Landings, California.

John A. Martinis, Member, Washington State House of Representatives, Everett, Washington.

John W. McKean, Oregon Fish and Wildlife Dept. (Retired), Portland, Oregon.

John J. Royal, Fishermen and Allied Workers' Union, San Pedro, California.

John P. Harville, Pacific Marine Fisheries Commission, Portland, Oregon.

William T. Davoren, U.S. Fish and Wildlife Service, San Francisco, California.

Charles H. Meacham, Office of the Governor, Juneau, Alaska.

Vice Admiral A. C. Wagner, USCG, Commander Pacific Area, San Francisco, California.

WESTERN PACIFIC COUNCIL MEMBERS

VOTING MEMBERS

Louis K. Agard, Commercial fisherman, Honolulu, Hawaii.

Paul J. Bordallo, Marinanas Boat and Motors, Inc., Agana, Guam.

Peter S. Fithian, Chairman, Hawaii International Billfish Association, Honolulu, Hawaii.

Frank K. Goto, Manager, United Fishing Agency, Ltd., Honolulu, Hawaii.

Michio Takata, Director, Div. of Fish and Game, Dept. of Land and Natural Resources, Honolulu, Hawaii.

Gerald V. Howard, Director, Southeast Region, National Marine Fisheries Service, Terminal Island, California

Issac I. Ikehara, Agent, Van Camp Seafood Company, Agana, Guam.

Peter E. Reid, Manager, GHC Reid and Company, Inc., Pago Pago, American Samoa.

Wadsworth Y. H. Yee, President, Grand Pacific Life Ins. Co., Honolulu, Hawaii.

Francisco B. Aguon, Director, Department of Agriculture, Government of Guam, Agana, Guam.

Richard C. Wass, Fishery biologist, Government of American Samoa, Pago Pago, American Samoa.

NONVOTING MEMBERS

Eugene Kridler, Endangered Species Coordinator, U.S. Fish and Wildlife Service, Honolulu, Hawaii.

Lorry M. Nakatsu, Office of Fisheries, Department of State, Washington, D.C.

Rear Admiral James W. Moreau, USCG, Commander, Fourteenth Coast Guard District, Honolulu, Hawaii.

NEW ENGLAND COUNCIL MEMBERS

VOTING MEMBERS

John Burt, Secretary-Treasurer, New Bedford Fisherman's Union, New Bedford, Massachusetts.

Jacob J. Dykstra, President, Point Judith Fishermen's Cooperative Association, Point Judith, Rhode Island.

Erwin H. Jacobs (Resigned 9/20/76), Noank Marine Exchange, Stonington, Connecticut.

Henry Lyman, Publisher, The Saltwater Sportsman, Boston, Massachusetts.

Edward J. MacLeod, General Manager, Lipman Marine Products, Gloucester, Massachusetts.

Thomas A. Norris, Vice President, Old Colony Trawling Corp., Boston, Massachusetts.

Vinal O. Look, Commissioner, Department of Marine Resources, Augusta, Maine.

Dennis J. Murphy, Director, Department of Natural Resources, Providence, Rhode Island.

Lee Wulff, Chairman, New Hampshire Fish and Game Commission, Concord, New Hampshire.

Virgil J. Norton, Professor, Department of Food and Resource Economics, Kingston, Rhode Island.

Lester B. Orcutt (Deceased 11/3/76), Commercial fisherman, Biddeford Pool, Maine.

Thomas P. Ricci, Block Island Bluefish Invitational Tournament, West Warwick, Rhode Island.

Charles B. Stinson, President, Stinson Canning Company, Prospect Harbor, Maine.

Richard F. Wadleigh, Winnisquam Boat & Trailer Sales, Winnisquam, New Hampshire.

Theodore B. Bampton, Deputy Commissioner, Department of Environmental Protection, Hartford, Connecticut.

Allen E. Peterson, Jr., Director, Division of Marine Fisheries, Department of Fisheries, Wildlife and Recreational Vehicles, Boston, Massachusetts.

William G. Gordon, Director, Northeast Region, National Marine Fisheries Service, Gloucester, Massachusetts.

NONVOTING MEMBERS

Irwin M. Alperin, Executive Director, Atlantic State Marine Fisheries Commission, Washington, D.C.

Vice Admiral W. F. Rea, III, USCG, Commander, Atlantic Area, Governors Island, N.Y.

Harry Bishop, Assistant Regional Director, U.S. Fish and Wildlife Service, Boston, Massachusetts.

Larry Snead, Office of Fisheries, Department of State, Washington, D.C.

MID-ATLANTIC COUNCIL MEMBERS

VOTING MEMBERS

John H. Burger, Jr., President, Breakwater Construction Company, Dover, Delaware.

L. Eugene Cronin, Associate Director for Research, Center for Environmental and Estuarine Studies, University of Maryland, Cambridge, Maryland.

William M. Feinberg, Attorney at Law, Feinberg, Dee, and Feinberg, Bayonne, New Jersey.

Nancy K. Goell, Executive Director, Group for America's South Fork, Inc., Bridgehampton, New York.

Elliot J. Goldman, Member, Atlantic States Marine Fisheries Commission, Lafayette Hill, Pennsylvania.

William J. Hargis, Jr., Director, Virginia Institute of Marine Science, Gloucester Point, Virginia.

David H. Hart, Marine Fisheries Consultant, Cape May, New Jersey.

Allen W. Haynie, Chairman, Zapata-Haynie Corp., Reedville, Virginia.
John L. McHugh, Professor of Marine Resources, State University of New York, Stony Brook, New York.
William R. Pell, III, Pell's Fish Market, Greenport, New York.
Allan J. Ristori, Director of Field Testing, Garcia Corporation, Teaneck, New Jersey.
Ralph W. Abele, Executive Director, Pennsylvania Fish Commission, Harrisburg, Pennsylvania.
Peter A. A. Berle, Commissioner, Department of Environmental Conservation, Albany, New York.
James E. Douglas, Jr., Commissioner, Marine Resources Commission, Newport News, Virginia.
Ricks E. Savage, Commercial fisherman, Berlin, Maryland.
Robert J. Rubelman, Administrator, Fisheries Administration, Department of Natural Resources, Annapolis, Maryland.
Russell A. Cookingham, Director, Division of Fish, Game and Shellfisheries, Department of Environmental Protection, Trenton, New Jersey.
Charles A. Lesser, Manager of Fisheries, Division of Fish and Wildlife, Dept. of Natural Resources and Environmental Control, Dover, Delaware.
William G. Gordon, Director, Northeast Region, National Marine Fisheries Service, Gloucester, Massachusetts.

NONVOTING MEMBERS

Irwin M. Alperin, Executive Director, Atlantic States Marine Fisheries Commission, Washington, D.C.
Vice Admiral W. F. Rea, III, USCG, Commander, Atlantic Area, Governors Island, New York.
James H. Shaw, Assistant Regional Director, U.S. Fish and Wildlife Service, Boston, Massachusetts.
Larry Snead, Office of Fisheries, Department of State, Washington, D.C.

SOUTH ATLANTIC COUNCIL MEMBERS

VOTING MEMBERS

Norman B. Angel, Executive Secretary, North Carolina Fisheries Assoc., Inc., New Bern, North Carolina.
Gertrude Whetzel Bernhard, President, Skylight Studios, Inc., Jupiter-Tequesta, Florida.
Allen F. Branch, Retired, Midway, Georgia.
J. Roy Duggan, President, King Shrimp Co., Inc., St. Simons Island, Georgia.
Edgar C. Glenn, Jr., Retired, Beaufort, South Carolina.
Benjamin T. Hardesty, Vice President, Public Relations, Shakespeare Company, Columbia, South Carolina.
Edwin B. Joseph, Director, Marine Resources Division, Charleston, South Carolina.
George B. Gross, Corporate Fisheries Adviser, Red Lobster Inns of America, Orlando, Florida.
David H. Gould, Coastal Fisheries Office, Department of Natural Resources, Brunswick, Georgia.
Bruce A. Lentz, N.C. Department of Administration, Raleigh, North Carolina.
Edward G. McCoy, Director, Division of Marine Fisheries, N.C. Department of Natural and Economics Resources, Morehead City, North Carolina.
Harmon W. Shields, Executive Director, Florida Department of Natural Resources, Tallahassee, Florida.
William H. Stevenson, Director, Southeast Region, National Marine Fisheries Service, St. Petersburg, Florida.

NONVOTING MEMBERS

Irwin M. Alperin, Executive Director, Atlantic States Marine Fisheries Commission, Washington, D.C.
Rear Admiral R. W. Durfey, Commander, Seventh Coast Guard District, Miami, Florida.
Larry Snead, Office of Fisheries, Department of State, Washington, D.C.
Robert W. Thoesen, Assistant Regional Director, U.S. Fish and Wildlife Service, Atlanta, Georgia.

CARIBBEAN COUNCIL MEMBERS

VOTING MEMBERS

Anthony Chioromitaro, St. Croix Fishermen's Cooperative, St. Croix, Virgin Islands.
John A. Harms, Lagoon Marine, St. Thomas, Virgin Islands.
Virdin C. Brown, Commissioner, Dept. of Conservation and Cultural Affairs, St. Thomas, Virgin Islands.
William H. Stevenson, Director, Southeast Region, National Marine Fisheries Service, St. Petersburg, Florida.
Jose A. Suarez-Caabro, Director of Commercial Fisheries Laboratory, Dept. of Agriculture, Mayaguez, Puerto Rico.
Hector M. Vega-Morera, Vega Associates, Salinas, Peurto Rico.
Antonio Gonzales-Chapel, Secretary of Agriculture, San Juan, Peurto Rico.

NONVOTING MEMBERS

Kenneth E. Black, Regional Director, U.S. Fish and Wildlife Service, Atlanta, Georgia.
Brian Hallman, Office of Fisheries, Department of State, Washington, D.C.
Rear Admiral R. W. Durfey, USCG, Commander, Seventh Coast Guard District, Miami, Florida.

GULF OF MEXICO COUNCIL MEMBERS

VOTING MEMBERS

Theodore B. Ford, III, Associate Director, Office of Sea Grant Development and Professor of Marine Sciences, Louisiana State University, Center for Wetlands Resources, Baton Rouge, Louisiana.
Edward W. Swindell, Jr., Chief Engineer, Wallace Menhaden Products, Inc., New Orleans, Louisiana.
Robert Phillip Jones, Executive Director, Southeastern Fisheries Association, Tallahassee, Florida.
Charles (Walton) Kraver, Secretary/Treasurer, Seafood Haven, Inc., Bayou La Batre, Albama.
Robert G. Mauermann, Executive Director, Texas Shrimp Association and Shrimp Association of the Americas, Brownsville, Texas.
John A. Mehos, Vice President, Liberty Fish and Oyster Company, Galveston, Texas.
Thomas H. Clark, Owner-Sun Circle Resort, Orange Beach, Alabama.
Nicholas A. Mavar, Jr., Secretary/Counsel, Mavar Shrimp & Oyster Company, Biloxi, Mississippi.
Harmon W. Shields, Executive Director, Florida Dept. of Natural Resources, Tallahassee, Florida.
William H. Stevenson, Director, Southeast Region, National Marine Fisheries Service, St. Petersburg, Florida.
George A. Brumfield, Manager, Mississippi Operations, Zapata-Haynie Corporation, Moss Point, Mississippi.
John M. Green, President, Miller-Vidor Land Company, Beaumont, Taxas.
Billy J. Putnam, President, Bay Point Marina, Inc., Panama City, Florida.
J. Pearce Johnson, Attorney At Law, Austin, Texas.
J. Burton Angelle, Director, Louisiana Wildlife & Fisheries Commission, New Orleans, Louisiana.
Charles H. Lyles, Director, Mississippi Marine Conservation Commission, New Orleans, Louisiana
John W. Hodnett, Commissioner, Alabama Department of Conservation and Natural Resources, Montgomery, Alabama.

NONVOTING MEMBERS

Rear Admiral W. W. Barrow, USCG, Commander, Eighth Coast Guard District, New Orleans, Louisiana.
Carlton Jackson, Acting Executive Director, Gulf State Marine Fisheries Commission, Tallahassee, Florida.
Brian Hallman, Office of Fisheries, Department of State, Washington, D.C.
Robert W. Thoesen, Assitant Regional Directors, U.S. Fish and Wildlife Service, Atlanta, Georgia.

NORTH PACIFIC COUNCIL SCIENTIFIC AND STATISTICAL COMMITTEE MEMBERS

Dayton L. Alverson, Center Director, National Marine Fiseries Service, Seattle, Washington.
Donald Bevan, College of Fisheries, University of Washington, Seattle, Washington.
Robert Loeffel, Oregon Dept. of Fish and Wildlife, Portland, Oregon.
Edward Miles, University of Washington, Seattle, Washington.
Bernard Skud, Director, International Pacific Halibut Commission, Seattle, Washington.
Steven Pennoyer, Alaska Department of Fish and Game, Juneau, Alaska.
George Rogers, University of Alaska, Juneau, Alaska.
Donald H. Rosenberg, University of Alaska, Fairbanks, Alaska.
Carl Rosier, Alaska Department of Fish and Game, Juneau, Alaska.
Charles Woelke, Washington Department of Fisheries, Olympia, Washington.

PACIFIC COUNCIL SCIENTIFIC AND STATISTICAL COMMITTEE MEMBERS

Dayton L. Alverson, Center Director, National Marine Fisheries Service, Seattle, Washington. Alternate: H. A. Larkins.
Izadore Barrett, Acting Center Director, National Marine Fisheries Service, La Jolla, California, Alternate: Daniel D. Huppert.
J. Carl Mundt, Attorney at Law, Mundt, MacGregor, Happel and Falconer, Seattle, Washington.
John Radovich (Vice Chairman), Chief, Operational Research Branch, California Department of Fish and Game, Sacramento, California.
Donald E. Bevan (Chairman), College of Fisheries, University of Washington, Seattle, Washington.
Gordon C. Broadhead, Living Marine Resources, Inc., San Diego, California.
Stacy Gebhards, Chief, Bureau of Fisheries, Idaho Department of Fish and Game, Boise, Idaho.
Robert E. Loeffel, Laboratory Director, Oregon Department of Fish and Wildlife, Research Laboratory, Newport, Oregon.
R. Bruce Rettig, Associate Professor of Agriculture & Research Economics, Oregon State University, Corvallis, Oregon.
Richard R. Whitney, College of Fisheries, University of Washington, Seattle, Washington.
Charles E. Woelke, Washington Department of Fisheries, Olympia, Washington, Alternate for Salmon Matters: Peter K. Bergman.

NORTH PACIFIC COUNCIL ADVISORY PANEL MEMBERS

Jack B. Cotant, Commercial fisherman, Ketchikan, Alaska.
Nick Szabo, Commercial fisherman, Kodiak, Alaska.
Robert Alverson, Fishing Vessel Owner's Association, Seattle, Washington.
Judith Ayers, National Park Service, Anchorage, Alaska.
James E. Beaton, State of Alaska Board of Fisheries, Juneau, Alaska.
A. W. "Bud" Boddy, Territorial Sportsmen, Inc., Juneau, Alaska.
William Burke, University of Washington, Seattle, Washington.
Truman Emberg, Western Alaska Cooperative Marketing Association, Dillingham, Alaska.
Jay S. Gage, Peter Pan Seafoods, Inc., Seattle, Washington.
Paul Guy, United Fishermen of the Kuskokwim Area, Nunam, Kitlutsisti Native Corporation, Napaiskak, Alaska.
Oral Burch, Commercial fisherman, Kodiak, Alaska.
Sigfryed Jaeger, North Pacific Fishing Vessel Owners' Assoc., Seattle, Washington.
Charles L. Jensen, Pacific Pearl Seafoods, Kodiak, Alaska.
Knute Johnson, United Fisherman of Alaska, Cordova, Alaska.
Joseph A. Kurtz, Commercial fisherman, Seldovia, Alaska.
Richard B. Lauber, Association of Pacific Fisheries, Juneau, Alaska.
Raymond P. Lewis, Alaska Packers Association, Inc., Bellevue, Washington.
Harry Wilde, Sr., Nunam Kittutsisti Native Corporation, Mountain Village, Alaska.
Sidney C. Huntington, State of Alaska Board of Game, Galena, Alaska.
Robert Moss, Commercial fisherman, Homer, Alaska.
Daniel J. O'Hara, Commercial fisherman, Naknek, Alaska.
Kenneth O. Olsen, Alaska Fishermen's Union, Seattle, Washington.
Al Otness, Icicle Seafoods, Inc., Petersburg, Alaska.
Keith Specking, Master guide, Hope, Alaska.
Robert Starck, Commercial fisherman, Unalaska, Alaska.

PACIFIC COUNCIL SALMON ADVISORY PANEL MEMBERS

Clifford Allen, Nez Perce Tribal Office, Lapwai, Idaho.
Paul L. Anderson, Purse Seine Vessel Owners' Assoc., Seattle, Washington.
Robert Christensen, Commercial fisherman, Bellingham, Washington.
Richard L. Hubbard, Pacific S.W. Forest Experiment Station, U.S. Forest Service, Berkeley, California.
Robert Hudson, All-Coast Fishermen's Marketing Assoc., Charleston, Oregon.
Joseph H. Kahle, Family and Child Care Service of Metropolitan Seattle, Seattle, Washington.
D. A. Christenson, Oregon Coast Charterboat Association, Newport, Oregon.
Lester Clark, Commercial fisherman, Chinook, Washington.
Charles S. Collins, Recreational Resource Development, Roseburg, Oregon.
Jack B. Cotant, Commercial fisherman, Ketchikan, Alaska.
Robert F. Gay, Halibut Producers Corp., Bellingham, Washington.
Bernard Gobin (named at December Meeting), Fisheries Manager of Tulalip Tribes, Marysville, Washington.
W. F. Grader (Chairman), Manager, Pacific Coast Federation of Fishermen's Association, Inc., Sausalito, California.
Norman H. Guth, Bill Guth and Sons, Licensed, Outfitters and Guides, Salmon, Idaho.
Lawrence G. Lazio, Tom Lazio Fish Co., Inc., Euerka, California.
Edward P. Manary, Washington State Commercial Passenger Fishing Vessel Association, Olympia, Washington.
Guy R. McMinds, Quinault Tribal Office, Taholah, Washington.
Thomas A. Peterson, Peterson Seafoods, Inc., Charleston, Oregon.
Ted A. Smits, Association of Pacific Fisheries, Seattle, Washington.
Roger Thomas, Golden Gate Sportfisheries, Inc., San Jose, California.
Charles Voss, Trout Unlimited, Woodland, Washington.
Ray E. Welch, Salmon Unlimited, Fort Bragg, California.

PACIFIC COUNCIL ANCHOVY AND JACK MACKEREL ADVISORY PANEL MEMBERS

Cedric Bunten, Harbor Trading Company, San Pedro, California.
Herbert R. Kameon, National Coalition of Marine Conservation, Los Angeles, California.
Joseph Monti, Fishermen's Union, I.L.W.U. Local 33, San Pedro, California.
Sandy Vernand, Bait hauler, Ventura, California.
John P. Mulligan, Tuna Research Foundation, Inc., Terminal Island, California.
William A. Nott, Sportfishing Association of California, Long Beach, California.
Anthony Pisano, Fishermen's Cooperative Association of San Pedro, San Pedro, California.

[FR Doc.77-7462 Filed 3-11-77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL, SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council and its Scientific and Statistical Committee established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). In conjunction with the Council meeting the following Council ad hoc committees will meet: (1) Budget, (2) Personnel, (3) Advisory Panel Screening, (4) Shrimp Management and (5) Billfish.

The Gulf of Mexico Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the west coast of Florida, Alabama, Louisiana, Mississippi and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

These meetings will be held Tuesday, Wednesday, Thursday, and Friday, April 5, 6, 7, and 8, 1977, in the Dunes Room and Executive Suite of the Biloxi Hilton Hotel, Biloxi Beach (US 90), Biloxi, Mississippi. The Council meeting will convene at 1:30 p.m. on April 6, 1977, and adjourn at about noon on April 8, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda. The Scientific and Statistical Committee meeting will convene at 1:30 p.m. on Tuesday, April 5, 1977, and adjourn at about 5:00 p.m., April 7, 1977. The ad hoc committees will convene at 8:00 a.m. and adjourn approximately noon, April 6, 1977.

PROPOSED AGENDAS

A. COUNCIL

1. Management Plans.
2. Personnel and Administration Categories.
3. Other Business.

B. AD HOC COMMITTEES

1. Review of unfinished business and/or management plans.
2. Other Business.

C. SCIENTIFIC AND STATISTICAL COMMITTEE

1. Orientation.
2. Management Plans and Research.
3. Other Business.

These meetings are open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about April 1, 1977:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, c/o National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: March 9, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-7461 Filed 3-11-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the

fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on April 13 and 14, 1977, from 10 a.m. to 5 p.m., and 9 a.m. to 3 p.m., respectively, at the Holiday Inn, Baltimore-Washington International Airport, 6500 Elkridge Landing Road, North Linthicum, Maryland.

PROPOSED AGENDA

1. Progress on the Surf Clam/Ocean Quahog Management Plan.
2. Report of foreign fishing activity.
3. Status of fishery management plans.
4. Other management business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact on or about 10 days before the meeting to receive information on changes in the agenda, if any:

Mr. Donald G. Birkholz, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, State Fish Pier, Gloucester, Massachusetts 01930.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: March 7, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-7459 Filed 3-11-77;8:45 am]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on April 13 and 14, 1977, from 10:00 a.m. to 5:00 p.m. and 9:00 a.m. to 3:00 p.m., respectively, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Massachusetts.

PROPOSED AGENDA

1. Review of New England Fishery Management Council/Mid-Atlantic Fishery Management Council Surf Clam Fishery Management Plan.
2. Review of New England Fishery Management Council Herring Fishery Management Plan and possible red crab Fishery Management Plan.
3. Review of final status of New England Fishery Management Council Groundfish Fishery Management Plan.
4. Review of foreign permit applications if any.
5. Other business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact on or about 10 days before the meeting to receive information on changes in the agenda, if any:

Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, c/o National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Apollonio at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: March 3, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-7460 Filed 3-11-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR UNIVERSITY BOARD OF VISITORS

Amended Notice

MARCH 1, 1977.

Notice was given in the FEDERAL REGISTER, Volume 42, Number 20, FR Doc. 77-2922, January 31, 1977, of an Air University Board of Visitors meeting to be held on March 15, 1977 at 1:00 in the Air University Conference Room, Austin Hall (Bldg. 800), Maxwell Air Force Base, Alabama.

The notice is amended by deleting the last sentence in the second paragraph. The meeting will be open to the public.

For further information, contact Dorothy D. Reed, Coordinator, Air University Board of Visitors, Office of the Deputy Chief of Staff, Education, Headquarters Air University, telephone (205) 293-7423.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc.77-7407 Filed 3-11-77;8:45 am]

Office of the Secretary

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) announcement is made of the following committee meeting:

Name of committee: Subcommittee on Health Maintenance Systems of the Armed Forces Epidemiological Board.
Date of meeting: 1 April 77.
Place: Conference Room 3092, Walter Reed Army Institute of Research, Washington, D.C.
Time: 0930-1700.
Proposed agenda: The proposed agenda includes an examination of various aspects of periodic physical examinations in the Armed Forces. This will include matters pertaining to the administration, purpose, scope, frequency, and use and value of these physicals.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: March 3, 1977.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc.77-7408 Filed 3-11-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 698-6; OPP-50282]

DIAMOND SHAMROCK CORP.

Issuance of an Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the

use of pesticides for experimental purposes.

No. 677-EUP-9. Diamond Shamrock Corporation, Cleveland, Ohio 44114. This experimental use permit allows the use of 330 pounds of the fungicide chlorothalonil on citrus to evaluate control of Melanose and scab. A total of 20 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is issued with the condition that any crops treated will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 7, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-7505 Filed 3-11-77;8:45 am]

[FRL 695-8]

MARINE SANITATION DEVICE STANDARD: MISSISSIPPI AND ST. CROIX RIVERS, AND LAKE SUPERIOR WATERS WITHIN MINNESOTA AND WISCONSIN

Petition; Extension of Time for Comments

Correction

In FR Doc. 77-6905, appearing on page 13148, in the issue of Wednesday, March 9, 1977, in the second column: (1) In the sixteenth line, the word "moating" should be changed to "boating"; and (2) following the twentieth line, and before the words "above-mentioned" in the twenty-first line, insert the words "for submission of comments on the".

[FRL 698-4; OPP-42037A]

STATE OF COLORADO

Approval of State Plan For Certification of Pesticide Applicators

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan to EPA for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On January 4, 1977, notice was published in the FEDERAL REGISTER (42 FR 839) of the intent of the Regional Administrator, EPA Region VIII, to approve, on a contingency basis, the Colorado State Plan for Certification of Pesticide Applicators (Colorado State Plan). Contingency approval was requested by the State of Colorado pending enactment of appropriate legislation and promulgation of implementing regulations. Copies of the Colorado State Plan were made available for public inspection at the Colorado Department of Agriculture office in Denver, Colorado, the EPA Region VIII office in Denver, Colorado, and the Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

The Colorado State Plan will remain available for public inspection at the Colorado Department of Agriculture, 1525 Sherman Street, Denver, Colorado.

No comments were received concerning the Colorado State Plan during the allowed comment period. Therefore, it has been determined that the Colorado State Plan will satisfy the requirements of the amended FIFRA and of 40 CFR Part 171, if the proposed legislation and regulations described in the State Plan, which are necessary for its implementation, are enacted by the Colorado State Legislature and the Colorado Department of Agriculture.

This contingency approval shall expire May 1, 1977 if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Colorado State Plan as a result thereof.

EFFECTIVE DATE

Pursuant to section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553 (d), the Agency finds that there is good cause for providing that the contingency approval granted herein to the Colorado State Plan shall be effective upon signature of this notice. Neither the Colorado State Plan itself nor this Agency's contingency approval of the Plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of Colorado. Delays in starting the work necessary to implement the Plan such as may be occasioned by providing some later effective date for this contingency approval are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: March 3, 1977.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.77-7503 Filed 3-11-77;8:45 am]

[FRL 698-5; OPP-50272A]

STAUFFER CHEMICAL CO.

Issuance of Experimental Use Permit; Correction

In FR Doc. 77-3303 appearing at page 6620 in the issue of February 3, 1977, the following corrections should be made in the center section describing the experimental use permit granted to Stauffer Chemical Company, Richmond, California 94804.

The fourth line of the description should read:

"* * * pounds of the herbicide S-ethyl dipropylthiocarbamate and 661 * * *."

The last line of the description should read:

"* * * established (40 CFR 180.117 and 40 CFR * * *."

Dated: March 7, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-7504 Filed 3-11-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76-14]

EXTENSION OF POOLING AGREEMENT IN THE EASTBOUND AND WESTBOUND TRADES

Japanese Ports and Ports in California, Oregon, and Washington; Supplemental Order

This is an investigation, commenced by Commission Order of March 5, 1976, the purpose of which is to determine whether Agreement No. 10116 shall continue in force and effect through December 31, 1978. The six lines party to the Agreement were named Respondents in the proceeding.[1] The Marine Cooks and Stewards Union was named Petitioner. The investigation was limited to the submission of affidavits of fact and memoranda of law, unless the Commission determined that an evidentiary hearing was required.

Respondents filed an affidavit and a memorandum of law. After resolution of an interlocutory dispute regarding Respondents' unsuccessful attempt to prevent the disclosure of some of the financial data contained in Respondents' affidavit, Petitioner filed an affidavit and a memorandum of law; and Hearing Counsel filed a memorandum of law. Respondents also moved for permission to file a rebuttal to Petitioner's and Hearing Counsel's affidavits. Petitioner opposed that motion, and Hearing Counsel supported Respondents. None of the parties to the proceeding requested oral argument.

Agreement No. 10116 was made in Tokyo, Japan, on January 30, 1974, and filed with the Commission in Washington the next day. By that Agreement, the six Respondents pool the revenue derived by each Respondent from the carriage of cargo eastbound and westbound between ports in Japan and ports in the States of California, Oregon, and Washington, including overland common point cargo.

As originally filed, the Agreement provided for a term of three years from the date of approval. Sea-Land Service, Inc., filed comments with the Commission

---

[1] Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Showa Line, Ltd.; and Yamashita-Shinnihon Steamship Co., Ltd.

urging the Commission to limit the Agreement to a term of one year, so that the effect of the Agreement could be monitored. Instead of approving the Agreement, the Commission determined to subject it to investigation, and commenced a formal proceeding to that end, Agreement No. 10116—Pooling Agreement in the Eastbound and Westbound Trades Between Japanese Ports and Parts in California, Oregon and Washington, Docket No. 74–47. Respondents petitioned the Commission to reconsider the investigation. No one replied to that petition. Thereupon, the Commission discontinued the formal investigation, and approved the Agreement for a term of one year, through March 6, 1976.

Respondents filed Agreement No. 10116–1 on January 20, 1976. By that amendment, Agreement No. 10116 would continue in effect through December 31, 1978. Petitioner protested the approval of that amendment, and asserted that it was unjustly discriminatory and unfair as between carriers, and contrary to the public interest. Petitioner's objections to Agreement No. 10116 were that the Agreement permitted the strongest Respondent to sustain the weakest Respondent, thereby eliminating all competition among Respondents, which would permit Respondents to concentrate their economic power upon the other carriers in the trans-Pacific trades.

Because Petitioner's protest was somewhat vague, and time was short, the Commission granted interim approval to Agreement No. 10116–1, through March 6, 1977, and ordered an investigation into the approvability of the Agreement for the full term.

The evidence of record in this proceeding consists of a joint affidavit executed by six high executive officials of Respondents, an affidavit executed by Petitioner's counsel, the record in Agreements Nos. 9718–3 and 9731–5, Docket No. 75–30, decided by the Commission on November 1, 1976, and those matters noticed by the Commission.

Respondents are six steamship companies flying the flag of Japan. Among other enterprises, Respondents engage in the carriage of goods between the Pacific Coast of the United States and Japan. The trade between those two nations is carried by vessels flying many flags in addition to the flag of Japan, including the flag of the United States. This Agreement, among the only Japanese flag liner carriers in those trades, might have ramifications affecting the many nation states engaged in the trans-Pacific trades.

Petitioner asserted that Agreement No. 10116–1 is unjustly discriminatory and unfair as between carriers because it permits Respondents to perpetuate the monopoly of the U.S. Pacific-Japan trades achieved by reason of Respondents' several other agreements, to wit: their terminal agreements, and Agreement Nos. 9718, 9731, and 9835. Argued Petitioner, Agreement No. 10116–1 is unjustly discriminatory and unfair because those other agreements are unjustly discriminatory and unfair.

On November 1, 1976 the Commission held that Petitioner had failed to prove that Agreement Nos. 9718, 9731, and 9835 were unjustly discriminatory or unfair as between carriers, and had failed to prove that Respondents had a monopoly of the trades between Japan and the Pacific Coast of the United States. Agreements Nos. 9718–3 and 9731–5, Docket No. 75–30 (November 1, 1976); "Agreement No. 9835–2, Order of Approval" (November 1, 1976). Petitioner has not adduced in the instant proceeding any further evidence bearing upon monopoly or unfairness. Since the Commission has already rejected the premise upon which Petitioner bases its conclusion in this proceeding, it follows that, there being no other premise offered, the conclusion has not been established. Consequently, the Commission finds that Petitioner has failed to prove that Agreement No. 10116–1 is unjustly discriminatory or unfair as between carriers.

Petitioner also argued that the pool, Agreement No. 10116, provides the cushion which keeps each Respondent participating in the space sharing, sailing rationalization, and terminal operation consortia, and that the pool permits the strongest Respondent to sustain the weakest. Respondents denied this, and argued that each Respondent carries so many revenue tons in the trades that they wouldn't think of leaving such a lucrative venture. In 1975, Showa Line, which carried the fewest number of revenue tons in the trades, carried 436,000 revenue tons. Kawasaki Kisen Kaisha carried the greatest number of revenue tons, 646,000. Even so, Nippon Yusen Kaisha received $1,024,176 from the pool and Kawasaki Kisen Kaisha received $553,610.00 in the final accounting for the period March 7, 1975 through March 6, 1976. In that period the other four carriers each contributed monies to the pool, ranging from $118,000 for Japan Line to $694,000 for Showa Line.[2] The word "sustain" means supporting a carrier which would otherwise fail. Petitioner has not proved its allegation that the strongest Respondent sustains the weakest. Even though Nippon Yusen Kaisha received over a million dollars from the pool, it nevertheless grossed in excess of $33,000,000 and had net pool revenue in excess of $23,000,000, in the year ending March 6, 1976, more than any other Respondent.[3] The line which contributed the most money to the pool, Showa Line, carried the least amount of cargo.

Petitioner also argued that, after Respondents' pool went into effect, Respondents' market share rose at a steady pace, and, by January 1976, was 65.5 percent, higher than at any time during the preceding 22 months. Respondents argued that it has been the experience of Respondents to have higher cargo movements at the end of the year than at the beginning of the year, and point to the figures for 1974 to demonstrate that. Petitioner further replied that 1974 cannot be a proper measure as Respondents added three vessels to the trade between March and May of 1974, and that the increased cargo carryings in 1974 merely reflected the additional cargo attracted to Respondents by reason of the added vessels.

In fact, Respondents added the *Yamashin Maru* to the trades in March of 1974, the *Lions Gate Bridge* in April, the *Hakawa Maru* in May, and the *Beishu Maru* in October of 1974. As those vessels were placed in service older vessels were withdrawn from the trade. An examination of the data in this record shows that the percentage of each year's carryings, carried by each Respondent in each month in 1974 and 1975, when compared with similar data for all other carriers in the Trans-Pacific Freight Conference of Japan/Korea as a group, does not show that Respondents' experience in cargo carrying patterns is significantly different from all other conference carriers as a group. The data shows that in both 1974 and 1975 Respondents generally carried approximately 45 percent of each year's cargo in the first six months of that year. The other conference carriers, as a group, experienced approximately 51 percent of their cargo carryings in the first half of 1974 and about 46 percent in 1975.

Further, Petitioner neglected to mention that, although Respondents' share of the eastbound conference trade was 65.5 percent in January of 1976, it dropped to 60.4 percent in February of that year. Respondents carried approximately 62.4 perecnt of the Trans-Pacific Freight Conference of Korea cargo in each of the months of January and February of 1975. The data in the record does not demonstrate any consistent pattern of cargo carryings by or conference shares of Respondents. Respondents' share of the conference carryings in the years 1974 through 1976 are as follows:

Percentage of trans-Pacific freight conference of Japan/Korea cargo carried by respondents

Year	January and February	First half of year	Whole year
1974	55.55	54.63	58.72
1975	62.45	56.49	58.18
1976	62.72	(?)	(?)

That data will not support an inference that Respondents increased their share of conference cargo for all of 1976. Consequently, Petitioner has not established that Respondents have acquired a greater share of the conference trades as a result of Agreement No. 10116.

Petitioner has not proven that it has actually been injured by the Agreement.

[2] The pool report of Respondents quoted was not offered by the parties to this proceeding, but is found in the files of the Commission, and is officially noticed.

[3] Nippon Yusen Kaisha received a distribution because it has a larger share than any other Respondent.

However the record in this proceeding does not illuminate the full reach of all of the possible ramifications of the Agreement. So that the Commission may be assured that its decision will most fully serve the public interest, the Commission will conduct further inquiry into the subject matter of this investigation. In order to maximize the quantity of the pertinent information which the Commission will acquire by reason of this further inquiry, it will be conducted as a full scale evidentiary hearing under the supervision of an Administrative Law Judge of the Commission's Office of Administrative Law Judges. To further ensure a complete and useful record at the conclusion of this further inquiry, Hearing Counsel is adjured to use the processes of the Commission to the fullest extent so as to investigate the subject of this proceeding, and to lay on the record the kind of detailed, reliable and probative evidence which will assist the Commission in making a proper disposition of this proceeding.

Because the Commission's concern with this Agreement has continued for some time now, this further inquiry shall, consistent with the fullest development of the facts, proceed with the utmost expedition. That expedition is particularly necessary in this case because, in order to maintain the existing situation pending the completion of this further inquiry, the interim approval of Agreement No. 10116–1, heretofore granted, will be continued pending the completion of that further inquiry.

Since the Commission has herein ordered a further inquiry into this matter, Respondents' "Motion for Modification of Order of Investigation", wherein Respondents requested permission to file a rebuttal to the affidavits of Petitioner and Hearing Counsel, is moot, and will be denied as such.

In the further inquiry herein ordered the parties shall address themselves, evidentially and with specificity, to, among other things: overtonnaging in the trans-Pacific trades, and the effect of overtonnaging on stability in those trades; the existence of malpractices in those trades; the quantitative and qualitative effect of Agreement No. 10116, either alone or in connection with Respondents' terminal agreements and Agreement Nos. 9718, 9731, and 9835, upon overtonnaging and malpractices by members of the conferences in the trades, and by carriers not members of a conference in the trades; and how, why, and to what extent the self-policing provisions of those agreements creating the conferences in the trans-Pacific trades have not been effective to prevent the commission of malpractices in those trades. In addition to the matters referred to above, the parties to this proceeding are encouraged to develop that probative, reliable, and relevant evidence which will establish facts which will support the approval, modification or disapproval of Agreement No. 10116–1.

The evidence offered and accepted into the record in this further inquiry shall not be argumentative. Evidence offered by a party shall be internally consistent, or the inconsistencies shall be explained by a witness with personal knowledge of the explanatory facts. Statistics, and numerical data in general, shall be offered in such a way as to permit comparison. Where data is presented in different forms or is measured by different scales, evidence providing a method of conversion will be offered. Opinion evidence on matters within the expertise of the Commission is not desired, although the argument of counsel on those matters, in the brief, is encouraged.

THEREFORE, *it is ordered*, That the investigation herein, commenced by Commission Order of March 5, 1976, is referred to the Office of Administrative Law Judges of the Federal Maritime Commission for further inquiry and Initial Decision;

It is further ordered, That the affidavits and memoranda Respondents and Petitioner and the record in Docket No. 75–30 shall continue to be part of the record of this proceeding;

It is further ordered, That the public hearings conducted pursuant to this order shall be held at a date and place to be determined and announced by the President Administrative Law Judge, but in no event shall that hearing commence later than September 1, 1977;

It is further ordered, That the Federal Maritime Commission Order, dated March 5, 1976, entitled, Agreement No. 10116–1—Extension of Pooling Agreement in the Eastbound and Westbound Trades Between Japanese Ports and Ports in California, Oregon and Washington, "Order of Investigation", is modified by deleting, in the first ordering paragraph thereof, the words and numbers, "* * * for a term of one year, to and including March 6, 1977 * * *", and substituting therefor the words, "* * * pending the final order of the Commission in the proceeding instituted herein * * *";

It is further ordered, That Respondents' "Motion for Modification of Order of Investigation" is denied; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

By the Commission.*

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-7466 Filed 3-11-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. CP75-96 et al.; RM77-6]

EL PASO ALASKA CO., ET AL.

Order Providing for Suspension of Proceedings, et al.; General Environmental and Technical Terms and Conditions for Alaskan Natural Gas Transportation System

MARCH 9, 1977.

Take notice that on March 10, 1977, the Federal Power Commission released a report prepared by the Federal Power Commission staff with assistance from the U.S. Department of the Interior on proposed general environmental and technical terms and conditions for an Alaskan natural gas transportation system. These proposed terms and conditions would be applicable to any system which may be selected through the procedure established by Public Law 94–586, the Alaska Natural Gas Transportation Act of 1976. These general terms and conditions are not the official position of the Commission or any other Federal agency; they are presented to all interested parties for comment prior to the Commission's recommendation to the President. More specific terms and conditions will be prepared following final selection of the project. Because of the provisions and intent of P.L. 94–586 and the implied Federal responsibility created by actions on the three pending applications, the proposed terms and conditions incorporate a mechanism for their administration and enforcement.

These proposed terms and conditions have been developed by the Federal Power Commission with assistance from the U.S. Department of the Interior and reflect experience gained from construction of the Alyeska oil pipeline in Alaska. Comments on the initial draft terms and conditions were solicited from 22 Federal agencies. Responses have been received from the following: U.S. Department of Commerce, U.S. Department of Justice, U.S. Department of Transportation, U.S. Department of Labor, U.S. Department of the Interior, U.S. Forest Service, Federal Communications Commission, Federal Maritime Commission, and the Environmental Protection Agency.

Many of these comments are reflected in modifications of the original terms and conditions. Several agencies—specifically, the DOI, the FCC, the EPA, and the U.S. Forest Service—requested that their particular regulations be incorporated into the body of the terms and conditions. However, the Commission staff believes that such regulations are included by reference in General Items 2, 3, and 9 and that such a lengthy listing is therefore not required at this time.

These terms and conditions have been sent to the agencies and persons who received copies of the Alaska Natural Gas Transportation System: Final Environmental Impact Statement and to all parties to the proceeding. The terms and conditions as well as the comments from Federal agencies are on file with the Commission and are available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. Limited qualities are also available from the Commission's Office of Public Information.

Any person wishing to file comments on the terms and conditions should file an original and seven copies of such comments on or before March 31, 1977. Please address comments to:

* Commissioner Casey dissents. Opinion will follow.

FPC Alaskan Delegates, Office of the Delegates, Room 9100, 825 North Capitol Street NE., Washington, D.C. 20406.

Comments received will be available for public inspection in the Commission's Office of Public Information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7524 Filed 3-10-77;10:12 am]

[Docket No. E77-21]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By orders issued February 18 and 24, 1977, pursuant to Section 6 of the Emergency Natural Gas Act of 1977, Pub. L. 95-2 (91 Stat. 4 (1977)), I authorized Columbia Gas Transmission Corporation (Columbia), on behalf of itself and UGI Corporation (UGI), to purchase up to 100,000 Mcfd of natural gas from Pacific Gas & Electric Company (PG&E). One condition of that sale was the payment of a carrying charge of 1.8 cents per Mcf delivered by PG&E consistent with such charges approved in Southern Natural Gas Company, Docket No. E77-5 (February 20, 1977).

By letter filed March 7, 1977, PG&E requested further clarification of the February 18 and 24 orders to state that the carrying charge of 1.8 cents per Mcf is computed monthly on the outstanding balance of gas delivered to Columbia and not repaid to PG&E commencing April 1, 1977, and the first of each month thereafter until repayment is complete. Southern Natural, supra, correctly stated that the carrying charge of 1.8 cents per Mcf was to be computed monthly. The February 24, 1977 order in this proceeding is hereby modified to state that the carrying charge is 1.8 cents per Mcf per month on the outstanding volumes to be repaid to PG&E on April 1, 1977, and the first of each month thereafter until repayment is complete. To the extent not inconsistent with the provisions of this order, the provisions of the February 18 and 24, 1977 orders remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia, UGI, PG&E, El Paso, Oasis, Bronco-Tenngasco, Tennessee, and Columbia Gulf.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 9, 1977.

[FR Doc.77-7525 Filed 3-11-77;8:45 am]

[Docket No. E77-48]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By order issued March 4, 1977, pursuant to Section 6 of the Emergency Natural Gas Act of 1977, Pub. L. 95-2 (91 Stat. 4 (1977)), I denied, without prejudice, the request of Natural Gas Pipeline Company of America (Natural) to make certain emergency purchases. The order further stated that, where expenditures were made prior to February 22, 1977, for the purpose of delivering such gas supplies to Natural, Natural could make such purchases consistent with the doctrine of Colorado Interstate Gas Company, Docket No. E77-31 (February 28, 1977).

On March 8, 1977, Natural submitted a supplemental petition in which it set forth information indicating that TUCO, Inc. (TUCO), Western Oil Producers (Western), H. L. Brown, Jr. (Brown), Yates Petroleum Company (Yates) and Clajon Gas Company (Clajon), and, in some cases, Natural, had made expenditures prior to February 22, 1977, for the purpose of delivery of the subject gas supplies to Natural. Natural also indicates that it is negotiating, or has obtained, contracts for the sale of gas by TUCO and Western under the Natural Gas Act (15 U.S.C. 717, et seq.) following the emergency purchase. Based upon the information submitted by Natural, I find that the proposed purchases from TUCO, Western, Brown, Yates and Clajon satisfy the Colorado Interstate criteria. Therefore, I authorize Natural to make such purchases notwithstanding Order No. 6.

Natural shall submit weekly reports as required by Order No. 4.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Natural, TUCO, Western, Brown, Yates and Clajon. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under P.L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 9, 1977.

[FR Doc.77-7526 Filed 3-11-77;8:45 am]

[Docket No. E77-37]

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

In response to an application filed with the Administrator on February 28, 1977, Tennessee Gas Pipeline Company (Tennessee) was authorized on March 1, 1977 to purchase pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), up to 32,000 Mcf per day of natural gas from Channel Industries Gas Company (Channel). On March 4, 1977, Tenneco, Inc., the parent corporation of Tennessee and Channel, filed with the Securities and Exchange Commission a statement that:

> It has come to the attention of counsel for Tenneco that certain volumes of natural gas purchased by Channel have been produced from acreage or reservoirs at one time dedicated to interstate commerce under contracts between various producers and the Company's interstate pipeline division. It appears that such gas was released from dedication to interstate commerce under a variety of procedures, some of which involve transactions which may have failed to meet all regulatory requirements therefor under the Natural Gas Act.

On February 28, 1977, Tenneco, Inc. filed with the Federal Power Commission a petition for a declaratory order respecting the certificate status of certain reserves from which gas presently is being sold to Channel. That petition sets forth additional facts relating to the transactions.

Section 6(a)(1) of the Act precludes a "producer of natural gas" from selling under the Act natural gas that is "certificated under the Natural Gas Act." The sale of such certificated reserves shall not be permitted directly or indirectly. To the extent that a person is purchasing or receiving natural gas contrary to the terms of an outstanding certificate issued by the Federal Power Commission under the Natural Gas Act, such person should not be entitled to make sales under the Emergency Natural Gas Act.

If Channel is purchasing natural gas that is certificated to Tennessee, the sale by Channel to Tennessee would not be authorized under section 6. The ultimate issue of whether Channel is receiving certificated natural gas must be decided by the Federal Power Commission. However, the evidence before the Administrator raises a substantial question whether the sale from Channel to Tennessee is proper under the Act. Under such circumstances I find that the Order issued on March 1, 1977 in Docket No. E77-37 authorizing the transaction should be, and hereby is, stayed pending further order under the Act.

If such transaction is found to be ineligible under the Act, the natural gas delivered under the Order of March 1, 1977 shall be subject to appropriate refunds.

Tenneco hereby is directed to file with the Administrator on or before March 14, 1977 a complete statement under oath of all facts concerning the issues of whether Channel is receiving natural gas that is certificated under the Natural Gas Act and whether the Channel-Tennessee transaction is proper under section 6 of the Act.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Tennessee, Channel and Tenneco, Inc. This order shall also be published in the FEDERAL REGISTER.

This order is subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 8, 1977.

[FR Doc.77-7454 Filed 3-11-77;8:45 am]

[Docket No. E77-49]

NORTHERN NATURAL GAS CO.

Emergency Order Pursuant to Emergency Natural Gas Act of 1977; Correction

Please insert the word "not" after the words "Northern had" on the tenth line of the first paragraph of the order issued March 7, 1977 and published in the FEDERAL REGISTER of March 10, 1977 (42 FR 13350).

RICHARD L. DUNHAM,
Administrator.

MARCH 9, 1977.

[FR Doc. 77-7527 Filed 3-11-77;8:45 am]

[Docket No. CS77-341, etc.]

GATEWOOD NEWBERRY, ET AL.

Applications for "Small Producer" Certificates [1]

MARCH 4, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 4, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS77-341	Feb. 14, 1977	Gatewood Newberry, 3407 Monte Vista, Austin, Tex. 78731.
CS77-342	....do.....	Aaron & Taylor Parry, Route 4, 165A, Camerow, Wis. 26033.
CS77-343	Feb. 16, 1977	Oil, Gas & Minerals Development Corp., P.O. Box 12443, Fort Worth, Tex. 76116.
CS77-344	Feb. 14, 1977	Ann Alspaugh Cox, P.O. Box 604, Duncan, Okla. 73533.
CS77-345	....do.....	A. L. Payne, 902 13th St., Bridgeport, Tex.
CS77-346	Feb. 16, 1977	Bruce Lowrie, 711 Southwest Loop 820, Fort Worth, Tex. 76134.
CS77-347	....do.....	Elk County Gas Gathering Co., P.O. Box 60649 Oklahoma City, Okla. 73106.
CS77-348	Feb. 17, 1977	Shawnee Oil & Gas Co., Inc., 11 Woodside Rd., Greenwich, Conn. 06830.
CS77-349	Feb. 18, 1977	Speell 342, 1973 drilling venture I, P.O. Box 1341, Corpus Christi, Tex. 78403.
CS77-350	....do.....	Special 329 drilling venture.
CS77-351	....do.....	Special Gulf 1973 drilling venture.
CS77-352	....do.....	Special 342 drilling venture II.
CS77-353	....do.....	Special Milmas 1973 drilling venture.
CS77-354	....do.....	Martin F. Sullivan Trust No. 1, dated Jan. 1, 1974, 2445 Southeast 8th St., Fort Lauderdale, Fla. 33062.
CS77-355	....do.....	Oscar Cox, Jr., P.O. Box 476, Decatur, Tex.
CS77-356	Feb. 22, 1977	Parket E. Bloomer, Solon L. Bloomer, Paul Clements, 3000 United Founders Blvd., suite 108G, Ciudad Bldg., Oklahoma City, Okla. 73112.
CS77-357	....do.....	Henry B. Kelsey, 79 Wall St., New York, N.Y. 10005.
CS77-358	....do.....	American Petroleum Energy, Co., Inc., 5830 Marina Dr., Garland, Tex. 75043.
CS77-359	....do.....	ConVest Energy Corp., 4605 Post Oak Place Dr., No. 200, Houston, Tex. 77027.
CS77-360	....do.....	Gene Woodfin, P.O. Box 61589, Houston, Tex. 77208.
CS77-361	....do.....	Robert G. Hall, 1400 United Founders Life Tower, Oklahoma City, Okla. 73112.
CS77-362	Feb. 24, 1977	D. Frederick Gioia, 6005 Park Avenue., suite 903, Memphis, Tenn. 38138.
CS77-363	Feb. 23, 1977	Petroleum Energy, Inc., suite 701, One Twenty Bldg., Wichita, Kans. 67202.
CS77-364	....do.....	George J. Ablah d.b.a. Little George, 680 4th Financial Center, Wichita, Kans. 67202

[FR Doc.77-7218 Filed 3-11-77;8:45 am]

FEDERAL RESERVE SYSTEM

BOARD OF GOVERNORS

Meeting

On Wednesday, March 16, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. Consideration of the appointment of a Federal Reserve Bank president.
2. Consideration of the appointment of a Federal Reserve Bank director.
3. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, March 8, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-7380 Filed 3-11-77;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to East Dallas Bank, Dallas, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Texas, controls 26 banks with aggregate deposits of approximately $3.5 billion, representing 7.3 percent of total commercial bank deposits in Texas.[1] Acquisition of Bank (approximately $26 million in deposits) would increase Applicant's share of Statewide commercial bank deposits by less than 0.1 percent and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the 45th largest of 132 banks in the Dallas banking market, which is the relevant banking market,[2] and controls approximately 0.3 percent of the total deposits in commercial banks in the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisition approved as of January 31, 1977.

[2] The Dallas banking market is approximated by the Dallas RMA, which includes Dallas County and portions of six adjacent counties.

market. Applicant is the fourth largest banking organization in the Dallas market, controlling six banking subsidiaries therein with aggregate deposits of approximately $436 million, which represent 4.7 percent of market deposits. Applicant's nearest subsidiary bank is approximately 9 miles southwest of Bank. While there is some existing competition between Applicant's subsidiary banks and Bank, the amount of such competition that would be eliminated as a result of the proposed acquisition does not appear to be significant. Moreover, it appears that acquisition of Bank would not have any significant adverse effects upon potential competition, since the anticipated increase in Applicant's share of market deposits would be minimal, the banking market would remain attractive to de novo entry, and numerous banks would remain in the market as potential entry vehicles. Accordingly, on the basis of the above and other facts of record, it is concluded that consummation of the proposal would have only slightly adverse competitive effects.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval. Affiliation with Applicant would enable Bank to draw upon Applicant's greater financial resources and expertise and thereby offer new and improved services to its customers. In this regard, Applicant has indicated that it intends to offer a variety of additional banking services through Bank and that reduced credit insurance rates will be made available at Bank for its loan customers. Considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and outweigh any slight adverse competitive effects that might result from consummation of the proposal. Accordingly, it has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made: (a) before the thirtieth calendar day following the effective date of this Order or, (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective March 7, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-7409 Filed 3-11-77;8:45 am]

RAMAPO FINANCIAL CORP.

Correction

In FR Doc. 77-6624 appearing at page 12924 of the issue for Monday, March 7, 1977, the fifth sentence of the fourth paragraph should read:

However, this extension of time is conditioned upon (1) Applicant's refraining from further increases in dividends and (2) Applicant's submission of quarterly progress reports on its efforts to meet the capital commitment to the Federal Reserve Bank of New York beginning March 31, 1977, and continuing until the capital commitment is met. Accordingly, the Board's Order of February 25, 1974, is hereby so amended for the reasons summarized above.

Board of Governors of the Federal Reserve System, March 8, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-7410 Filed 3-11-77;8:45 am]

FEDERAL TRADE COMMISSION

SUNSHINE ACT

Meeting

AGENCY HOLDING THE MEETING: Federal Election Commission.

PLACE: 1325 K Street NW. (Fifth Floor Conference Room), Washington, D.C.

DATE AND TIME: Wednesday, March 16, 1977—10:00 a.m.

SUBJECT MATTER:

Portions open to the public:

I. Future meetings.

II. Correction and approval of minutes—March 8, 1977.

III. Advisory opinions—AO 1977-7.

IV. Report on FEC computer contract:

Portion closed to the public:

V. Executive session: (A) Compliance; (B) Personnel.

PERSON TO CONTACT REGARDING INFORMATION:

Mr. David Fiske, Press Officer: Telephone: 202-382-4112.

MARJORIE W. EMMONS,
Secretary to the Commission.

[FR Doc.77-7418 3-11-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, March 29, 30, 31 and April 1, 1977, from 9:30 a.m. to 4 p.m., Room 3B1, 1776 Peachtree Street NW., Atlanta, Georgia 30309. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed eight one-year term fixed price contracts, one for each of the eight states in Region 4. The meeting will be open to the public.

Dated: March 8, 1977.

L. D. STROM,
Regional Administrator.

[FR Doc.77-7508 Filed 3-11-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COOPERATIVE EDUCATION PROGRAMS

Closing Date for Receipt of Applications Fiscal Year 1977

Notice is hereby given that pursuant to the authority contained in section 801 of Title VIII of the Higher Education Act of 1965 (20 U.S.C. 1133), applications are being accepted from institutions of higher education for cooperative education program grants, and from institutions of higher education and other public or nonprofit private agencies for grants for training and research projects.

Applications must be received by the U.S. Office of Education Application Control Center on or before April 26, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue S.W., Washington, D.C. 20202, Attention: 13:510. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than April 21, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Bureau of Postsecondary Education, Division of Training and Facilities, Cooperative Education Branch, Room 3053, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

D. *Estimated Distribution of Program Funds.* The appropriation available for Cooperative Education is $10,750,000, the same amount as last year. Of this, $10,000,000 is to support the administrative costs of planning, establishing, and implementing cooperative education programs, and $750,000 is for research, training, and demonstration projects. It is expected that twelve training grants, and five research and demonstration grants will be made, and 250 to 275 administration grants, averaging $35,000 to $40,000 each.

The above statement with regard to the distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulation.

E. *Applicable regulations.* Awards made pursuant to this notice will be subject to:

(1) The Office of Education General Provisions Regulations (45 CFR Part 100 and 100a), and

(2) The regulations governing the Cooperative Education Program, 45 CFR Part 182.

(20 U.S.C. 1133–1133b.)

(Catalog of Federal Domestic Assistance Number 13:510; Cooperative Education.)

Dated: February 16, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.77–7381 Filed 3–11–77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[USITC SE–77–21]

GOVERNMENT IN THE SUNSHINE

Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on Monday, March 14, 1977, beginning at 10 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. Except as hereinafter specified, the Commission plans to consider the following agenda item in open session:

1. Further discussion and vote on remedy in Investigation TA–201–19 (Television Receivers).

Commissioners Minchew, Parker, Leonard, Moore, Bedell, and Ablondi determined by recorded vote that Commission business requires that the meeting of March 14, 1977, be called with less than ten days' prior notice and directed the issuance of this notice at the earliest practicable time.

If you have any questions concerning the agenda for the March 14, 1977, Commission meeting, please contact the Secretary to the Commission at (202) 523–0161. Access to documents to be considered by the Commission at the meeting is provided for by access to the public files of the Commission, or when such documents are not in such files, as provided for in Subpart C of the Commission's rules (19 CFR 201.17–201.21).

On the authority of 19 U.S.C. 1335 and in conformity with 19 CFR 201.38(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: March 10, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77–7589 Filed 3–11–77;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. GOODPASTURE, INC.

Written Comments Upon Consent Judgment and Department of Justice Responses Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the folowing written comments on the proposed judgment filed with the United States District Court in the Southern District of Texas, Civil Action No. 73–H–1765, *United States of America* v. *Goodpasture, Inc.*, were received by the Department of Justice and are published herewith, together with Justice's responses to the comments.

Dated: March 3, 1977.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

DECEMBER 3, 1976.

Re: Proposed Consent Judgment, *United States* v. *Goodpasture, Inc.*, C.A. No. 73–H–1765.

Mr. JOSEPH J. SAUNDERS,
Chief, Public Counsel and Legislative Section, Department of Justice, Antitrust Division, Washington, D.C. 20530.

DEAR SIR: Please Advise Me Of The Possible Monetary Relief Provided For In The Above Mentioned Judgment. Specifically, As It Appears To Me As A United States Citizen And/Or A Past Dock Worker At The Houston Ship Channel.

Your Reply Involving This Matter Is Most Appreciated.

Sincerely Yours,

JEROME C. BELL.

DECEMBER 27, 1976.

Mr. JEROME C. BELL,
5425 Westbrook Street,
Houston, Texas 77016

DEAR MR. BELL: Thank you for your letter of December 3, 1976, inquiring about the proposed consent judgment in *United States* v. *Goodpasture, Inc.* As I understand your inquiry, you wished to know whether the proposed judgment affords you, as a United States citizen and former dockworker at the Houston ship channel, any monetary relief.

In litigating antitrust cases, the Department of Justice ordinarily seeks to preserve and promote competition for the benefit of the public generally, rather than for specific persons or categories of persons. For that reason, and because they would otherwise be difficult to obtain, consent judgments, including the one proposed for this case, normally do not address the question of providing monetary damages for private persons and instead focus on terminating the practices or conduct giving rise to those damages.

As noted in Part IV of the competitive impact statement, anyone who claims damages as a result of the violations of the antitrust laws made the subject of the consent judgment may bring his own action against the defendants as if there were no consent judgment and seek treble damages if an antitrust violation is proved. The existence of the consent judgment would neither help nor hinder such private litigation.

Sincerely yours,

DAVID W. BROWN,
Attorney, Antitrust Division.

JANUARY 26, 1977.

Re: Proposed Consent Judgment, *United States* v. *Goodpasture, Inc.* (S.D. Tex., C.A. No. 73–H–1765).

JOSEPH J. SAUNDERS, Esquire,
Chief, Public Counsel and Legislative Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

DEAR MR. SAUNDERS: These comments are submitted in behalf of Continental Grain Company ("Continental") in response to notice of the proposed consent judgment in this case (41 Fed. Reg. 52552 (Nov. 30, 1976)). Continental operates export grain elevators including an elevator at Beaumont, Texas, which is a direct competitor of Goodpasture's grain elevator at Houston, Texas, subject of the proposed consent judgment. Continental is party to a similar consent judgment concerning stevedoring at its elevators, entered July 21, 1970, in United States I. Continental Grain Company, Civil Action No. 6733, E.D. Texas, Beaumont Div.

Section IV of the proposed consent judgment, forbidding Goodpasture to restrict vessels' free choice of stevedores to load grain at its elevator, contains a proviso that allows Goodpasture to select its wholly owned subsidiary stevedore when Goodpasture must assume the risk of delay in loading or is subject to economic penalty for such delay. The judgment also allows Goodpasture to select the stevedore where Goodpasture supplies the vessel (i.e., is charterer) (sections IV(A), (B)). The consent judgment entered into by Continental allows it to select the stevedore where it is charterer but not where, although the purchaser supplies the vessel, the purchaser requires Continental to bear the risk of or incur penalties for delay in loading.

On the basis of its recent experience, more fully described below, Continental believes that the proviso in the proposed Goodpasture consent judgment is necessary and appropriate in light of present commercial practices in the grain export industry, and therefore supports the proposed judgment. Continental further believes, however, that competitors of Goodpasture, including Continental, should also be permitted to designate the stevedore whenever required to assume the risk for loading delay, and that the absence of such a provision in Continental's consent judgment may injure competition in the industry by affording a competitive advantage to Goodpasture. Continental therefore intends to request that the Department of Justice concur in a motion to modify Continental's existing consent judgment to add a proviso identical to that following section IV(C) of the proposed Goodpasture judgment, permitting Continental to select a stevedore when (although not supplying a vessel) it is required to bear risks or penalties for delay in loading. If, however, the Department should not concur, then the proposed Goodpasture judgment should be modified to eliminate the aforementioned exception.

According to the competitive impact statement, Goodpasture requested the exception in its consent judgment because it does not own or charter vessels and often must assume the risk of delay in loading to compete with other grain elevators who are charterers or vessel suppliers and select their own stevedore. The purpose for selection of the stevedore in such circumstances is to permit direct control over its activities, to insure the expeditious loading of the vessel. Although Continental sometimes supplies vessels in connection with the sale of grain, nevertheless a substantial proportion of its grain sales have been f.o.b elevator and thus accord the purchaser the right to provide the vessel. In a significant proportion of the latter sales, moreover, to meet the competition of Goodpasture and others, Continental has had to agree to contract terms which place the risk for delay in loading on Continental or penalize Continental for failure to load grain at a specified hourly rate. Continental is attempting to compile statistics on the percentage of its transactions on which it does not charter or supply vessels and the percentage in which Continental has agreed to a contractual provision for penalties for delay in loading. We have been prevented by the pressure of time from including such statistics in these comments, but we hope to provide the information as a supplement to these comments as soon as it becomes available. Continental believes that the statistics will evidence an increase over the past few years in the proportion of sales f.o.b. elevator where it is subject to penalty for delay in loading.

The proviso in section IV of Goodpasture's proposed consent judgment thus reflects the present economics of the grain industry as exemplified by Continental's recent experience, and Continental believes that these economic conditions warrant modification of its consent judgment consistently with those conditions. The absence of a similar provision in Continental's consent judgment may, under current industry practices, place it at a competitive disadvantage vis-a-vis Goodpasture, should its proposed consent judgment become final. Where Continental does not supply the vessel and where competitive pressure requires it to bear the risk of delay in delivery to the vessel, it should not be disadvantaged merely because its consent judgment was entered at a time when business practices were different.

The Department of Justice can avoid disturbing the competitive balance and recognize current conditions in the marketing of grain by agreeing to a modification of Continental's consent judgment to permit Continental to select the stevedore where, in order to obtain business, it must agree to bear the risk of delay in loading. If, however, the Department should not so agree, then, as a less desirable alternative, the balance could be preserved by deleting the proviso in section IV from the proposed judgment against Goodpasture.

Sincerely,

T. S. L. PEARLMAN,
Attorney for Continental Grain Company.

Re: Proposed Consent Judgment, *United States* v. *Goodpasture, Inc.* (S.D. Tex., C.A. No. 73-H-1765).

T. S. PERLMAN, Esq.,
Kominers, Fort, Schlefer & Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

DEAR MR. PERLMAN: This is in response to your letter of January 26, 1977, in which Continental Grain Company commented favorably upon the proviso in section IV of the proposed consent judgment in the above-captioned case permitting Goodpasture to select the stevedore in circumstances where it bears the risk of a loading delay. Your letter also requests that the same proviso be added to the consent judgment in *United States* v. *Continental Grain Company*, Civil Action No. 6733, E.D. Texas (Beaumont Div., July 21, 1970), in order to avoid a competitive imbalance in the industry.

In light of your views on the merits of the proviso in question, we do not view your position as one seriously objecting to the entering of the proposed Goodpasture judgment as now written. The fact that Goodpasture is the first grain elevator to obtain the privilege reserved by the subject proviso is, as you have noted, readily explainable in terms of the historical development of the grain shipping industry. That, in our view, provides insufficient grounds to question the merits of the proposed Goodpasture judgment.

As your letter recognizes, the real question is not whether the Goodpasture judgment should be entered but rather whether the Continental consent judgment should be modified in a similar fashion. On that question, we have preliminarily indicated that we are not opposed in principle to such a modification, but we would require a formal application for modification, including whatever evidentiary showing you deem appropriate. In particular, statistics of the type that you have indicated are now being compiled would be very helpful.

In view of the foregoing, and in conformity with our desire not to unnecessarily delay the entry of the Goodpasture judgment, we will shortly be asking the district court to enter the proposed consent judgment in that case. Unless we hear from you to the contrary rather promptly, we shall assume that the foregoing establishes an adequate basis upon which to proceed in addressing your client's needs without further delay in the Goodpasture case.

Very truly yours,

DAVID W. BROWN,
Attorney, Antitrust Division.

[FR Doc.77-7417 Filed 3-11-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on April 6, 1977, from 9:30 a.m. to 4:30 p.m., in Room 1125, Columbia Plaza Building, 2401 E. Street NW., Washington, D.C.

A portion of this meeting will be open to the public on April 6, from 9:30 a.m. to 12:30 p.m. and 2:30 p.m. to 4:30 p.m., on a space available basis. Interested persons may submit written statements with the committee. The agenda for these sessions will include discussions of graphic materials and related items of the National Endowment for the Humanities.

The remaining sessions of this meeting on April 6, from 1:30 p.m. to 2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on Federal Graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975, on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: March 8, 1977.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-7394 Filed 3-11-77;8:45 am]

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Jazz/Folk/Ethnic Section) to the National Council on the Arts will be held on March 29-30, 1977, from 9:00 a.m. to 6:00 p.m., in Rooms 1420 and 1422, Columbia Plaza Building, 2401 E. Street NW., Washington, D.C.

This meeting will be open to the public. Accommodations are limited. The agenda for this meeting will include long-range planning discussions.

Further information concerning this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: March 8, 1977.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-7391 Filed 3-11-77;8:45 am]

THEATRE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Theatre Advisory Panel to the National Council on the Arts will be held on April 1-3, 1977, from 9:30 a.m. to 5:30 p.m., in Room 1422, Columbia Plaza Building, 2401 E. Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for

financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: March 8, 1977.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-7393 Filed 3-11-77;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel (Craftsmen Fellowships) to the National Council on the Arts will be held on March 28-30, 1977, from 9:30 a.m. to 6 p.m., in Room 1115, Columbia Plaza Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: March 8, 1977.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-7390 Filed 3-11-77;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel (Visual Arts in the Performing Arts) to the National Council on the Arts will be held on April 5, 1977, from 9:30 a.m. to 6 p.m., in Room 1115, Columbia Plaza Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

Dated: March 8, 1977.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-7392 Filed 3-11-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBPANEL ON THE PRE-COLLEGE TEACHER DEVELOPMENT IN SCIENCE PROGRAM OF THE ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on the Pre-College Teacher Development in Science Program of the Advisory Panel on Science Education Projects.

Date and time: March 31, 1977; 7:30 a.m.-9:00 p.m.; April 1, 1977; 8:00 a.m.-5:00 p.m.; April 2, 1977; 8:00 a.m.-5:00 p.m.

Place: Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Theodore L. Reid, Program Manager, Room W-456, National Science Foundation, Washington, D.C. 20550, Tel: 202-282-7795.

Purpose: To provide advice and recommendations concerning support for the Pre-College Teacher Development in Science Program.

Agenda: To review and evaluate specific science education proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 9, 1977.

[FR Doc.77-7423 Filed 3-11-77;8:45 am]

SUBPANEL ON THE INSTRUCTIONAL SCIENTIFIC EQUIPMENT PROGRAM (ISEP) OF THE ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on the Instructional Scientific Equipment Program (ISEP) of the Advisory Panel on Science Education Projects.

Date and time: March 30, 1977, 7:30 a.m.-10:00 p.m.; March 31, 1977, 8:00 a.m.-5:00 p.m.; April 1, 1977, 8:00 a.m.-5:00 p.m.; April 2, 1977, 8:00 a.m.-4:00 p.m.

Place: Biltmore Hotel, 515 South Olive Street, Los Angeles, California.

Type of meeting: Closed.

Contact person: Dr. Charles S. Quarels, Program Manager, ISEP, Room W-454, National Science Foundation, Washington, D.C. 20550, Tel.: 202-282-7751.

Purpose: To provide advice and recommendations concerning support for the ISEP Program.

Agenda: To review and evaluate specific science education proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 9, 1977.

[FR Doc.77-7422 Filed 3-11-77;8:45 am]

SCIENCE APPLICATIONS TASK FORCE

Open Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Science Foundation announces the following meeting:

Name: Science Applications Task Force.
Date: 30–31 March 1977.
Time: March 30: 9:00 a.m.–5:00 p.m.; March 31: 9:00 a.m.–4:00 p.m.
Place: March 30: Room 543, March 31: Room 338, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Gilbert B. Devey, Executive Secretary, Science Applications Task Force, 1730 K Street, N.W., Washington, D.C. Telephone: (202) 634–6608.

Persons interested in attending the meeting should inform the Executive Secretary before 5 p.m. on March 23, 1977.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory group: The purpose of NSF Task Force on Science Applications is to provide advice and assessments and make recommendations to the NSF Director on science applications programs and related organization and management issues.
Agenda: March 30, 1977, 9:00 a.m.–noon. General Discussion of RANN Program Objectives and Project Management (project selection criteria; coordination mechanisms; program/project transfer criteria; utilization plans). Dr. Albert J. Eggers, Jr., Assistant Director for Research Applications, and RANN staff members will respond to questions from members of the Task Force.
Special Topics Moderated by Dr. John R. Whinnery
NSF and Industry: Dr. J. Bliss, Telesensory Systems, Inc.; Dr. A. Bueche, General Electric Co.; Dr. B. Hannay, Bell Telephone Laboratories; Dr. S. Lukasik, McLean, VA.
Mechanism for Transfer of Research in Industry: Drs. Bliss, Bueche, Hannay and Lukasik.
Problems of Applied Environmental Research: Dr. E. Murphy, Environmental Resources; Dr. J. Neuhold, Utah State University.
Relationship of R&D to Local Governments: Dr. E. Murphy, Environmental Resources; Ms. C. Rubin, International City Management Assoc.
Applications of Social Science Research: Dr. W. Bevan, Duke University; Ms. C. Rubin, International City Management Assoc.; Dr. E. Sheldon, Social Science Research Council.

MARCH 31, 1977

9:00 a.m.–11:00 a.m.—Relations with other Government Agencies, Dr. F. Willenbrock, Chairman, Task Force on Science Information Activities; Dr. W. P. Raney, Office of Science and Technology Policy Research and Applications in USDA; Dr. S. Wittwer, Michigan State Univ.
11:00–noon—Committee discussion led by Dr. John R. Whinnery.
Noon–1:30 p.m.—Lunch.
1:30–3:00 p.m.—Role of Science Education, Dr. H. Averch, Assistant Director, Directorate for Science Education, NSF.
3:00–4:00 p.m.—Critique of Discussions and Assignment of Tasks, Dr. John R. Whinnery.
4:00 p.m.—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 9, 1977.

[FR Doc.77-7421 Filed 3-11-77;8:45 am]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

OPEN MEETING

In accordance with subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92–463, the National Transportation Policy Study Commission announces the following meeting:

Name: Meeting of the Commission.
Date: March 29, 1977.
Time: 9:30 a.m.
Place: 2167 Rayburn House Office Building, Washington, D.C. 20515.
Type of meeting: Open.
Contact person: Beth Singley, National Transportation Policy Study Comm., 1111 20th Street NW., Suite 308, Washington, D.C. 20036, telephone: 202–634–7600.

Purpose of the Commission. The National Transportation Policy Study Commission was established under section 154 of the Federal-Aid Highway Act of 1976 (Pub. L. 94–280) to report findings and recommendations with respect to the Nation's transportation needs, both national and regional, through the year 2000.

Tentative Agenda. Review Commission budget and schedule. Review Commission work plan. Discussion of elements of national transportation policy.

Dated: March 10, 1977.

EDWARD R. HAMBERGER,
Special Counsel.

[FR Doc.77-7569 Filed 3-11-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-325]

CAROLINA POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-71 issued to Carolina Power & Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 1 (the facility) located in Brunswick County, North Carolina.

The amendment would eliminate the requirement to inert the primary containment atmosphere with nitrogen during reactor power operation. The amendment is proposed by the licensee's application for amendment dated January 17, 1977.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By April 13, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of this amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing actions. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Richard E. Jones, Esquire, Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina 27602, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 17, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H. Street NW., Washington, D.C.

and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Md., this 3d day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-7201 Filed 3-11-77;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of the date of issuance.

This amendment revises the allowable in-core axial offset vs. Power by applying a reduction 1.2 Kw/ft to Maximum Allowable Peak Linear Heat Generation Rate (MAPLHGR) to account for a higher upperhead fluid temperature (UHFT) than was assumed in the ECCS analysis. The imposition of this interim penalty of 1.2 Kw/ft to MAPLHGR conservatively accounts for the incorrect input asumption for UHGT in the Westinghous Electric Corporation IAC ECCS evaluation model.

The application for the amendment complies with the standards and requirement of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Comission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 29, 1976, (2) Amendment No. 12 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of February 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc.77-7203 Filed 3-11-77;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised Technical Specifications for operation of the Haddam Neck Plant (the facility), located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises Technical Specification 4.9, Main Steam Isolation Valve, periodic testing frequency to be consistent with 10 CFR 50.55a(g) requirements and to be consistent with the Standard Technical Specifications for Westinghouse Pressurized Water Reactors dated May 15, 1976.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and enviromental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 14, 1977, (2) Amendment No. 13 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 25th day of February 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-7204 Filed 3-11-77;8:45 am]

[Dockets Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 38, 38 and 35 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company which revised the Technical Specifications for operation of the Oconee Nuclear Station Units Nos. 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the data of issuance.

These amendments revise the common Oconee Station Technical Specifications to incorpor.te changes to the Oconee Unit 1 pressurization, h-atup and cooldown limitations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Cr. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 1, 1975, (2) Amendments Nos. 38, 38 and 35 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23d day of February 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-7205 Filed 3-11-77;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO., OGLETHORPE ELECTRIC MEMBERSHIP CORP., AND MUNICIPAL ELECTRIC ASSOCIATION OF GEORGIA, CITY OF DALTON, GEORGIA

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia and City of Dalton, Georgia (the licensees), for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Georgia.

The amendment would revise the provisions of the Technical Specifications to authorize cycle 2 operation (a) with up to 92 GE 8 x 8 reload fuel assemblies and (b) with holes drilled in the lower tie plate of up to 468 first cycle 7 x 7 fuel assemblies, in accordance with the licensees' applications for amendment, dated February 8, 1977, as supplemented by letter dated February 22, 1977.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By April 13, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.71 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendment dated February 8, 1977, as supplemented by letter dated February 22, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Appling County Library, Parker Street, Baxley, Georgia 31513.

Dated at Bethesda, Md., this 4th day of March, 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-7202 Filed 3-11-77;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., JERSEY CENTRAL POWER AND LIGHT CO. AND PENNSYLVANIA ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

This amendment changes the provisions of the Technical Specifications relating to the method for checking radiation monitors and the interval between calibrations for certain radiation monitors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 12, 1975, (2) Amendment No. 24 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3d day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-7291 Filed 3-11-77;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has issued amendment No. 35 to Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment becomes effective 30 days after its date of issuance.

This amendment incorporated spent fuel cask handling Technical Specifications and approved the overhead crane handling system for Cooper Nuclear Station.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 6, 1976, and related filings by the licensee dated March 23, 1973 and May 3, 1974, (2) Amendment No. 35 to License No. DPR-46, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305. A single copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 28th day of February, 1977.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-7206 Filed 3-11-77;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., CITY OF EUGENE, OREGON AND PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF-1 issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

This amendment revises the off-site corporate organization for facility management and technical support, and makes several editorial changes to the administrative sections of the Technical Specifications to reflect the revised organization.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 17, 1976, (2) Amendment No. 12 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon, 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 25th day of February 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-7207 Filed 3-11-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.7, "Guide for the Preparation of Applications for Licenses for Laboratory Use of Small Quantities of Byproduct Material," describes the type of information needed by the NRC staff to evaluate an application for a specific license for laboratories using millicurie quantities of byproduct material (reactor-produced radionuclides).

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 10.7 will however, be particularly useful in evaluating the need for an early revision if received by May 9, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 2d day of March 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-7211 Filed 3-11-77;8:45 am]

[Dockets Nos. 50-259, 50-260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-33 and Amendment No. 25 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee), which Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1 and 2, (the facility) located in Limestone County, Alabama. The Amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to add containment isolation valves associated with the drywell to torus differential pressure control system to the valve listing (Table 3.7.D) for the limiting condition for operation and surveillance requirements of primary containment. A clarification in the wording of the temperature surveillance requirement for the torus water has also been made. In addition, the allowable operating time with two inoperable Automatic Depressurization System (ADS) valves has been reduced from

thirty days to seven days to reflect the fact that the ECCS Appendix K analysis was performed with five of the six ADS valves operable, rather than four as stated previously.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated September 1, October 1and October 12, 1976, (2) Amendment No. 28 to License No. DPR-33 and Amendment No. 25 to License No. DPR-52, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 15th day of February 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1 Division of Operating Reactors.

[FR Doc.77-7208 Filed 3-11-77;8:45 am]

[Dockets Nos. 50-259, 50-260, 50-296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 29, 26 and 4 to Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68, respectively, issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3 (the facility) located in Limestone County, Alabama. The amendments are effective February 7, 1977.

These amendments change the Technical Specifications to decrease the main steam line isolation pressure setpoint.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated January 26, 1977 as supplemented February 7, 1977, (2) Amendments Nos. 29, 26 and 4 to Licenses Nos. DPR-33, DPR-52 and DPR-68, respectively and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of February 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-7209 Filed 3-11-77;8:45 am]

[PRM 40-21]

URANIUM MILLING

Proposed Scope and Outline for Generic Environmental Impact Statement

BACKGROUND

On June 3, 1976, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (41 FR 22430) a notice of intent to prepare a generic environmental impact statement on uranium milling (GEIS). As stated in that notice, the "purpose of the GEIS will be to assess the environmental impact of uranium milling operations including the management of uranium mill tailings, and to provide an opportunity for public participation in decisions concerning any proposed changes in NRC regulations or regulatory authority based on this assessment." The purpose of this notice is to present a proposed scope and outline for the statement.

SCOPE

The GEIS will address conventional uranium milling operations in both Agreement and Non-Agreement States covering a time period to the year 2000. The statement will emphasize the waste management of mill tailings, since the Commission believes that these tailings represent the major environmental issue associated with uranium milling operations. Conventional uranium milling as used here refers to the milling of ores mined primarily for the recovery of uranium and involving processes of crushing, grinding and leaching of the ore followed by chemical separation and concentration of uranium. Heap leaching of low-grade uranium ores is also included within the concept of conventional milling as used here.

Information on future uranium requirements by the nuclear power industry indicates a major growth in the uranium milling industry during the next 10-20 years. Likewise, information on the availability and location of uranium resources to be utilized during that period indicates that most of this uranium will be produced by conventional uranium milling in the Western States. Therefore, in order to adequately assess the environmental impacts resulting from this growth in the uranium milling industry, the GEIS will cover the period up to the year 2000. The location of uranium resources and the technology which will be used to recover uranium during time periods significantly beyond the year 2000 are highly speculative and therefore these uncertainties preclude extending the period covered by the statement beyond the time period indicated.

Non-conventional recovery processes produce only relatively small quantities of uranium at the present time. Methods used include in situ leaching, and uranium recovery from mine water and wet process phosphoric acid. During 1976, it was estimated that these processes accounted for only about four (4) percent of the uranium produced in the United States. Although future production of uranium by these non-conventional processes is expected to increase significantly, these processes, at the present time, are still in the development stage. Therefore a detailed analysis of their environmental impacts, equivalent to that for the impacts of conventional milling, is not presently feasible. However, the statement will address the amount of uranium and the environmental impact expected to be produced by these processes to the extent necessary to determine their potential as alternatives to conventional uranium milling.

The Nuclear Regulatory Commission staff is presently in the process of initiating studies which will assess the environmental impacts associated with these non-conventional uranium recovery processes with the major emphasis on in situ leaching. The U.S. Bureau of Mines is also conducting an environ-

mental assessment of in situ leaching.[1] The Commission will evaluate the results of these studies when they become available and determine the need for a generic environmental impact statement on these recovery processes at that time.

CONTENTS

An outline of the proposed contents of the draft statement is presented as an Appendix to this notice. The subject matter to be emphasized in the statement is summarized below:

(1) The Need for Uranium Milling including: (a) Amounts of uranium required; (b) Current methods of production; and (c) Assessment of alternative methods of production.

(2) Tailings at Inactive Uranium Mill Sites including: (a) History of the uranium mill tailings problem; (b) Present status of remedial action programs; and (c) Relationship of GEIS to remedial actions at inactive mill sites.

(3) Environmental Impacts of Uranium Milling including: (a) Construction, operation, decommissioning and long-term tailings management; and (b) Local, regional and national impacts.

(4) Alternatives and Costs for Mitigating Environmental Impacts including: (a) Siting alternatives; (b) Process alternatives; (c) Alternatives for control of effluent releases; and (d) Alternatives for short and long-term management of tailings.

(5) Procedures for Obtaining Financial Commitments From Mill Operators to Cover the Cost of Tailings Waste Management including: (a) Land reclamation; and (b) Long-term care and surveillance.

(6) Monitoring and Surveillance Programs as Appropriate for the Various Management Alternatives with Emphasis on the Long-Term Requirements for Mill Tailings.

(7) Regulatory Programs for Uranium Mills and Mill Tailings including: (a) NRC and Agreement State programs; and (b) Need for additional regulations.

Public comment on the scope and outline of the GEIS as proposed above is invited. Comments should be sent to the Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 by April 13, 1977.

Dated at Washington, D.C., this 7th day of March 1977.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[1] The Twin Cities Mining Research Center, U.S. Bureau of Mines, Minneapolis, Minnesota is currently engaged in a development program for in situ leaching of uranium ore deposits and this program includes an environmental assessment of this process.

APPENDIX

PROPOSED CONTENTS

Generic Environmental Impact Statement on Uranium Milling

Summary and Recommendations

1.0 Introduction
- 1.1 Purpose of Statement.
- 1.2 Scope of Statement.
- 1.3 Relationship of Generic Statement to Specific Environmental Impact Statements.

2.0 History of Uranium Milling
- 2.1 Past Production and Methods.
- 2.2 Problems of Mill Tailings at Inactive Mill Sites.
- 2.3 Summary of ERDA-EPA Studies at Inactive Mill Sites.
- 2.4 Present Status of Remedial Action Programs at Inactive Mill Sites.
- 2.5 Relationship of Generic Statement to Remedial Action Programs at Inactive Mill Sites.

3.0 Production of Uranium
- 3.1 Need for Uranium.
- 3.2 Current Conventional Uranium Industry.
- 3.3 Projected Future Conventional Uranium Milling Industry.
- 3.4 Other Methods of Uranium Production.
- 3.5 Assessment of Alternatives to Conventional Uranium Milling.

4.0 The Regional Environment[1]
- 4.1 Typical Mill Sites.
- 4.2 Climate.
- 4.3 Topography.
- 4.4 Land Resources and Use.
- 4.5 Water Resources and Use.
- 4.6 Geology and Seismicity.
- 4.7 Mineral Resources and Use.
- 4.8 Soils and Vegetation.
- 4.9 Wildlife.
- 4.10 Social Profile.
- 4.11 Archaeological, Historical, and Esthetic Resources.
- 4.12 Radiological Background.

5.0 Uranium Milling Operations
- 5.1 Typical Mills.
- 5.2 Description of Mining Operations.
- 5.3 Description of Milling Operations.
- 5.4 Acid Processes.
- 5.5 Alkaline Processes.
- 5.6 Mill Wastes and Effluents.
- 5.7 Mill Tailings Management.
- 5.8 Decommissioning.

6.0 Environmental Impacts of Uranium Milling
- 6.1 On Air Quality.
- 6.2 On Topography and Land Use.
- 6.3 On Hydrology and Water Use.
- 6.4 On Mineral Resources.
- 6.5 On Soils and Vegetation.
- 6.6 On Wildlife.
- 6.7 On the Community (Sociological and Economic).
- 6.8 Radiological.
- 6.9 Cumulative Impacts (Local, Regional, National).

[1] A number of sites will be characterized to represent the different regional environments which will be involved in uranium milling. In subsequent chapters, the subject matter where applicable will also be subdivided to address differences in site or mill characteristics.

7.0 Environmental Impacts of Accidents
- 7.1 Not Involving Radioactivity
- 7.2 Involving Radioactivity.

8.0 Monitoring Programs and Other Mitigative Measures
- 8.1 On Air Quality.
- 8.2 On Topography and Land Use.
- 8.3 On Hydrology and Water Use.
- 8.4 On Mineral Resources.
- 8.5 On Soils and Vegetation.
- 8.6 On Wildlife.
- 8.7 On the Community.
- 8.8 Radiological.
- 8.9 Cumulative Impacts.

9.0 Alternatives for Mitigating Impacts of Milling Operations
- 9.1 Siting Options.
- 9.2 Process Options.
- 9.3 Control System Options.
- 9.4 Mill Tailings Waste Management Options.
- 9.5 Decommissioning Options.

10.0 Environmental Impacts of Alternatives
- 10.1 Siting Options.
- 10.2 Process Options.
- 10.3 Control System Options.
- 10.4 Mill Tailings Waste Management Options.
- 10.5 Decommissioning Options.

11.0 Benefit-Cost Analysis of Alternatives
- 11.1 Siting Options.
- 11.2 Process Options.
- 11.3 Control System Options.
- 11.4 Mill Tailings Waste Management Options.
- 11.5 Decommissioning Options.

12.0 Legal and Financial Aspects of Mill Tailings Waste Management
- 12.1 Current Practices.
- 12.2 Alternative Practices.

13.0 Regulatory Programs for Uranium Mills and Mill Tailings
- 13.1 Current NRC Programs.
- 13.2 Agreement State Programs.
- 13.3 Interrelationship Between NRC and Agreement State Programs.
- 13.4 Interrelationship Between NRC and other Federal Agencies.

14.0 Conclusions
- 14.1 Unavoidable Adverse Environmental Effects.
- 14.2 Relationship Between Short-Term Usage and Long-Term Productivity.
- 14.3 Irreversible and Irretrievable Commitments of Resources.
- 14.4 Benefit-Cost Summary.
- 14.5 Recommendations for Regulatory Actions.

[FR Doc.77-7288 Filed 3-11-77;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., WISCONSIN POWER AND LIGHT CO. AND MADISON GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power & Light Company, and Madison Gas & Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee, Wisconsin. The amendment is effective as of its date of issuance.

The operation of shock suppressors is required to protect the reactor coolant system and all other safety related systems and components and was assumed in the Staff Safety Evaluation Report. Operating history of other plants have indicated that shock suppressors were not always operable. Accordingly, this amendment requires the operability and surveillance of safety related shock suppressors.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 19, 1976, (2) Amendment No. 14 to License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 1st day of March 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-7210 Filed 3-10-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/38]

ADVISORY PANEL ON MUSIC

Meeting

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Music has scheduled a two day meeting to be held on Tuesday, April 12 and Wednesday, April 13, 1977, in Room 507 at the Department of State, Annex 2, 515 22nd Street NW., Washington, D.C. The meeting hours will be from 9:45 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:00 p.m. on both days.

The sessions will be open to the public. The agenda is:

(1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the Department of State;

(3) Evaluation of tapes and records of performing arts groups which are planning tours abroad, and other music groups which wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before April 11; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

Dated: March 7, 1977.

PAUL E. WHEELER,
Director, Office of International Arts Affairs.

[FR Doc.77-7441 Filed 3-11-77;8:45 am]

[Public Notice CM-7/39]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 2:00 p.m. on Thursday, April 21, 1977, in Room 7426, of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of this meeting is to prepare position documents for the 18th Session of the Subcommittee on Radiocommunications of the Intergovernmental, Maritime Consultative Organization (IMCO), to be held in London September 12-16, 1977. In particular, the working group will discuss the following topics:

Promulgation of navigational warnings to shipping;

Operational standards for shipboard radio equipment;

Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft;

Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to LT F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

Dated: March 4, 1977.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

[FR Doc.77-7442 Filed 3-11-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 3, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census (part of 1980 Decennial Census of Population and Housing), special census prelist address register—1977 census of Oakland, California, DH-140A, single-time, housing units in places where mailing list is not available, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, survey of teachers' language skills, NCES-2397, single time, approx. 4 teachers in no more than 3,000 schools, Kathy Wallman, 395-6140.

Office of Education, Questionnaire Interview for Physical Education Directors, OE-548, single time, LEA physical education directors, Kathy Wallman, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), Citizen Participation Survey Questionnaire, single time, grant recipients and involved citizens, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF TRANSPORTATION

Departmental and other, Minority Business Enterprise Information Sheet, on occasion, officers of minority owned businesses—major urban cities, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Request for information concerning medical, legal or other expenses, 21-8416, on occasion, veterans, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Department of the Army (excluding Defense Civil Preparedness Agency), Army Advertising Awareness and Attitude Survey, fiscal year 1977, television evaluation, target group, single time, nonprior service males age 17-21, Richard Eisinger, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Consumer Affairs Regulatory Functions, certification page for settlement statement, HUD-1, on occasion, closing agents hired by HUD, Housing, Veterans and Labor Division, 395-3532.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Air Force, report on receipt, availability and shipment of overhaul repair and inspection/repair items, other (see SF-83), contractors repairing scars items, Warren Topelius, 395-5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-7565 Filed 3-11-77;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period February 21, through March 5, 1977 the Office of Management and Budget received the following reports on new (or revised) systems of records.

SMALL BUSINESS ADMINISTRATION

System names:

(1) Federal Personnel Career Administration; (2) Executive Inventory Record; (3) Executive Development Records; (4) Documentation of Supervisory Training.

Report date:

February 24, 1977.

Point of contact:

Mr. Nicholas Kalcounos, FOIA and Privacy Act Officer, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

UNITED STATES POSTAL SERVICE

System names:

(1) EEO Administrative Litigation Case Files; (2) Arbitration Case Files; (3) Adverse Action Appeals; (4) Garnishment Case Files; (5) Monetary Claims Involving Present or Former Employees; (6) Civil Action Case Files.

Report date:

February 25, 1977.

Point of contact:

Mr. John E. Finlay, General Manager, Information Control Division, U.S. Postal Service, Washington, D.C. 20260.

SECURITIES AND EXCHANGE COMMISSION

System name:

Investigative files.

Report date:

March 3, 1977.

Point of contact:

Mrs. Kathryn B. McGrath, Assistant General Counsel, Securities and Exchange Commission, Washington, D.C. 20549.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-7419 Filed 3-11-77;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC76-5]

BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Redesignation of Presiding Officer

MARCH 7, 1977.

Notice is hereby given that Chairman Clyde S. DuPont is designated as Presiding Officer in Docket No. MC76-5. Such designation will become effective March 8, 1977.

The Commission will continue to sit en banc in this proceeding.

By the Chairman.[1]

DAVID F. HARRIS,
Secretary.

[FR Doc.77-7424 Filed 3-11-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19917; 70-5634]

ALABAMA POWER CO.

Post-Effective Amendment Regarding Proposed Transactions Related to Financing of Pollution Control Facilities

Notice is hereby given that Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed with this Commission a post-effective amendment to the application in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to said application, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to prior authorization in this proceeding (HCAR No. 18908 (April 3, 1975) and HCAR No. 18918 (April 7, 1975)), Alabama entered into an Installment Sale Agreement dated as of April 1, 1975 ("Agreement") with the Industrial Development Board of the Town of Parrish ("Board") to finance certain pollution control facilities at Alabama's Gorgas Steam Plant (such facilities at such point referred to hereafter as the "Project"). The pollution control facilities are necessary to comply with prescribed environmental standards of the State of Alabama. The post-effective amendment relates to certain transactions of Alabama related to additional financing of such facilities.

In accordance with the Agreement, the Board purchased from Alabama the then existing portions of the Project and undertook to complete its construction and to sell the completed Project to Alabama for a purchase price payable in semi-annual installments over a term of years. To secure its obligations under the Agreement, Alabama granted to the Board a security interest in the Project subordinate to the lien of the Indenture dated as of January 1, 1942, betweeen Alabama and Chemical Bank, as Trustee, as supplemented and amended. The Board issued its pollution control revenue bonds ("Original Bonds") pursuant to a Trust Indenture dated as of April 1, 1975 ("Indenture") in the aggregate principal amount of $28,850,000. The Board assigned all its right, title, and interest in the Agreement, including such subordinate security interest, to the Revenue Bond Trustee as security for the pollution control revenue bonds, including the Original Bonds, to be issued under the Indenture. The proceeds of the sale of the Original Bonds were deposited by the Board with the trustee under the Indenture ("Revenue Bond Trustee"). Such proceeds have been applied to payment of the Cost of Construction (as defined in the Agreement) of the Project.

The total Cost of Construction of the Project will exceed the proceeds of the Original Bonds. Consequently, Alabama proposes to request that the Board issue up to $14,400,000 in additional revenue bonds ("Additional Bonds"). Upon issuance of the Additional Bonds, Alabama's obligation under the Agreement to make semi-annual purchase price payments will, as provided in the Agreement be increased to require additional payments sufficient (together with other moneys held by the Revenue Bond Trustee under the Indenture for that purpose) to pay the principal of and interest on the Additional Bonds as they become due and payable. The Board and the Revenue Bond Trustee will enter into a supplement ("Supplement") to the Indenture providing for the Additional Bonds. The Supplement will provide for redemption provisions for the Additional Bonds comparable to those provided for the Original Bonds. As in the Original Bonds, it is intended that the Additional Bonds will mature not more than 30 years from the first day of the month in which they are initially issued and will be entitled to the benefit of serial maturities and/or a mandatory redemption sinking fund calculated to retire not less than 25 percent of the aggregate principal amount of the Additional Bonds prior to maturity. Alabama and the Board will execute and deliver to the Revenue Bond Trustee, as required by the Indenture, a supplement to the Agreement providing for the payment of all expenses and costs incurred or to be incurred by virtue of the issuance of the Additional Bonds.

It is contemplated that arrangements will be made by the Board with one or more investment bankers providing for the placement or underwriting of the

[1] See 39 U.S.C. 3604(a)(2).

Additional Bonds. Alabama will not be party to such arrangements. In accordance with the laws of the State of Alabama, the interest rate to be borne by the Additional Bonds will be fixed by the Board. A request for a ruling that interest on the Additional Bonds presently is exempt from Federal income taxation has been filed with the Internal Revenue Service. Alabama has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Additional Bonds to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is full subject to Federal income taxation.

The fees and expenses to be paid or incurred, directly or indirectly, in connection with the transactions proposed in the post-effective amendment (as distinguished from and excluding fees and expenses incurred or to be incurred in connection with the sale of the Additional Bonds by the Board payable out of the proceeds of such sale and in connection with the determination of the tax exempt status of the Additional Bonds) will be filed by amendment. It is stated that the incurring of the obligations under the Agreement by Alabama has been authorized by the Alabama Public Service Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 31, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7429 Filed 3-11-77;8:45 am]

[Release No. 34-13334; File No. SR-Amex-77-2]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 24, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

THE EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (Amex) proposes to revise the fee schedule applicable to Amex bid/ask information distributed to news services and, through vendors, to subscribe of interrogation devices through the Amex's low speed service. (New material is italicized. Material deleted is bracketed.)

Bid/ask information monthly charge

	Previous rate	New rate
(i) New services	[0]	0
(ii) Vendors	[$7.00]	*$8.25*
(iii) Subscribers of bid/ask interrogation device service. Per unit in an office	[7.00]	*8.25*

AMEX'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The Exchange states that the purpose of the rate adjustment is to help defray a portion of the cost of operating the bid/ask service which has been made available to news services and, through vendors, to subscribers of interrogation devices.

The Amex relies on section 6(b)(4) of the Act as the statutory basis for the proposed revision of its fee schedule for bid/ask information. That section requires that an exchange, through its rules, provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its facilities. In this connection, the Amex notes that the fee changes set forth herein will apply equally to all vendors, members, non-members and others who subscribe to Amex bid/ask low speed information service.

The Amex has not formally solicited comments regarding this proposed change, nor has the Amex received unsolicited written comments from members or other interested parties.

The Amex concludes that the revised fee schedule will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspction and copying at the principale office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 4, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 4, 1977.

[FR Doc.77-7438 Filed 3-11-77;8:45 am]

[Release No. 34-13326; File No. 4-88]

AMERICAN STOCK EXCHANGE, INC., AND NEW YORK STOCK EXCHANGE, INC.

Filing of Plan for Program for Allocation of Regulatory Responsibilities

The American Stock Exchange, Inc. (the "AMEX") and the New York Stock Exchange, Inc. (the "NYSE") filed with the Commission a plan for allocation of regulatory responsibilities pursuant to Rule 17d-2 (17 CFR 240.17d-2) ("§ 240.17d-2") on January 10, 1977.

The proposed plan provides that the NYSE will be responsible for processing and acting on certain applications submitted by dual members. The AMEX will, however, continue to be responsible, subject to further allocation pursuant to § 240.17d-2, for applications for AMEX floor members or options principal members, AMEX associate memberships, registered options principals, and noti-

fication of registered representatives certified as qualified to handle accounts involving options transactions.

In addition, under the proposed plan, the NYSE will be responsible for reviewing advertisements, market letters, research reports, sales literature, radio, television and writing and speaking activities of dual members except in relation to AMEX listed options. The NYSE will also be responsible for taking appropriate action on all inquiries and complaints involving dual members.

The NYSE will be responsible for conducting examinations for compliance with financial, operational and sales supervision by dual members, except in the area of options sales practices as well as all special examinations except that both AMEX and NYSE reserve the right to participate in any special examination. It will be responsible for review of and subsequent action on or in respect of dual members' Financial and Operational Combined Uniform Single (FOCUS) Report and any generally applicable financial reporting requirements. It will also be responsible for review, approval and retention of all partnership agreements, corporate certificates, by-laws, subordinated loan agreements and related agreements and amendments including clearing agreements.

Further, the NYSE will be responsible for disciplinary investigations and proceedings involving dual members except insofar that AMEX may assume jurisdiction in investigations relating to a transaction on AMEX affecting an AMEX-listed security or any other activity having a unique reference to AMEX.

In order to assist the Commission in determining whether to approve this plan and relieve the party not designated to the specified responsibilities, interested persons are invited to submit written data, views and arguments concerning the submission on or before April 13, 1977. Persons wishing to comment should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–188.

Copies of the submission and of all written comments will be available for inspection of the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 3, 1977.

[FR Doc.77-7440 Filed 3-11-77;8:45 am]

[Release No. 9665; 812-4089]

JOHN HANCOCK INVESTORS, INC., AND JOHN HANCOCK MUTUAL LIFE INSURANCE CO.

Filing of Application for Order

Notice is hereby given that John Hancock Investors, Inc. ("Investors"), a closed-end diversified management investment company registered under the Investment Company Act of 1940 ("Act") and John Hancock Mutual Life Insurance Company (the "Life Company"), John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117, a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts (collectively "Applicants"), filed an application on February 10, 1977, pursuant to section 17(d) of the Act and Rule 17d–1 thereunder, for an order of the Commission permitting (1) the Life Company to purchase in a private placement $10,000,000 principal amount (out of a total offering of $45,000,000) of a new issue of 8⅞ percent Promissory Notes due February 1, 1981–1995 (the "New Notes") of Harnischfeger Corporation ("Harnischfeger"), and (2) Investors, as one of the holders of Harnischfeger 9 percent Promissory Notes due December 1, 1991 (the "9 percent Notes"; together with the 9⅞ percent Notes referred to below and certain other institutional indebtedness of Harnischfeger, the "Old Notes"), to execute an instrument (the "Waiver"), (a) consenting to the issuance of the New Notes, and (b) approving the amendment of certain of the financial covenants contained in the Old Notes as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Life Company presently holds $7,000,000 principal amount (out of a total principal amount presently outstanding of $50,000,000) of 9⅞ percent Promissory Notes due March 1, 1992, of Harnischfeger, purchased in a private placement transaction on April 15, 1976. Investors presently holds $2,500,000 principal amount (out of a total principal amount presently outstanding of $25,000,000) of 9 percent Promissory Notes due December 1, 1991, of Harnischfeger, purchased in a private placement transaction on December 1, 1971. The $7,000,000 principal amount of Old Notes held by the Life Company and the $2,500,000 principal amount of Old Notes held by Investors are the only investments in Harnischfeger held by Investors, the Life Company or any affiliated person thereof.

Under the terms of the Old Notes, Harnischfeger is prohibited from incurring additional indebtedness such as that which would result from the issuance of the New Notes. Harnischfeger has, therefore, asked Investors and the other holders of the Old Notes to execute a Waiver permitting the issuance and sale of the New Notes. The officers of Investors believe that the issuance and sale of the New Notes will strengthen the financial position, and thus the credit worthiness of Harnischfeger by enabling it to convert needed capital presently represented by bank loans into long-term indebtedness, and to increase its capital plant, thereby enhancing its earnings capacity.

The Old Notes also contain a provision requiring that Harnischfeger maintain consolidated current assets at not less than 200 percent of consolidated current indebtedness. The New Notes contain an analogous requirement, but the percentage requirement is only put at 175 percent. Since Harnischfeger could not obtain the benefit of the lower asset coverage requirement in the New Notes so long as it was still subject to a more stringent requirement in the Old Notes, the Waiver also includes a provision pursuant to which the holders of the Old Notes will waive the old asset coverage requirement to the extent necessary to allow Harnischfeger to only be required to maintain consolidated current assets at not less than 175 percent of consolidated current indebtedness. The officers of Investors have determined that Investors, as a holder of the Old Notes, will still be afforded sufficient protection if the percentage requirement is reduced from 200 percent to 175 percent.

The Old Notes contain another provision requiring that certain excess proceeds from the disposition of certain assets be applied pro rata to the prepayment of the Old Notes. The New Notes contain an analogous provision which includes the New Notes within the class of indebtedness that is to be prepaid from such excess proceeds. The Waiver, therefore, contains a specific provision whereby the holders of the Old Notes will consent to the application of any such excess proceeds to the prepayment of both the Old Notes and New Notes. The officers of Investors believe that extension of the benefits of the excess-proceeds prepayment provision to the holders of the New Notes is an appropriate accommodation to new institutional lenders of Harnischfeger that should be approved by Investors in the general interest of aiding Harnischfeger's ability to deal with and obtain additional funds from institutional lenders.

Execution of the Waiver by holders of 66⅔ percent in principal amount of each issue of the Old Notes outstanding is required for consent to the issuance of the New Notes, and to require Harnischfeger to maintain consolidated current assets at not less than 175 percent, rather than 200 percent, of consolidated current indebtedness. Other holders of Old Notes (including the Life Company) holding in excess of 66⅔ percent in principal amount of each issue of the Old Notes outstanding have already executed the Waiver. Therefore, irrespective of whether Investors actually waives such requirements, the Waiver of such requirements is binding upon all holders of Old Notes, including Investors. However, any waiver or amendment under the Old Notes that affects the prepayment thereof requires 100 percent approval to be effective. Therefore, the provisions of the Waiver dealing with the application of certain excess proceeds to prepayments of indebtedness cannot be effective with respect to the issue of Old Notes held by Investors until Investors executes the Waiver. It

should be noted that counsel for Applicants has advised the Commission staff that extension of the excess-proceeds prepayment provision to holders of the New Notes is not a condition precedent to the issuance and sale of the New Notes.

Rule 17d–1, adopted by the Commission pursuant to section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Comission and has been granted by an order. A joint enterprise or other joint arrangement as used in this Rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commisssion will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Under section 2(a)(3) of the Act, an investment adviser to an investment company is an affiliated person of such investment company, and anyone owning more than 5 percent of the adviser's outstanding voting securities is an affiliated person of the adviser. Accordingly, since John Hancock Advisers, Inc. ("Advisers") is the investment adviser to Investors, and a wholly-owned subsidiary of the Life Company, the Life Company is an affiliated person of an affiliated person of Investors, and its proposed purchase of Harnischfeger New Notes could constitute a joint transaction with Investors due to either the continuing ownership by Investors of the Old Notes or the execution of the Waiver.

Applicants submit that the proposed investment by the Life Company in the New Notes would not be disadvantageous to Investors because Investors has independently determined not to participate in this investment pursuant to criteria unrelated to the Life Company's proposed participation. The Life Company further submits that to make available to it the investment opportunity presented by the New Notes is consistent with the provisions, policies and purposes of the Act, and not disadvantageous to Investors.

For the reasons outlined above, the officers of Investors have determined that approving the Waiver is in the best interests of Investors. Furthermore, the Waiver has been approved by the Board of Directors of Investors, including a majority of those directors who are not "interested persons" (as defined in the Act) of Investors or Advisers.

Accordingly, Applicants request an order from the Commission pursuant to section 17(d) of the Act and Rule 17d–1 thereunder permitting the Life Company to purchase the New Notes, and Investors to execute the requested Waiver.

Notice is further given that any interested person may, not later than March 28, 1977, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address set forth above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–7430 Filed 3–11–77;8:45 am]

[Release No. 9663; 812–4080]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASS MUTUAL INCOME INVESTORS, INC.

Filing of Application for Order

Notice is hereby given that Massachusetts Mutual Life Insurance Company ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and Mass Mutual Income Investors, Inc. ("Fund"), 1295 State Street, Springfield, Massachusetts 01111, registered under the Investment Company Act of 1940 (the "Act") as diversified, closed-end, management investment company (collectively, "Applicants"), filed an application on January 24, 1977, and an amendment thereto on February 24, 1977, for an order (1) pursuant to section 17(d) of the Act and Rule 17d–1 thereunder permitting the Insurance Company to purchase $3,000,000 principal amount of a new issue of 10.25 percent Senior Notes due 1988 of Victoria Station, Inc. ("Victoria"), at 100 percent of the principal amount thereof, and (2) pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the sale by the Insurance Company to the Fund of $1,500,000 principal amount of such notes immediately thereafter, at 100 percent of the principal amount thereof.

Applicants state that the Insurance Company, which serves as investment adviser to the Fund, also is investment adviser to MassMutual Corporate Investors, Inc. ("Corporate Investors"), registered under the Act as a non-diversified, closed-end, management investment company, and that, in accordance with an order of the Commission pursuant to section 17(d) of the Act and Rule 17d–1 thereunder (Investment Company Act of 1940 Release No. 6690, August 19, 1971) ("Original Corporate Investors Order"), the Insurance Company is permitted to invest concurrently for its general account in each issue of securities purchased by Corporate Investors in private placement. Two of the conditions of the Original Corporate Investors Order are that (i) purchases in private placements which would be consistent with the investment policies of Corporate Investors be shared equally by the Insurance Company and Corporate Investors, and (ii) once the Insurance Company and Corporate Investors have acquired interests in an issuer, neither may acquire any further interest in such issuer other than interests identical in all respects, unless permitted by further order of the Commission.

Applicants provide the following information with respect to previous investments in Victoria. In May, 1972, the Insurance Company and Corporate Investors, pursuant to the terms of the Original Corporate Investors Order, each purchased $750,000 of Victoria's 9¾ percent Notes and 22,250 shares of Victoria common stock; however, in August, 1972, those notes were repaid from the proceeds of Victoria's first public offering of common stock. In March, 1974, the Insurance Company and Corporate Investors each purchased $1,000,000 principal amount of 9.25 percent Subordinated Notes due 1986 of Victoria ("Old Notes"), together with 24,000 shares each of Victoria common stock. In July, 1975, all Victoria common stock held by the Insurance Company and Corporate Investors was sold in an underwritten public offering. The Insurance Company, on December 21, 1976, purchased $4,000,000 principal amount of a new issue of 10.25 percent Notes due 1988 of Victoria ("New Notes"). Such purchase, which under the terms of the Original Corporate Investors Order required an order of the Commission because Corporate Investors did not also purchase such notes, was permitted by order of the Commission (Investment Company Act Release No. 9292, May 19, 1976).

Applicants state that at the time of such order the interest rate to be carried by the New Notes was expected to

be 9.95 percent, and that Victoria was seeking one or more investors to purchase additional principal amounts of New Notes. They also state that, after the issuance of such order, Victoria obtained two such investors who were to purchase $500,000 principal amount and $3,000,000 principal amount, respectively, and that Victoria agreed to increase the interest rate on the New Notes to 10.25 percent. According to the application, on July 26, 1976, upon the request of the Insurance Company, the Division of Investment Management advised it that the Division would not recommend that the Commission take action against the Insurance Company under the Act if the New Notes were purchased at the higher interest rate without a new application being filed. Applicants state that prior to the Insurance Company's purchase of the $4,000,000 of New Notes, one of the other investors decided not to purchase $3,000,000 principal amount of New Notes because it was informed of a general policy of Touche Ross & Co., Victoria's independent auditors, not to supply a certain annual certificate to institutional investors. The Insurance Company states its belief that this policy is consistent with the practices of a number of other major accounting firms.

The Insurance Company proposes to purchase this additional $3,000,000 principal amount of New Notes on March 31, 1977, and to sell, immediately thereafter, $1,500,000 principal amount of such New Notes to the Fund. According to the application, the Insurance Company will pay Victoria 100 percent of the face amount of the New Notes to be acquired and the Fund will pay the Insurance Company 100 percent of the face amount of the New Notes to be transferred. Applicants state that the proceeds from the sale of New Notes have been, and will be, used by Victoria to repay bank debt and to finance the construction of restaurant facilities.

As noted above, the Insurance Company is investment adviser to both the Fund and Corporate Investors. Section 2(a)(3) of the Act defines an "affiliated person" of an investment company to include the investment adviser thereof. Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered investment company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants request an order of the Commission pursuant to the requirements of the Original Corporate Investors Order, and section 17(d) of the Act and Rule 17d–1 thereunder, permitting the Insurance Company to acquire the $3,000,000 principal amount of New Notes. They state that under the Original Corporate Investors Order, absent further order of the Commission, the Insurance Company could not acquire these New Notes because the further interest in Victoria so acquired would not be in all respects identical to the interest of Corporate Investors in Victoria. According to the application, the investment policies of Corporate Investors confine its investments in long-term debt obligations to those that have equity features such as accompanying shares of common stock or rights to acquire, or to convert such obligations into, common stock, and that, lacking such equity features, the New Notes would not be an appropriate or permissible investment for Corporate Investors. Applicants represent that the board of directors of Corporate Investors, including a majority of those directors who are not interested persons of the Insurance Company, have concluded that the New Notes would not be an appropriate investment for Corporate Investors and that they have no objection to the acquisition of the New Notes by the Insurance Company and the Fund. Applicants state that (i) the absence of any equity feature accompanying the New Notes is attributable to Victoria's stronger present financial position as compared to its financial position at the time the Old Notes were purchased by the Insurance Company and Corporate Investors; (ii) during the negotiations with respect to the purchase of the Old Notes, the Insurance Company did not contemplate any investment in the New Notes, nor was the purchase of the Old Notes tied to, or induced by, any discussion with respect to the possible purchase of New Notes or any similar securities; and (iii) the interests of Corporate Investors will in no way be affected by the purchase of New Notes by Applicants, and Corporate Investors will not be disadvantaged by such purchase.

Although the Old Notes are subordinate to the New Notes, Applicants assert that the subordinated nature of the Old Notes was established when they were issued for the very purpose of making later senior debt financing easier to obtain. They further assert that the purchase of the New Notes will not be disadvantageous to Corporate Investors because (i) Victoria will receive significant value in consideration for the issuance of the New Notes; (ii) in view of Victoria's financial strength, events such as default under Senior Debt, insolvency, or bankruptcy are unlikely to occur; and (iii) if the Insurance Company does not purchase the New Notes, Victoria will not be restricted from selling such notes to other financial institutions, and the Old Notes held by Corporate Investors would continue to be subordinate to the New Notes sold to such other institutions.

Applicants also request an order of the Commission pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the acquisition by the Fund from the Insurance Company of $1,500,000 in principal amount of the New Notes for a cash payment of $1,500,000. Section 17(a) provides, in part, that it is unlawful for any affiliated person of a registered investment company, acting as principal, knowingly to sell any security to such registered investment company. Section 17(b) of the Act generally provides that, upon application, the Commission shall exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants state that the Fund's purchase of New Notes has been approved by the unanimous vote of the Executive Committee of the Board of Directors of the Fund, including a majority of all directors of the Fund who are not interested persons of the Insurance Company. They also state that the terms of purchase by the Fund are the same as those on which the Insurance Company purchased the first $4,000,000 of New Notes, which purchase was the result of arm's length bargaining. According to the application, up to 25 percent of the Fund's assets may consist of, among other things, debt securities purchased directly from issuers in private placements and that under such policy the Fund may invest an additional $23,500,000 in debt private placements. Applicants state that in light of these reasons and in view of the fact that long-term interest rates have been declining, coupled with the increase in the interest rate on the New Notes from 9.95 percent to 10.25 percent, the Insurance Company has concluded that the New Notes represent an attractive investment for the Fund. Applicants assert that, although the Insurance Company holds securities of Victoria and the Fund does not, this discrepancy in interests has had no material effect on the independence of the investment advice of the Insurance Company with respect to the New Notes. The Insurance Company represents that if the Commission permits it to purchase the $3,000,000 principal amount of New Notes, but does not permit their sale to the Fund, the Insurance Company would, nevertheless, purchase the New Notes.

Notice is further given that any interested person may, not later than March 25, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Ex-

change Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7431 Filed 3-11-77;8:45 am]

[Release No. 13324; File Nos. SR-MCC-76-4, SR-MSTC-76-13]

MIDWEST CLEARING CORP. AND MIDWEST SECURITIES TRUST CO.

Order Approving Rule Change Relating to Collateralizing Options

On December 22, 1976, the Midwest Clearing Corporation ("MCC") and the Midwest Securities Trust Company ("MSTC"), 120 South LaSalle Street, Chicago, Illinois 60603, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would establish, and set fees for, a service that allows institutional participants to collateralize short option positions via book-entry pledge.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 3383, January 18, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13152, January 11, 1977. No letters of comment were received.

In connection with its review of the submissions, the Commission requested representations from MCC and MSTC regarding the operation of the options collateralizing service. The representations were made in a letter dated February 25, 1977, which was incorporated in the MCC and MSTC submissions and included in the public files.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File Nos. SR-MCC-76-4 and SR-MSTC-76-13 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7432 Filed 3-11-77;8:45 am]

[Release No. 34-13333; File No. SR-MSE-77-3]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 23, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE BY THE MIDWEST STOCK EXCHANGE, INC. (THE "MSE")

ARTICLE XVII—TRANSACTIONS OFF THE FLOOR

Principal transactions. Rule 9.(a) No member or member organization or any partner, officer, director or registered employee of a member organization shall effect transactions as principal off the Floor of the Exchange in securities listed or admitted to unlisted trading privileges on the Exchange with anyone other than a third market maker or non-member block positioner. Any such transactions require the permission of an officer of the Exchange. *Provided, however,* That no such permission need be obtained if such transactions are made on another national securities exchange where the member or member organization is also a member, or the securities are on the unrestricted list of the Exchange, or the transaction is approved by another exchange on which the securities are traded and which is the designated examining authority for the member or member organization.

Agency transactions. (b) No member, member organization or any partner, officer, director or registered employee of a member organization may cross agency orders in their offices.

MSE's STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change (Article XVII, Rule 9) is to reflect the elimination of wording which could be interpreted as implying that certain restrictions on off board agency transactions exist within the Rule. New wording under Agency Transactions has been added to make clear the continued prohibition against "in house" agency crosses.

Deletion of Article XXII, Rule 6, is proposed since it is duplicative in nature relative to Article XVII, Rule 9. The permission requirements of Article XXII, Rule 6 will be covered under the guidelines set forth in Article XVII, Rule 9(a).

The Rule as it now exists contains language indicating that all prohibitions on agency transactions are to be removed effective January 2, 1977. The proposed rule change deletes language no longer necessary and adds other language which reflects the present intrpretation of the Exchange and its intention to continue to prohibit "in house" agency crosses until such time that it can be demonstrated that removal of such a restriction is consistent with the objectives of the Act, the preservation of auction agency principles and development of the national market system. In addition, the proposed rule change continues the prohibition on off board principal transactions. Again, this is an area requiring additional study and thought, and the MSE believes that the prohibitions should not be lifted until it is demonstrated that the public would benefit from such a change.

The MSE points to section 6(b)(5) of the Act as the statutory basis for the proposal.

Comments have neither been solicited nor received.

The MSE believes that no burdens have been placed on competition.

On or before April 18, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street N W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 4, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

MARCH 4, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7439 Filed 3-11-77;8:45 am]

[Release No. 19919; 70-5980]

NEW ENGLAND ELECTRIC SYSTEM, ET AL.

Proposed Short Term Bank Borrowings by Operating Subsidiaries of Holding Company and of Proposed Loans by Holding Company to Subsidiaries and of Proposed Sale of Commercial Paper by Subsidiary; Request for Exemption From Competitive Bidding

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and Granite State Electric Company ("Granite") and New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Massachusetts 01581, operating subsidiaries of NEES, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 43, 45(a) and 50, promulgated thereunder, as applicable to the proposed transaction. All interested persons are referred to the application-declaration, summarized below, for a complete statement of the proposed transaction.

Granite and NEPCO propose during the period from the date of the Commission's Order hereunder through March 31, 1978 to issue notes to the below listed banks and/or to NEES, and NEPCO also proposes to issue notes to dealers in commercial paper.

The amounts shown below are the maximum face amounts of notes of each borrowing company to be held by the lenders at any one time pursuant to authority requested hereunder. The maximum amounts of short-term borrowings authorized to be outstanding at any one time by NEPCO ($96,000,000) from banks and NEES will be reduced by the amount of its commercial paper outstanding at that time.

PROPOSED MAXIMUM SHORT-TERM DEBT TO BE OUTSTANDING AT ANY ONE TIME DURING PERIOD. (BANKS OR NEES [1])

Borrowing company	Thousands
Granite:	
The First National Bank of Boston, Boston, Mass	$1,500
NEPCO:	
Bank of America, North America Division, New York, N.Y	2,000
Baybank Newton-Waltham Trust Co., Waltham, Mass	2,000
Brown Brothers Harriman & Co., Boston, Mass	2,000
Chase Manhattan Bank, N.A., New York, N.Y	10,000
Chemical Bank, New York, N.Y	3,500
Citibank, N.A., New York, N.Y	15,000
Continental Illinois National Bank & Trust Co., Chicago, Ill	2,000
The First National Bank of Boston, Boston, Mass	19,500
The First National Bank of Chicago, Chicago, Ill	2,000
Irving Trust Co., New York, N.Y	8,000
Manufacturers Hanover Trust, New York, N.Y	10,000
Morgan Guaranty Trust Co., New York, N.Y	5,000
New England Merchants National Bank, Boston, Mass	5,000
Shawmut Bank of Boston, N.A., Boston, Mass	4,500
State Street Bank & Trust Co., Boston, Mass	3,000
Worcester County National Bank, Worcester, Mass	2,500
Total NEPCO	96,000

[1] Or commercial paper in the case of NEPCO.

The proceeds of such proposed borrowings are to be used to pay then outstanding notes initially issued to banks, dealers in commercial paper and/or to NEES at or prior to maturity and to provide new money for capitalizable expenditures or to reimburse the treasury therefore. Granite as of December 31, 1976, has no outstanding short-term debt and estimates its construction expenditures through March 31, 1978 at $2,140,000. NEPCO, as of December 31, 1976, has $50,100,000 in outstanding short-term debt and estimates its construction expenditures through March 31, 1978 at $112,000,000.

The proposed borrowings from banks and/or NEES will be evidenced by notes payable maturing in less than one year from the date of issuance, and will provide for prior payment in whole or in part without premium. The borrowing companies will maintain funds in the banks which represent compensating balances or in lieu thereof will pay fees to the banks equivalent to such compensating balance requirements. The notes to banks will bear interest at not in excess of the prime rate in effect at the time borrowings are made (not including any fees in lieu of compensating balances). The notes to NEES will bear interest at not in excess of the prime rate in effect at the time borrowings are made. Based on compensating balance requirements of about 10 to 20 percent, or fees equivalent thereto, the effective interest cost of bank borrowing would be approximately 6.9 percent to 7.8 percent per annum, based on the current prime rate of 6¼ percent.

The effective interest cost of borrowings from NEES would be the prime rate.

It is proposed that Granite and NEPCO may prepay their notes to NEES, in whole or in part, with borrowings from banks or from the sale of commercial paper, or that their borrowings from banks may be prepaid, in whole or in part, with borrowings from NEES or from the sale of commercial paper. In the event of borrowings from banks at a higher interest rate or the sale of commercial paper at a higher effective interest cost, to prepay notes to NEES, NEES will credit the borrowers for any excess interest from the date of issuance of the new notes or commercial paper to the normal maturity date of the notes to NEES being prepaid. Conversely, in the event of borrowings from NEES to prepay notes to banks, the interest rate of the notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate in effect, but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

NEPCO proposes to issue and sell commercial paper during the period through March 31, 1978, directly to Lehman Commercial Paper Incorporated ("Lehman") and/or A. G. Becker & Co., Incorporated ("Becker"), dealers in commercial paper. Lehman and Becker, as principals, will reoffer such commercial paper to not more than 100 of their respective customers whose names appear on nonpublic lists prepared in advance by Lehmas and Becker. No additions will be made to such lists of customers. It is expected that such commercial paper will be held to maturity by the purchasers from the dealers, but, if any such purchaser wishes to resell prior to maturity, Lehman or Becker, as the case may be, pursuant to an oral repurchase agreement will repurchase the paper for resale to others on said lists of customers.

The commercial paper so issued and sold by NEPCO will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to the issuer, and the issuer's cash requirements at the time of issuance. The commercial paper will be in denominations of not less than $50,000 and not more than $1,000,000. The terms of the commercial paper do not provide for prepayment prior to maturity. The commercial paper will be purchased by Lehman and Becker from the issuer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Lehman and Becker will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1 percent per annum less than the prevailing discount rate to the issuer.

The effective interest cost to the issuer on such paper will not exceed the effective interest costs at the time of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 90 days from the date of issue with an effective cost in excess of such effective interest cost from The National Bank of Boston.

There are no fees or commissions to be paid in connection with proposed transactions; incidental services will be performed by New England Power Service at the actual cost thereof.

NEPCO states that, with respect to the issue and sale of notes by it to Lehman and Becker, NEPCO requests an exemption from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) of said Rule.

Granite and NEP have sought authorization from the New Hampshire Public Utilities Commission which has jurisdiction over the proposed issuance of short-term promissory notes by Granite and NEP. It is stated that no other state commission and no federal commission, other than this Commission, has juris-

diction over the proposed transactions.

Notice is further given that any interested person may, not later than March 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7433 Filed 3-11-77;8:45 am]

[Release No. 19918; 70-5979]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Proposed Sale of Utility Asset

Notice is hereby given that Ohio Edison Company ("Edison"), 76 South Main Street, Akron, Ohio 44308, a registered holding company and Pennsylvania Power Company ("Penn Power"), 1 East Washington Street, New Castle, Pennsylvania 16103, its electric utility subsidiary, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a)(1), 10, 12(b) and 12(d) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as summarized below, for a complete statement of the proposed transaction.

In September 1967, Edison, Penn Power, Duquesne Light Company ("Duquesne"), The Cleveland Electric Illuminating Company and The Toledo Edison Company, known as the Central Area Power Coordination Group ("CAPCO"), announced a program for the joint development of power generation and transmission facilities. Among other units, the program currently contemplates two nuclear generating units (each having an expected ultimate capability of 885,000 KW) at the Beaver Valley Station near Shippingport, Pennsylvania. The first of these units ("Unit No. 1") went into limited commercial operation in September 1976. The other unit ("Unit No. 2") is now under construction and is currently expected to begin commercial operation in 1982. Edison, Penn Power and Duquesne own Unit No. 1 as tenants in common with Edison's and Penn Power's undivided interests being 35 percent and 17.5 percent, respectively.

Pursuant to a Construction Agreement dated December 5, 1975 among the CAPCO companies, Unit No. 2 is being designed and installed by Duquesne, as agent, and is currently owned by all the CAPCO Companies as tenants in common with undivided interests, Edison owning 35.60 percent and Penn Power owning 6.28 percent of the unit. Construction, administrative, and other costs related to the construction of Unit No. 2 have been and are to be paid by the CAPCO companies in proportion to their respective ownership interests.

Edison proposes to acquire Penn Power's ownership interest in Unit No. 2, thereby resulting in its owning an undivided 41.88 percent interest in the unit. It is stated that the proposed transaction will result in a distribution of generating capacity more in keeping with forecasts of Edison's and Penn Power's respective future load demands prepared more recently than those upon which the initial Construction Agreement was based.

As promptly as possible after the receipt of all necessary regulatory approval, Edison proposes that (1) Penn Power will convey to Edison all of Penn Power's right, title and interest in Unit No. 2, including Penn Power's interest in nuclear fuel purchased for Unit No. 2 and Penn Power's interest allocable to Unit No. 2 in facilities common to Unit No. 2 and one or more units at the site and (2) Edison will pay Penn Power an amount equal to all book costs, including the allowance for funds used during construction, which Penn Power has then incurred with respect to the property conveyed (estimated to be approximately $13,750,000 at December 31, 1976). It is stated that, in order to effect the proposed transaction, the CAPCO companies will execute amendments to construtions and operation agreements among them relating to Unit No. 2, and Edison will assume all future obligations with respect to the entire 41.88 percent undivided interest.

Penn Power expects to apply the proceeds of the sale to continue its ongoing construction program, to reduce short-term debt incurred to meet requirements of such program, and to reimburse its treasury in part for monies expended for the construction of new facilities and the betterments of existing facilities.

In connection with the construction of Unit No. 1 and Unit No. 2, certain equipment was or is being installed for pollution control purposes. In order to help finance Penn Power's share of the cost of such equipment, the Beaver County Industrial Development Authority issued pollution control revenue bonds (the "Revenue Bonds") in an aggregate principal amount of $4,500,000. The proceeds of the Revenue Bonds (the "Proceeds") were deposited in an escrow account and may be used only for costs related to the construction of, and financing for, such pollution control equipment. Penn Power has delivered its secured note (the "Series A Note") to the trustee under the indenture pursuant to which the Revenue Bonds were issued, and payments under the Series A Note are designed to provide sufficient funds in the hands of such trustee so as to permit payments of principal, interest and premium, if any, to be made on the Revenue Bonds when due.

It is stated that as of December 31, 1976, $442,000 of the Proceeds had not been spent, and it may be that at the time of the transfer of Penn Power's interest in Unit No. 2 to Edison there will still be Proceeds remaining. If this is the case and if Penn Power does not have sufficient unpaid expense relating to pollution control facilities for Unit No. 1 to exhaust such Proceeds, it is proposed that the remaining Proceeds will be applied toward the cost of the completion of the pollution facilities related to the interest in Unit No. 2 which Edison is acquiring from Penn Power. In such case, Edison would agree to provide Penn Power with funds equal to a portion of the amounts Penn Power is obligated to pay under the Series A Note, such portion being based upon the ratio of the remaining Proceeds to $4,500,000 (i.e., the aggregate principal amount of the Revenue Bonds). It is stated that such payments would be made in such amount and at such times as would enable Penn Power to make the related payments under the Series A Note.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed sale by Penn Power and that the change in ownership may require amendment of the construction permit for Unit 2 issued by the United States Nuclear Regulatory Commission. It is stated that no other state Commission and no federal commission, other than this Commission has jurisdiction over the proposed transaction. Fees and expenses to be incurred by Edison and Penn Power will be supplied by amendment.

Notice is further given that any interested person may, not later than March 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be

served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7434 Filed 3-11-77;8:45 am]

[Release No. 13331; File No. SR-OCC-76-11]

OPTIONS CLEARING CORP.

Order Approving Proposed Rule Changes

On December 22, 1976, the Options Clearing Corporation ("OCC"), 6150 Sears Tower, Chicago, Illinois 60606, submitted proposed changes to OCC Rule 602(c) pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act").

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule changes was published in the FEDERAL REGISTER (42 FR 6866, February 4, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13217, January 28, 1977. No letters of comment were received.

The amendments to OCC Rule 602(c) effect technical changes in that rule to delete reference to an obsolete rule and to reflect that settlement with respect to exercised option contracts may be made through more than one correspondent clearing corporation under the rule changes approved by the Commission and contained in File No. SR-OCC-76-7.

The Commission has reviewed the proposed rule changes and finds that they are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule changes contained in File No. SR-OCC-76-11 be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7435 Filed 3-11-77;8:45 am]

[Release No. 13327]

PACIFIC STOCK EXCHANGE

Proposal To Commence So-Called "Multiple Cycle Trading"

The Commission today sent a letter to the Pacific Stock Exchange regarding that Exchange's proposal to commence so-called "multiple cycle trading."[1] The text of the letter is as follows:

The Commission has made a preliminary review of your Exchange's proposal to commence so-called "multiple cycle trading," i.e., to list options of the same classes currently traded on other exchanges but having different expiration cycles (File No. SR-PSE-76-11). In that connection, the Commission has considered experience to date with your Exchange's options trading program as well as the possibility of substantial impact on options trading as a whole if programs for exchange trading of put options and over-the-counter trading of standardized options are implemented in the near future. In addition, the Commission is aware that the potential effect of recent tax legislation on the options markets may not yet have been fully appreciated and that representatives of the securities industry have expressed grave concern about the potential impact of multiple cycle trading on broker-dealers, public customers and The Options Clearing Corporation.

Based on the foregoing, the Commission is of the view that multiple cycle trading may not now be consistent with the requirements of the Securities Exchange Act of 1934 applicable to exchange option pilot programs. Nevertheless, since the possible effect of multiple cycle trading cannot be sufficiently analyzed at this time, the Commission would not now wish to rule out experiments with multiple cycle trading at a future date and under appropriate circumstances. Therefore, the Commission would prefer to consider your proposal, or some modification thereof, after observation of the effects of the developments referred to above. In light of prior experience concerning the time necessary to make meaningful observations and evaluations of important developments in the options sector, the Commission does not now anticipate that it would be in a position to consider approving any such proposal this year.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7428 Filed 3-11-77;8:45 am]

---

[1] In addition, the Philadelphia Stock Exchange, which has submitted a proposal to commence multiple cycle trading (File No. SR-PHLX-76-8) with the proviso that it is philosophically opposed to such trading but would like its proposal to remain on file with the Commisshion so as to place it in a competitive position to implement such trading in the event the Commission approves a similar filing by another exchange, has been advised of the Commission's communication with the Pacific Stock Exchange.

[Release No. 19915; 70-5978]

SOUTHERN CO. ET AL.

Proposed Issuance and Sale of Short-Term Notes to Banks and Dealers in Commercial Paper, Capital Contributions to Subsidiaries, and Exception From Competitive Bidding

In the matter of the Southern Company, PO Box 720071, Atlanta, Georgia 30346; Alabama Power Company, PO Box 2641, Birmingham, Alabama 35291, Gulf Power Company, PO Box 1151, Pensacola, Florida 32520; Mississippi Power Company, PO Box 4079, Gulfport, Mississippi 39501.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and three of its wholly-owned electric utility subsidiary companies, Alabama Power Company ("Alabama"), Gulf Power Company ("Gulf"), and Mississippi Power Company ("Mississippi") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, and 12 of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern, Alabama, Gulf, and Mississippi propose to borrow from banks and to issue and sell commercial paper from time to time on or before March 31, 1978, in the following maximum aggregate principal amounts outstanding at any one time: Southern—$100,000,000; Alabama—$495,000,000; Gulf—$45,000,000; and Mississippi—$39,000,000.

Pursuant to Commission authorization (File No. 70-5801), Alabama, Gulf, and Mississippi have authority to effect short-term borrowings on or before March 31, 1977. The amount of short-term debt estimated to be outstanding at March 31, 1977, is $310,000,000 for Alabama and $3,900,000 for Mississippi. Neither Southern nor Gulf expects to have any short-term debt outstanding on that date.

The bank borrowings will be evidenced by notes to be dated the date of the borrowing and to mature not more than one year after the date of issue in the case of Southern and not more than nine months after the date of issue in the case of Alabama, Gulf, and Mississippi. Alabama has entered into an arrangement with a group of banks located outside the State of Alabama which provides for a revolving line of credit in the amount of $350,000,000. Each note evidencing bank borrowing (except those included in Alabama's revolving credit agreement) will bear interest at an effective rate per annum in effect at the lending bank customary for similar companies and will be prepayable, in whole or in part, without penalty or premium. Except for commitments or lines of credit to the applicants-declarants from certain local banks and in the case of Alabama from those banks

under the revolving credit agreement, no commitments have been made to the companies by the proposed lending banks.

Alabama, Gulf, and Mississippi each maintain with the local banks from which borrowings will be made average daily operating balances adequate to meet the requirements of such banks in respect of certain services to such companies. Except in the case of Alabama under the revolving credit agreement, it may reasonably be expected that banks may require the maintenance of balances and/or fees in lieu of balances in respect of any such borrowings. If balances were to be maintained solely for the purpose of satisfying a compensating balance requirement generally not in excess of 20 percent, the effective interest cost of the related borrowings, based on a prime rate of 6.25 percent, would be 7.813 percent per annum.

Southern Alabama, Gulf, and Mississippi also propose from time to time through March 31, 1978, to issue and sell commercial paper in the form of short-term promissory notes to dealers in commercial paper. The commercial paper notes will have varying maturities of not more than 270 days after the date of issue, will be sold in varying denominations of not less than $50,000 and not more than $5,000,000, and will not by their terms be prepayable prior to maturity. The commercial paper will be sold directly to or through the dealers at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturity. No commercial paper note will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which the issues could borrow from banks.

Except for a commission not to exceed ⅛ of 1 percent per annum payable to the dealer in respect of commercial paper sold through the dealer as agent, no commission or fee will be payable in connection with the issuance and sale of commercial paper. The dealer will reoffer such commercial paper at a discount rate of ⅛ of 1 percent per annum less than the prevailing interest rate to the issuer. The commercial paper will be offered by each dealer to not more than 200 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer. No additions will be made to such list of customers. It is expected that the commercial paper will be held by customers to maturity, but, if they wish to resell prior thereto, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others on the customer list.

Southern intends to use proceeds of the bank notes and commercial paper notes to the extent necessary, together with treasury funds and the proceeds from the sale of additional common stock (the subject of a separate filing), to make, from time to time, additional equity investments in the form of capital contributions in Alabama, Georgia Power Company, ("Georgia"), Gulf, and Mississippi, to make loans to Southern Company Services, Inc., to pay such notes when due, and for other corporate purposes. Southern proposes herein to make capital contributions through March 31, 1978, as follows: $158,000,000 in Alabama; $72,000,000 in Georgia; $24,000,000 in Gulf; and $4,000,000 in Mississippi.

The proceeds from the bank notes and commercial paper notes will be used by Alabama, Gulf, and Mississippi, respectively, to reimburse their treasuries for part of the expenditures in connection with their construction programs and to finance in part their future construction programs, to pay at maturity from time to time outstanding bank notes and commercial paper notes incurred for such purpose, and for other lawful purposes. Construction expenditures for 1977 are estimated at $477,792,000 for Alabama, $74,538,000 for Gulf, and $33,235,000 for Mississippi.

The applicants-declarants request exception from the competitive bidding requirement of Rule 50 in connection with the sale of commercial paper notes pursuant to clause (a)(5) thereof. It is stated, in this connection, that (a) all commercial paper which they propose to issue and sell will have a maturity not in excess of 270 days, (b) current rates for commercial paper for prime borrowers, such as applicants-declarants, are published daily in financial publications, and (c) it is not practical to invite invitations for bids for commercial paper. It is also requested that authorization be granted to file certificates of notification under Rule 24 on a quarterly basis.

Fees and expenses to be incurred by Southern in connection with the proposed transactions are estimated at $3,400, including legal fees of $2,500; Alabama's expenses are estimated at $4,900, including legal fees of $4,000; Gulf's expenses are estimated at $1,400, including legal fees of $500; and Mississippi's expenses are estimated at $1,400, including legal fees of $500.

The Alabama Public Service Commission has authorized the issuance of notes to banks and the issuance of commercial paper by Alabama. The Florida Public Service Commission has jurisdiction over the issuance of notes to banks and the issuance of commercial paper by Gulf. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7436 Filed 3-11-77;8:45 am]

[Release No. 19920; 70-5971]

WEST TEXAS UTILITIES CO.

Proposed Amendments to Articles of Incorporation Increasing Authorized Unsecured Debt; Modifying Earnings Coverage Calculation for Purposes of Issuing Preferred Stock and for Purposes of Issuing Common Stock Dividend; Redefining Net Income Available for Dividends; Redefining Total Capitalization; and Order Authorizing Solicitation of Proxies in Connection Therewith

Notice is hereby given that West Texas Utilities ("WTU"), PO Box 841, Abilene, Texas 79604, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rules 62 and 45, promulgated thereunder, as applicable to the following proposed transactions. All interested persons are referred to the declaration which is summarized below, for a complete statement of the proposed transaction.

WTU proposes that its Articles of Incorporation ("Articles") be amended to allow it to incur unsecured obligations maturing in less than 10 years ("short-term debt") up to an amount not to exceed 20 percent of its total secured debt, capital and retained earnings ("total capitalization"): *Provided*, That short-term debt in excess of 10 percent of total capitalization mature not later than November 1, 1982. Currently, the Articles do not allow the Company to incur short-term debt in an amount in excess of 10 percent of total capitalization without the approval of the holders of a majority of outstanding Preferred Stock. WTU states that the purpose of this change is to permit it to delay the refunding of short-term debt with First Mortgage Bonds so that it can sell larger issues of

Bonds at less frequent intervals with resulting lower estimated costs.

WTU estimates its capital expenditures for the years 1977–1979 at $122,740,000. WTU states that its total capitalization on December 31, 1976 was $161,993,605, with Common Stock equity comprising 52 percent, First Mortgage Bonds 44 percent and Preferred Stock 4 percent. WTU states that presently it can incur up to $16,200,000 in short-term debt. WTU states that it presently has $9,000,000 in short-term debt outstanding. The proposed amendment would allow it to incur short-term debt up to approximately $32,000,000.

WTU further proposes that the Articles be amended to change the earnings test that must be satisfied as a precondition for the issuance of additional Preferred Stock without the approval of the holders of a majority of the Preferred Stock then outstanding. The earnings test presently requires that WTU's gross income for a period of 12 consecutive calendar months ending within the 15 calendar months immediately preceding the date of issuance of the additional Preferred Stock must be 1½ times the sum of the annual interest charges on all of its securities representing indebtedness and the annual dividend requirement on all shares of its Preferred Stock or any prior or parity stock, in each case to be outstanding immediately after the issuance of the additional Preferred Stock. Gross income for these purposes is presently computed under the Articles after deducting all taxes, including income taxes, and the greater of (a) the aggregate amount charged by WTU on its books to income or earned surplus for maintenance, repairs and depreciation of its property or (b) an amount in each calendar year aggregating not less than 15 percent of its gross operating revenues derived from the operation of its utility properties, less costs of power purchased for exchange or resale.

WTU states that all of its rate schedules include fuel adjustment provisions and that the recent increases in fuel costs have resulted in large recoveries under those provisions thus substantially inflating their gross revenues. WTU states that the increases of revenues resulting from recovery of higher fuel costs have been sharply out of proportion to increases in other areas of WTU's business, notably its utility plant, operating income and net income. Therefore, WTU feels that deductions based on gross revenues are inappropriate for determining earnings test coverage ratios. WTU states that the proposed amendment to the Articles would, accordingly, change the earnings test to require that, in determining gross income for the applicable period, the amounts to be deducted from gross income as charges or provisions for depreciation, retirements, renewals, and replacements and/or amortization, shall not be less in the aggregate than an amount equal to 2.9 percent of the arithmetical average of the amount of its depreciable bondable property at the beginning and the amount thereof at the end of such period in its plant accounts on its books determined in accordance with generally accepted accounting practices. The 2.9 percent rate is approximately equivalent to the average depreciation rate on depreciable bondable property used by WTU for general accounting purposes for 1972 through 1976. WTU states that it should be noted that the provision for a minimum deduction would, under the proposed amendment, relate solely to depreciation, rather than to maintenance, repairs and depreciation.

WTU states that although it has no Preferred Stock, if future fuel cost levels meet its projections the earnings deduction under the present terms of the Articles is likely to increase sufficiently to make it difficult to satisfy the earnings test for issuance of additional Preferred Stock when it is necessary to do so in the future. WTU states that under the proposed formulation, its earnings coverage ratio for 1976 would be 3.69 whereas, as presently computed, it is 2.42.

WTU further proposes to change the minimum deductions required in computing "Common Stock Equity" for purposes of determining the amount available for payment as common stock dividends.

For this purpose "Common Stock equity" is defined generally as the stated capital and retained earnings subject to certain deductions, one of which is the excess, if any, for the period beginning January 1, 1954, and ending at the end of a month within 90 days of the date of which Comon Stock equity is being determined, of an amount equal to 15 percent of gross operating revenues over the aggregate amount charged or provided on WTU's books for maintenance, repairs and depreciation for such period.

WTU proposes that the Articles be amended to provide that the foregoing deduction remain in effect for the period through December 31, 1976, but that for all periods after that date there be required to be deducted instead, the excess, if any, of an amount equal to 2.9 percent of the arithmetical average of the amount of depreciable bondable property under its First Mortgage Indenture at January 1, 1977, and the amount at the end of the period for which the calculation is being made, over the aggregate amount charged or provided on its books for depreciation, retirements, renewals, and replacements and/or amortization for such period. As with the preceding proposed amendment, it should be noted that the provision for the minimum deduction for periods after December 31, 1976, would relate solely to depreciation, rather than to maintenance, repairs and depreciation. WTU states that this amendment is motivated by the same consideration with respect to inflated gross revenue figures due to fuel recovery provisions, as discussed above.

WTU further states that the Articles presently prohibit, without the approval of holders of a majority of Preferred Stock outstanding, the issuance of additional Preferred Stock unless the aggregate of WTU's Common Stock capital and surplus is not less than the aggregate amount payable upon liquidation in respect of all shares of outstanding Preferred Stock. Furthermore, if surplus is considered to determine that the liquidation amount for issuing Preferred Stock is sufficient, then WTU can not pay any dividends on Common Stock which would result in reducing Common Stock equity to an amount less than the aggregate amount payable upon liquidation in respect of all outstanding Preferred Stock. WTU proposes that, for the reasons stated above in conjunction with the other proposed amendments and to maintain a consistent terminology throughout the Articles, that the proposed amended definition of Common stock equity, discussed above, apply equally for purposes of limitations on common stock dividends if earned surplus is used as a basis for issuing additional preferred stock.

WTU further states that dividends on its Common Stock are limited to certain percentages of its net income available for dividends on Common Stock if its ratio of Common Stock equity to total capitalization is, or would by the payment of such dividends become less than 25 percent of total capitalization. Currently, the Articles require that there be deducted, in determining net income available for Common Stock dividends, for the purposes of computing such limitations, an amount equal to 15 percent of gross operating revenues from January 1, 1954, for the 12-month period as to which net income is being calculated, less the aggregate amount charged during such period by WTU on its books for maintenance, repairs and depreciation. WTU proposes to delete the reference to 15 percent of gross operating revenues and, instead, to provide that "net income available for Common Stock dividends" should be determined in accordance with applicable regulations or generally accepted accounting practices. Net income available for Common Stock dividends would then be the same as "net income" reported in WTU's Statement of Operations included in its 1976 Annual Report. WTU states that the increase in gross revenues due to fuel recovery provisions, discussed above, motivates this proposal as well.

WTU further proposes to delete Common Stock equity as a component of "total capitalization" for purposes of the limitation on common stock dividends and to add a new definition of "total capitalization". WTU states that the Articles currently define "total capitalization" for the purpose of determining if Common Stock equity has fallen below 20 percent or 25 percent of total capitalization, as the sum of (a) Common Stock equity, as defined, (b) the excess, if any, of the aggregate amount payable on liquidation in respect of all outstanding Preferred Stock over the aggregate par value of such Preferred Stock and any premiums thereon, (c) the par value of or any premium on outstanding stock of WTU not included in Common Stock equity and (d) the principal amount of all outstanding First Mortgage Bonds and other securities representing indebtedness of WTU maturing more than 12

months after the date of the determination.

WTU states that the definition of Common Stock equity for these purposes requires it to deduct from "total capitalization" the excess, if any, from January 1, 1954, to the date of determination, of an amount equal to 15 percent of gross operating revenues (less certain deductions) over the aggregate amount charged or provided on its books for maintenance, repairs and depreciation of property for such period. WTU proposes to delete this 15 percent deduction, being of the opinion that such a deduction is essentially redundant in view of the fact that dividends are already limited to stated percentages of net income if Common Stock equity as otherwise determined falls below given percentages of total capitalization, and is therefore not appropriate for the protection of the Preferred Stockholders.

WTU proposes to call a special meeting of all its Preferred and Common shareholders to be held on or about April 19, 1977 to vote upon the proposal amendments. WTU proposes to solicit proxies through the use of proposed proxy soliciting material. Each share of stock, Preferred or Common, is entitled to one vote per amendment and each amendment requires the approval of at least two-thirds of the outstanding shares of Preferred Stock, voting as a class and at least two-thirds of the outstanding shares of Preferred Stock and Common Stock, voting together, for acceptance. Central and South West Corporation is the holder of all 2,475,000 outstanding shares of WTU's Common Stock and has indicated its intention to vote such shares in favor of all the proproposed amendments.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $10,000, including $5,000 in legal fees.

Notice is further given that any interested person may, not later than March 28, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 29(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes to solicitation of proxies from WTU's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, regarding the proposed solicitation of proxies of WTU's stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7437 Filed 3-11-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

U.S. ADVISORY COMMITTEE ON VISUAL AIDS TO APPROACH AND LANDING

Reestablishment

Notice is hereby given that the U.S. Advisory Committee on Visual Aids to Approach and Landing is being reestablished, effective April 15, 1977. The Office of Airports Programs is the sponsor of the Committee which consists of a group of 13 experts on airport ground visual aids. The Committee develops information and data in support of proposals to be submitted by the United States to the ICAO Visual Aids Panel for consideration and/or positions to be taken by the United States relating to proposed international standards and recommended practices for airport ground visual aids. The Committee's activity is limited to those visual aids matters which have international implications.

The Secretary of Transportation has determined that the formation and use of the U.S. Committee on Visual Aids to Approach and Landing are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C. on March 4, 1977.

ROBERT BATES,
Chief, Visual Aids Standards Branch, Office of Airports Programs.

[FR Doc.77-7401 Filed 3-11-77;8:45 am]

Federal Railroad Administration

[Docket No. RFA 511-77-1]

GUARANTEE OF OBLIGATIONS

Receipt of Application

Project: Notice is hereby given that the Chicago and North Western Transportation Company ("applicant"), 400 West Madison Street, Chicago, Illinois 60606, has filed an application with the Federal Railroad Administration ("FRA") under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, 45 U.S.C. 831, to secure a commitment by the United States to guarantee obligations or other evidence of indebtedness to be issued by the applicant in the principal amount of $16,000,000. Loan arrangements have not been completed at this time.

The proceeds of the loan are to be used by the applicant to refurbish and improve 3,516 freight train cars. More specifically, the following types of freight cars will be refurbished and improved:

Car type:	Number of cars
Open top hopper	280
Box (50 ft and 60 ft)	420
Insulated box	36
Covered hopper (less than 4,000 cu ft capacity)	
Covered hopper (4,000 ft³ capacity or more)	873
Gondola (53 ft or less)	555
Gondola (65 ft)	34
Flat	11
Ore	480
Mechanical refrigeration	93
Other	155
Total	3,516

Justification for Project: The applicant states that the refurbishment and improvement project will permit more efficient service and additional traffic by increasing the supply of freight cars to present and potential customers because of improved freight car availability and utilization. In additon, the applicant states that the project wil reduce its dependence on foreign cars, thereby reducing car rental expense.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

The application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA, subject to the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations.

The comments will be taken into consideration by the FRA in evaluating the application. However, formal acknowledgment of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: March 4, 1977.

Comment closing date: April 14, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-7443 Filed 3-11-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-70-5]

NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.

Filing of Petition for Rule Making

Notice is hereby given that Paul S. Hudson, Esq., has filed with the Nuclear Regulatory Commission as a petition for rule making dated January 26, 1977, on behalf of the New York Public Interest Research Group, Inc.

The petitioner requests that the Commission determine, after making appropriate findings in accordance with section 51 of the Atomic Energy Act of 1954, as amended, that neptunium-237 is a special nuclear material.

The petitioner requests that contemporaneously with the above determination the Commission revise its regulations governing the classification of nuclear materials, their safeguards, and packaging detailed in 10 CFR Parts 50, 70, 71, and 73. Given the classification of neptunium-237 as a "special nuclear material" the petitioner requests that the Commission make the following specific changes in its regulations:

1. Under 10 CFR 50.2(q) and 10 CFR 70.4(m), the definition of special nuclear material include neptunium-237, or that the determination under Section 51 of the Act be deemed sufficient to re-classify neptunium-237 as a special nuclear material. Notice to this effect should be promulgated to NRC licensees, ERDA and the general public.

2. Under 10 CFR 73.1(b) (1), (2) and (3), the Commission specify the minimum quantities of neptunium-237 above which Part 73, concerning the physical protection of plants, transportation, transportation by air, and materials, applies.

3. Under 10 CFR 73.30(a), the Commission specify the minimum quantities of neptunium-237 above which § 73.30, concerning the physical protection of special nuclear material in transit, applies.

4. Under 10 CFR 73.50, the Commission specify the minimum quantities of neptunium-237 above which § 73.50, concerning requirements for physical protection of licensed activities, particularly, fuel reprocessing facilities, applies.

5. Under 10 CFR 73.60, the Commission specify the minimum quantities of neptunium-237 above which § 73.60 concerning additional requirements for the physical protection of special nuclear material at fixed sites, applies.

6. Under 10 CFR 70.51(e), the Commission specify the limit of error for neptunium material unaccounted for, § 70.51(e)(5), determine the maximum time period for physical inventories of neptunium, § 70.51(e)(3), require licensees to keep records of all fissile materials, including neptunium, § 70.51(e)(4), and require licensees to keep records of all internal transfers of fissile materials, including neptunium, § 70.51(e)(1).

7. Under 10 CFR Part 71, Packaging of Radioactive Material for Transport and Transportation of Radioactive Material under Certain Conditions, the Commission classify neptunium-237 as a "fissile material," along with uranium-233, uranium-235, plutonium-238, plutonium-239 and plutonium-241, § 71.4(e), and designate a "fissile classification" of fissile Class III for neptunium-237, § 71.4(d).

8. Under 10 CFR 71.9, exemption for fissile material, the Commission designate a maximum amount of neptunium, below which the requirements of §§ 71.33, 71.35(b), 71.36(b), 71.37, 71.38, 71.39, and 71.40, do not apply.

9. Under 10 CFR Part 71.11, general license for shipment of licensed material, the Commission designate a maximum amount of meptunium, below which a carrier can transport neptunium without complying with the package standards of subpart C, 10 CFR Part 71, Package Standards.

The petitioner states that the basis for the petition is that neptunium-237 has a critical mass and, therefore, nuclear criticality can be achieved accidentially or purposely. Attached to the petition is an article prepared by Marvin Resnikoff, Ph.D. and NYPIRG scientist entitled, "Neptunium: An Element Overlooked." The petitioner states that this article, the documents referenced therein, and the supplementary comments set out in the petition, provide the principal support for an elaboration of the petition.

It is the view of the petitioner that the requested action represents immediate action which must be taken to protect the health and safety of the public from accidental criticality, and the common defense and security of the nation from the diversion and use of neptunium in atomic weapons, and that the Commission should also examine the remaining transuranics for possible inclusion as special nuclear materials.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of the petition for rule making may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 13, 1977.

Dated at Washington, D.C. this 8th day of March, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-7651 Filed 3-11-77;10:48 am]

MEETINGS

Week of March 14, 1977

In accordance with the requirements of the Government in the Sunshine Act and the Commission's Rules implementing the Act, this Notice identifies the Commission meetings for the Week of March 14, 1977 and, for each meeting, the subject matter and whether all or part of the meeting is closed. The meetings will be held on Friday, March 18, 1977. The public is invited to attend the section marked "Public Meetings."

SECTION I—PUBLIC MEETINGS

10:00 a.m.—Briefing on Reactor Licensing Schedules

11:00 a.m.—Affirmation of Licensee Contractor and Vendor Inspection Program

Affirmation of Statement of Organization and Functions for the Office of Nuclear Reactor Regulation

(The Affirmations will consist of votes on matters previously reviewed individually by the Commissioners, and are expected to take no more than five minutes.)

SECTION II—CLOSED MEETINGS

1:30 p.m.—Discussion of the Seabrook Opinion

(Authority to Close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b(c)(10) and §§ 9.105(a) and 9.104(a)(10) of the Commission's Rules.)

This meeting will involve discussion of the drafting of an opinion in a particular case of formal agency adjudication pursuant to 5 U.S.C. 554.

2:30 p.m.—Briefing on South Africa Export Intervention Petition and

3:30 p.m.—Briefing on West Germany (Burgeraktion) Intervention Petition

(Authority to Close: 5 U.S.C. 552b(d)(1) and 5 U.S.C. 552b (c)(9) and (c)(10) and §§ 9.105 (a) and 9.104 (a)(9) and (a)(10) of the Commission's Rules.)

The General Counsel will present legal and policy advice to the Commission, the premature disclosure of which might be harmful to and significantly frustrate the Commission's action in a matter which it is reasonable to anticipate will result in litigation, as well as being harmful to and significantly frustrating to the Commission's action in a pending case; the briefings will also involve discussion of the Commission's participation in pending civil action and its participation in other civil action which could reasonably be anticipated.

The meetings will be held in the Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C. For further information, contact Walter Magee, Office of the Secretary, telephone: (202) 634-1410.

Dated this 11th day of March 1977, at Washington, D.C.

For the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-7669 Filed 3-11-77;12:03 pm]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1299]

ARIZONA

Declaration of Disaster Loan Area

Mohave and adjacent counties within the State of Arizona constitute a disaster area because of damage resulting from flooding on September 10–11, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 3, 1977 and for economic injury until the close of business on December 5, 1977 at:

Small Business Administration, Disaster Branch Office, 45–541 Oasis Street, Indio, California 92201, and

Small Business Administration, District Office, 112 North Central Avenue, Phoenix, Arizona 85004.

or other locally announced locations.

Dated: March 4, 1977.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.77-7377 Filed 3-11-77;8:45 am]

BOISE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Boise District Advisory Council will hold a public meeting at 9:30 a.m., Monday, April 4, 1977, at the Royal Restaurant, 1112 Main Street in Boise, Idaho, to discuss such business as may be presented by members, staff of the Small Business Administration, and other present. For further information, write or call Oliver T. Davis, District Director, U.S. Small Business Administration, P.O. Box 2618, Boise, Idaho 83701, (208) 554–1096.

Dated: March 8, 1977.

ANTHONY E. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-7376 Filed 3-11-77;8:45 am]

[Proposed License No. 06/06-0189]

GREATER NEW ORLEANS SMALL BUSINESS INVESTMENT CO.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1976)) under the name of Greater New Orleans Small Business Investment Company (Applicant), 210 Baronne Street, Suite 1140, New Orleans, Louisiana 70112, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The Applicant will be a wholly owned subsidiary of Greater New Orleans Investment Company (GNO), a venture capital company, located at 210 Baronne Street, Suite 1140, New Orleans, Louisiana 70112. The two companies will operate for the foreseeable future as a "two tier" venture investment group.

A new corporation is being formed whose name has been registered as "GNO Holding Corporation", 210 Baronne Street, Suite 1140, New Orleans, Louisiana 70112. This corporation will initially own all of the issued and outstanding stock of GNO. In addition, this corporation will not be an operating company, but merely a holding company to assure permanent and continuous United States (U.S.) voting control and management control of GNO and its subsidiary SBIC. As GNO raises additional capital through the sale of its stock to potential U.S. investors, GNO Holding Corporation's percentage of ownership of GNO will be reduced to possibly 30 percent. This proposed sale of additional GNO stock should be sufficiently diluted so that no single shareholder, with the exception of the holding company, will own more than three or four percent of GNO. Therefore, GNO Holding Corporation would continue to have the effective control block of GNO stock.

The Applicant will conduct its operations principally in Metropolitan New Orleans and the State of Louisiana and in other areas within the United States of America and its territories and possessions as may from time to time be approved by SBA.

Initially, the proposed officers, directors and shareholders are as follows:

Thomas E. Smith, Jr., President and Director, 1938 Octavia Street, New Orleans, Louisiana 70115.

Benjamin T. Brown, Jr., Director, 1638 Joseph Street, New Orleans Louisiana 70115.

Edward Wayne Tschirn, Vice President, Secretary, and Director, 2529 Nashville Avenue, New Orleans, Louisiana 70115.

Maurice John Hartson III, Director, 5411 St. Charles Avenue, New Orleans, Louisiana 70115.

Thomas E. McGaha, Director, 1609 Shoal Creek Blvd., Austin, Texas 78701.

Robert Warren Sullivan, Director, 3521 White Oak, New Orleans, Louisiana 70115.

Lee Kay Vorisek, Director, 6339 Canal Blvd., New Orleans, Louisiana 70115.

Gilbert Thomas White, Director, No. 15 Waverly Place, Metairie, Louisiana 70001.

Greater New Orleans Investment Company (GNO), 100 percent ownership, 210 Baronne Street, Suite 1140, New Orleans, Louisiana 70112.

There is only one class of stock. The Applicant corporation has authority to issue an aggregate of 20,000 shares of common stock, each with a par value of $1.00. It is proposed that initially 1,500 shares of the Applicant's common stock will be issued at $1,000 per share. The ultimate goal is to issue 6,700 shares to reach a paid-in capital and paid-in surplus of $6,700,000. SBA will not approve the issuance of a license to operate until such time as the Applicant's initial capital is at least $500,000.

Management advisory and consulting services will be rendered to client companies and other small business concerns. Such services will be performed by the officers, directors and employees of the Applicant.

GNO Holding Corporation is to be owned 95.5 percent by the potential U.S. investors (consisting of 2,100 shares of voting preferred stock) and 4.5 percent (consisting of 100 shares of voting common stock) by Equities Bank Limited. Each share of preferred stock will have full and unrestricted voting power equal to that of one share of common stock. The preferred stock has preference to 90 percent of GNO Holding Corporation's income, as such income is defined by the Internal Revenue Service.

Mr. Thomas E. Smith, Jr., proposed president of the Applicant Licensee is to own 1,400 shares of the 2,100 shares of GNO Holding Corporation preferred stock. As such, and upon the completion of the proposed initial corporate structure, Mr. Smith by attribution will own approximately 63.9 percent of GNO Holding Corporation, GNO, and the Applicant Licensee.

Equities Bank Limited is a privately held, foreign controlled company headquartered in New Hebrides. It is owned 38 percent by the aforementioned potential U.S. investors and 62 percent by several foreign investors.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than (fifteen days from the date of publication of this notice), submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in New Orleans, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 7, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-7379 Filed 3-11-77;8:45 am]

[Proposal No. 05/05-0116]

TAMCO INVESTORS (SBIC), INC.

Application for a License as a Small Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1976)) by Tamco Investors (SBIC), Inc., 375 Victoria Road,

Youngstown, Ohio 44515 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and sole shareholder are:

Name and address	Title and relationship	Percent of ownership
Nathan H. Mentus, 1380 Virginia Trail, Youngstown, Ohio 44505.	President, director, and general manager.	0
Jack B. Tamarkin, 6255 Sodom-Hutchings, Girard, Ohio 44420.	Vice president and director	0
Jerry P. Tamarkin, 3553 5th Ave., Youngstown, Ohio	Treasurer and director	0
Bertram Tamarkin, 926 Ravine Dr., Youngstown, Ohio 44505.	Secretary and director	0
Michael I. Mentus, 5361 Logan Arms Dr., Girard, Ohio 44420	Assistant treasurer, assistant secretary, and director.	0
Tamarkin Co., P.O. Box 1588, 375 Victoria Rd., Youngstown, Ohio 44501.	Sole shareholder	100

The Tamarkin Company (Tamarkin) is a wholesale grocery company engaged principally in the sale of food and allied products to retail supermarkets, superettes, and convenience type food stores.

The Applicant will begin operations with a capitalization of $300,000 and will be a source of equity capital and long term loan funds for qualified small business concerns in the independent retail food industry. In addition, the Applicant may render financial advisory services to qualified small business concerns.

Prospective borrowers will not be required, as a condition of the Applicant's financing, to purchase goods and services from Tamarkin or any associate of Tamarkin. However, Tamarkin will benefit indirectly from the SBIC financing of independent food merchants that are also customers of Tamarkin. These customers will be procuring food and allied products from Tamarkin, but they are not compelled by contract or other agreement to purchase their products or services from Tamarkin. Customers buy from Tamarkin solely at their option and are not required to concentrate their purchases as a condition of utilizing the programs offered by Tamarkin.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Youngstown, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 7, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-7378 Filed 3-11-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 77-4; Reference: ATF O 1100.77]

REGIONAL REGULATORY ADMINISTRATORS, ET AL.

Delegation of Authority To Affix Seal of Department of the Treasury

1. *Purpose.* This order sets forth delegation of authority to affix the seal of the Department of the Treasury.

2. *Delegation.* a. Pursuant to the authority delegated to the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order 107 (Revision 20) dated December 21, 1976 (41 FR 56739, December 29, 1976), those officials listed below are hereby redelegated authority to affix the seal of the Department of the Treasury in the authentication of originals and copies of books, records, papers, writings, and documents of the Bureau, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(1) Regional regulatory administrators; (2) Regional administrative officers; (3) Assistant Director (Technical and Scientific Services); (4) Assistant Director (Administration); (5) Chief, Technical Services Division; (6) Chief, Information Management Division.

b. This authority may not be redelegated.

Effective date. This order becomes effective on March 2, 1977.

Signed: March 2, 1977.

JOHN G. KROGMAN,
Acting Director.

[FR Doc.77-7452 Filed 3-11-77;8:45 am]

Internal Revenue Service

WRITTEN DETERMINATIONS SUBJECT TO PENDING LITIGATION

Disclosure of Written Determinations and Related Background File Documents

Section 1201(b) of the Tax Reform Act of 1976 provides that any written determination (letter ruling, technical advice memorandum, or determination letter) or related background file document that has been requested in a proceeding under the Freedom of Information Act, must be made available to the complainant if the proceeding was commenced before January 1, 1976. Accordingly, the Internal Revenue Service is preparing to make available to the complainant in *Cosmos Broadcasting Corp. v. Donald C. Alexander et al.*, Civil Action No. 75-1991 (D.D.C., filed November 26, 1975) the categories of documents described by the complainant as follows:

Letter rulings issued under section 1071 of the Internal Revenue Code of 1954 relating to the type of properties the purchase of which would qualify for tax deferral, and more specifically whether proceeds from the sale of cable television systems could be reinvested in a radio or television broadcasting station and vice versa.

The Internal Revenue Service is also preparing to make available to the complainant in *Robert A. Klayman v. Internal Revenue Service et al.*, Civil Action No. 75-1584 (D.D.C., filed September 26, 1975) the categories of documents described by the complainant as follows:

1. All unpublished letter rulings originating in the Mining and Timber Section or Oil and Gas Section of the Engineering and Valuation Branch of the office of the Assistant Commissioner (Technical), Internal Revenue Service, (including any predecessors of those Sections) issued under section 612 or 613 of the Internal Revenue Code of 1954 or Treas. Reg. § 1.612-3 or § 1.613-2 thereunder, to lessees or lessors (or prospective lessees or lessors) of mineral rights (including oil and gas and hard mineral rights) or timber rights on or after July 4, 1967, which discuss or determine any or all of the following:

a. Whether a payment or payments made by a lessee to a lessor of mineral or timber rights constitute a "bonus" as defined in Treas. Reg. § 1.612-3(a), "advanced royalties" as defined in Treas. Reg. § 1.612-3(b), or "delay rental" as defined in Treas. Reg. § 1.612-3(c);

b. The proper tax treatment by the lessee of an advance payment made by a lessee to a lessor of mineral or timber rights where such payment is recoverable by the lessee out of royalties on mineral or timber subsequently extracted or cut;

c. The distinctions between bonuses and advanced royalties in mineral or timber lease transactions.

2. All unpublished letter rulings originating in the Internal Revenue Service Sections referred to in (1) above issued on or after August 16, 1954, and before July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

3. The portions intended for issuance to taxpayers of all responses to technical advice requests originating in the Internal Revenue Service Sections referred to in (1) above issued on or after July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

4. The portions intended for issuance to taxpayers of all responses to technical advice requests originating in the Internal Revenue Service Sections referred to in (1) above issued on or after August 16, 1954, and before July 4, 1967, discussing or determining any matter or issue described in paragraphs 1 (a), (b) or (c) above.

The Internal Revenue Service is also preparing to make available to the complainant in *Shakespeare of Arkansas, Inc. v. Internal Revenue Service et al.*, Civil Action No. F-75-41-C (W.D. Ark., filed June 23, 1975) the categories of documents, determined by the Internal Revenue Service to have significant reference value, that were described by the complainant as follows:

Requests for rulings (together with all communications relating thereto) and the private rulings or technical advice memoranda issued by the Excise Tax Branch which rulings relate to the taxability or nontaxability of items of fishing tackle and the actual or constructive selling price at which fishing tackle is to be taxed, under section 4161 and 4216 of the Code.

Section 6110(c) of the Internal Revenue Code of 1954 requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Internal Revenue Service intends to delete names and addresses, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the documents available to the complainants.

Person who have received written determinations described in this notice may contact the Internal Revenue Service to ascertain whether their particular written determinations or related background file documents will be made available to the complainants. These persons may also submit comments with respect to the information that the Internal Revenue Service intends to delete under section 6110(c). Questions and comments should be sent before April 13, 1977.

Assistant Director, Tax Forms and Publications Division, 1111 Constitution Avenue, NW., Room 5577, Washington, D.C. 20224. (202) 566-6150.

If no questions or comments concerning a particular document are received by the Internal Revenue Service before April 13, 1977, that document will be made available to the complainants. If a timely comment is received concerning a particular document, the Internal Revenue Service will consider it before that document is made available to the complainants.

Comments with respect to information deleted under section 6110(c) must be in writing. Those comments made by authorized representatives on behalf of their clients must be accompanied by an appropriate power of attorney.

WILLIAM E. WILLIAMS,
Acting Commissioner.

[FR Doc.77-7451 Filed 3-11-77;8:45 am]

Office of the Secretary

PRESSURE SENSITIVE PLASTIC TAPE FROM WEST GERMANY

Antidumping; Withholding of Appraisement

Correction

In FR Doc. 77-6396, appearing at 12285, in the issue of Thursday, March 3, 1977, on page 12286, second column, paragraph (f) the twelfth line now reading "tively found ranging from 3 to 7 percent" should read "tively found ranging from 3 to 27 percent".

Office of Revenue Sharing

[Administrative Ruling No. 77-1]

GOVERNMENTS ELIGIBLE FOR ANTIRECESSION FISCAL ASSISTANCE PAYMENTS

Final Date for Filing of Statement of Assurances for Calendar Quarters Beginning April 1, 1977 and July 1, 1977

Administrative Ruling 76-4, published December 15, 1976 in the FEDERAL REGISTER (41 FR 54828), provided that eligible State and local governments that had not filed a statement of assurances with the Director of the Office of Revenue Sharing on or before March 11, 1977 will be deemed to have waived antirecession fiscal assistance funds payable pursuant to Title II of the Public Works Employment Act of 1976 (Pub. L. 94-369) for the calendar quarters beginning July and October, 1976, and January and April, 1977.

The provision of Administrative Ruling 76-4, with respect to the waiver of antirecession fiscal assistance payments for the calendar quarter beginning April 1, 1977, is hereby amended as follows: Payments for the calendar quarter beginning April 1, 1977 will be deemed to have been waived unless a State or local government submits a statement of assurances to the Director of the Office of Revenue Sharing on or before June 1, 1977.

Payments for the calendar quarter beginning July 1, 1977 will be deemed to have been waived unless a State or local government submits a statement of assurances to the Director of the Office of Revenue Sharing on or before August 31, 1977.

Dated: March 9, 1977.

JEANNA D. TULLY,
Director,
Office of Revenue Sharing.

[FR Doc.77-7404 Filed 3-9-77;11:44 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 344]

ASSIGNMENT OF HEARINGS

MARCH 9, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 128988 (Sub-No. 88), Jo/Kel, Inc., now assigned March 25, 1977, at Denver, Colo., is cancelled and application dismissed.

MC 135082 (Sub-No. 39), Bursch Trucking, Inc., d./b./a. Roadrunner Trucking, Inc., now assigned March 22, 1977 (4 days), at Albuquerque, New Mexico, in the Bernalillo County Courthouse Juvenile Court Room, 415 Tijeras Avenue, N.W.

MC 141943 (Sub-No. 2) Bowman Company, now assigned May 3, 1977, at Louisville, Ky. is canceled and reassigned for May 3, 1977, at Lexington, Ky., location of hearing room to be later designated.

MC 116915 (Sub-No. 27), Eck Miller Transportation Corp., now assigned May 4, 1977, at Louisville, Ky. is cancelled and reassigned for May 4, 1977 (1 day) at Lexington, Ky., location of hearing room will be later designated.

MC-C-8685, J. Francis McCarthy, d./b./a. Mac Transport Lines—Revocation of Permit, now assigned April 18, 1977 at Boston, Massachusetts, is canceled.

MC 141844, Grady County Farms, Inc., now assigned May 5, 1977 at Louisville, Ky., is cancelled and reassigned for May 5, 1977 (2 days), Lexington, Ky., location of hearing room will be later designated.

MC 138157 (Sub-No. 30), Southwest Equipment Rental, Inc. d./b./a. Southwest Motor Freight application dismissed.

MC 111302 Sub 93, Highway Transport, Inc., and MC 112801 Sub 186, Transport Service Co., now assigned April 14, 1977, at Chicago, Ill., will be held in Room 350, 230 S. Dearborn St.

MC-F-12873, Motor Dispatch Inc.—Investigation of Control—Loudon Lines, Inc., and Lincoln Express and Freight Lines, Inc., and MC-C-9130, Loudon Lines, Inc., Lincoln Express and Freight Lines, Inc., and Motor Dispatch Inc.—Investigation and Revocation of Certificates and Certificates of Registration, now assigned April 12, 1977, at Chicago, Ill., will be held in Room 350, 230 S. Dearborn Street.

MC 130409, Charlotte Visitours, Inc., now being assigned April 18, 1977 (3 days) at Charlotte, N.C., in a hearing room to be later designated.

MC 113678 Sub 631, Curtis, Inc., MC 115331 Sub 413, Truck Transport, Inc., MC 116763 Sub 348, Carl Subler Trucking Inc., MC 118989, Sub 141, Container Transit, Inc., MC 123048 Sub 343, Diamond Transportation System, Inc., MC 124211 Sub 281, Hilt Truck Line, Inc., MC 128273 Sub 240, Midwestern Distribution, Inc., and MC 135732 Sub 25, Aubrey Freight Lines, Inc., now assigned March 28, 1977, at Milwaukee, Wis., will be held in the State Room, Milwaukee Inn, 916 East State Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7472 Filed 3-11-77;8:45 am]

[AB 77 (Sub-No. 1); Service Date Mar. 9, 1977]

BANGOR AND AROOSTOOK RAILROAD CO.

Abandonment Between South LaGrange and Packard in Penobscot and Piscataquis Counties, Maine

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environ-

mental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 10, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7474 Filed 3-11-77;8:45 am]

[AB 19 (Sub-No. 31; Service Date Mar. 9, 1977]

BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY CO.

Abandonment and Abandonment of Operation by the Baltimore and Ohio Railway Company Between Guthrie Spur Junction and Tidedale in Indiana County, Pennsylvania

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Buffalo, Rochester and Pittsburgh Railway Company and the Baltimore and Ohio Railroad Company of the Guthrie Mine Spur, between Guthrie Mine Junction and Tidedale, a distance of 1.33 miles, in Indiana County, Pa., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4312, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that because there has been no traffic over the subject line in the past five years, abandonment will not result in adverse impacts to existing transportation systems or energy consumption. There are no economic development plans in tributary territory which would conflict with the abandonment. Furthermore, no significant adverse effects on air or water quality, terrestrial ecology or historic sites have been identified. Although there is some mining of coal along Yellow Creek, transportation is currently provided by motor carrier and conveyor belt. Interest has been expressed by one coal company in possibly acquiring this line for rail transportation purposes. Consequently a condition has been recommended which would facilitate acquisition of this line for continued rail use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7480 Filed 3-11-77;8:45 am]

[AB6 (Sub-No. 45); Service Date: Mar. 9, 1977]

BURLINGTON NORTHERN INC.

Abandonment Between Sterling and New Raymer in Logan and Weld Counties, Colorado

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 19, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7485 Filed 3-11-77;8:45 am]

[AB 1 (Sub-No. 49);
Service Date Mar. 9, 1977]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Elkhorn Junction and Irvington, in Douglas County, Nebraska

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 10, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7492 Filed 3-11-77;8:45 am]

[AB 7 (Sub-No. 29); Service Date: Mar. 9, 1977.]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment in the City of Berlin, Green Lake County, Wisconsin

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environment threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 6, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7496 Filed 3-11-77;8:45 am]

[AB 101 (Sub-No. 2); Service Date: Mar. 9, 1977.]

DULUTH, MISSABE AND IRON RANGE RAILWAY CO.

Abandonment Between Sawbill Landing and Forest Center in Lake County, Minnesota; Correction

FEBRUARY 25, 1977.

By notice dated January 31, 1977, the public was informed that no substantive comments in opposition, of an environmental nature, had been received in response to the environmental threshold assessment survey prepared in the above-docketed proceeding. The notice also indicated that the proceeding was ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate. Through an inadvertance, the incorrect title was given in the previous notice, although the docket

number was correct. The correct title should have been as indicated below.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7491 Filed 3-11-77;8:45 am]

[AB 119 (Sub-No. 1); Service Date Mar. 9, 1977]

FORTH WORTH AND DENVER RAILWAY CO.

Abandonment Between Sterley and Silverton in Floyd and Biscoe Counties, Texas

FEBRUARY 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Fort Worth and Denver Railway Company of its line between Sterley and Silverton, a distance of 19.71 miles, in Floyd and Biscoe Counties, Texas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no definitive plans for economic development which would be dependent on the continuation of rail service have been identified in the subject region. The land surrounding this line is primarily used for agricultural purposes, and no scenic features are involved. Furthermore, no interest has been expressed in utilizing this line for other public purposes following abandonment. Given the low volume of traffic handled on this line, no significant impacts on fuel consumption or air quality will result.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the preceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7481 Filed 3-11-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before March 29, 1977.

FSA No. 43334—*Iron or Steel Articles to Beaumont, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-662), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from Alton and Federal, Illinois, to Beaumont, Texas.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 257 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098.

Rates are published to become effective on April 9, 1977.

FSA No. 43335—*Salt to Taylorsville, Mississippi.* Filed by Southwestern Freight Bureau, Agent, (No. B-659), for interested rail carriers. Rates on salt, in carloads, as described in the application, from points in southwestern territory, to Taylorsville, Mississippi.

Grounds for relief—Rate relationship.

Tariff—Supplement 155 to Southwestern Freight Bureau, Agent, tariff SW/S-2007-H, I.C.C. No. 5042.

Rates are published to become effective on April 10, 1977.

By the Commission

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7473 Filed 3-11-77;8:45 am]

[AB 2 (Sub-No. 12); Service Date Mar. 9, 1977]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between Otter Creek Junction and Brazil, in Vigo and Clay Counties, Indiana

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 17, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7484 Filed 3-11-77;8:45 am]

[AB 10 (Sub-No. 8)]

NORFOLK AND WESTERN RAILWAY CO.

Abandonment in the City of Radford, Montgomery County, Virginia

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Norfolk and Western Railway Company in the City of Radford, a distance of 2.4 miles, all in Montgomery County, Va., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic on the line has been non-existent for 4 years and the only shipper has not requested service during the period. The city of Cadford has recently annexed that portion of Montgomery County, effective January 1, 1977, from the present city limits south to Interstate Highway 81. A segment of the railroad proposed for abandonment lies within the annexed area. The city intends to establish an industrial park in this newly annexed area along the northern end of the right-of-way. Consequently the city of Radford and the railroad have agreed to leave in place the right-of-way track, and bridges from the beginning of the proposed abandonment at Forest Street south to Route 611, as an industrial spur. This agreement will remain in effect for 2 years after abandonment. The right-of-way has been determined to be suitable for other public uses following abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce

Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7479 Filed 3-11-77;8:45 am]

[AB 10 (Sub-No. 9)]

NORFOLK AND WESTERN RAILWAY CO.

Abandonment Between Boaz and Jarratt, in Isle of Wight, Southampton and Sussex Counties, Virginia

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Norfolk and Western Railway Company between Boaz and Jarratt, a distance of 40 miles, in Isle of Wight, Southampton and Sussex Counties, Va., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic on the line has been very low for a number of years. Also, no land use plans of an economic or industrial importance exist which would necessitate the continued operation of the line. The right-of-way is not considered suitable for alternate public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7477 Filed 3-11-77;8:45 am]

[AB 125 (Sub-No. 1)]

NORFOLK SOUTHERN RAILWAY CO.

Abandonment Between Diamond Springs and Shelton, in Virginia Beach, Virginia

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 10, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7490 Filed 3-11-77;8:45 am]

[AB 55 (Sub-No. 9)]

SEABOARD COAST LINE RAILROAD CO.

Abandonment Between Red Level Junction and Crystal River, Florida

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Seaboard Coast Line Railroad Company of its line extending from Milepost ARD 785.71, near Red Level Junction, in a southerly direction to Milepost ARD 790.90, near Crystal River, a distance of 5.19 miles, in Citrus County, Fla., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the propsed action are considered insignificant because the traffic volume exhibited on the portion of the branch proposed for abandonment is low. A shift of rail traffic to motor carriers would cause no substantial alterations in existing air quality, fuel consumption, highway traffic, and noise instrusions to the area. No land use plans of an economic or industrial importance exist which would necessitate the continued operation of the line. Consequently, there is no indication that this action will have a serious adverse impact on rural or community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7495 Filed 3-11-77;8:45 am]

[AB 57 (Sub-No. 4)]

SOO LINE RAILROAD CO.

Abandonment Near a Point in Duluth, St. Louis County, Minnesota

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notices that its Section of Energy and Environment has concluded that the proposed abandonment by the Soo Line Railroad Company of its line of railroad between Milepost 467.93 and the end of the line at Milepost 468.20, a distance of .27 miles, in St. Louis County, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the traffic volume exhibited on the portion of the branch proposed for abandonment is low. The shift of rail traffic to motor carriers would cause no substantial alterations in existing air quality, fuel consumption, highway traffic and noise intrusions to the area. There are no historic or ecological impacts associated with the proposed action.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings,

Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7482 Filed 3-11-77;8:45 am]

[AB 12 (Sub-No. 46)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Hamilton and Ordbend in Glenn County, California

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 6, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7495 Filed 3-11-77;8:45 am]

[AB 12 (Sub-No. 31)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Westwood Siding and Beverly Hills in Los Angeles County, California

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 6, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7498 Filed 3-11-77;8:45 am]

[AB 12 (Sub-No. 49)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Redlands, 2nd Street and Crafton in San Bernardino County, California

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its line between Redlands, 2nd Street and Crafton, a distance of 3.71 miles, in San Bernardino County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no significant environmental impacts would result from abandonment because the line has handled a minimal volume of traffic, and an alternate line of the Atchison, Topeka and Santa Fe parallels the line to be abandoned. Interest has been expressed in acquiring the right-of-way for use in a flood control project, and an appropriate public use condition has been recommended. The line to be abandoned closely parallels and crosses the Mill Creek "Zanja", an historic irrigation canal which has been nominated for inclusion on the National Register of Historic Places. It has been determined that abandonment will enhance the aesthetic and historic character of the "Zanja", by removal of the rail line. However, a mitigating measure has been recommended to ensure that salvage operations are conducted in a manner consistent with the historic character of the "Zanja."

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 6, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abondonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7493 Filed 3-11-77;8:45 am]

[AB 12 (Sub-No. 50)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Burrell and Riverdale in Fresno County, California

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served December 23, 1976, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7487 Filed 3-11-77;8:25 am]

[AB 12 (Sub-No. 34); Service date March 2, 1977]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Fall Creek Junction and Fall Creek in Lane County, Oregon

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 10,

1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7469 Filed 3-11-77;8:45 am]

[AB 20 (Sub-No. 3)]

TEXAS AND PACIFIC CO.

Abandonment Between San Martine and Rock House, in Culberson County, Texas

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Texas and Pacific Railway Company of its line of railroad extending from Milepost 686.3 near San Martine to Milepost 713.5 at Rock House, a distance of 27.2 miles in Culberson County, Tex., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the light density of traffic involved and the absence of any major historic, safety, or ecological consequences associated with the proposed abandonment. The local highway in the area of the subject line is able to accommodate the resultant slight diversion to truck transportation. Also, no definitive land use plans of an economic importance exist which are dependent upon the continued operation of the line. Although there are several major oil companies which are presently exploring the area near the subject line for oil, gas, and additional mineral deposits, no industries have located in the area. Therefore, the proposed abandonment should not have a serious adverse impact on rural and community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represent an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7483 Filed 3-11-77;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulation (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before April 4, 1977. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before April 13, 1977, subject to its tariff publication effective date.

P-2-77 (Special Certificate—Waste products), filed February 14, 1977. Applicant: CARDINAL FREIGHTWAYS, a Limited Partnership, 3308 Bandini Boulevard, Los Angeles, Calif. 90023. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *aluminum and steel (tin) containers, glass bottles,* and *aluminum household scraps,* from points in Arizona, to points in California, in furtherance of a recognized pollution control program sponsored by Beverage Industry Recycling Program located in Phoenix, Ariz., for the purpose of collecting and transmitting waste scraps for recycling.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7470 Filed 3-11-77;8:45 am]

[AB 33 (Sub-No. 13)]

UNION PACIFIC RAILROAD CO.

Abandonment of its "Sears Branch" Between Sears and Janise in Scotts Bluff County, Nebraska

FEBRUARY 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Union Pacific Railroad Company of its Sears Branch from Milepost 0.00 near Sears to Milepost 2.59 near Janise, a distance of 2.59 miles, in Scotts Bluff, County, Nebr., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the only environmental impacts associated with this abandonment will result from line dismantlement. There will be no diversion of traffic to motor carrier since the line has been devoid of traffic since 1973. Because of this fact and the lack of developmental plans dependent on the subject rail line, there will be no adverse effect on rural and community development.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7488 Filed 3-11-77;8:45 am]

[AB 33 (Sub-No. 14)]

UNION PACIFIC RAILROAD CO.

Abandonment Portion-Encampment Branch Between Saratoga and Cow Creek in Carbon County, Wyoming

FEBRUARY 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of

Energy and Environment has concluded that the proposed abandonment by the Union Pacific Railroad Company of a portion of the Encampment Branch extending 9.11 miles from Cow Creek to Saratoga in Carbon County, Wyo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic on the line is low and declining and the division to motor carriers should the abandonment be approved, would only minimally affect the existing environment. Moreover, alternative rail transportation exists in the area and the highway system is adequate to handle the small increase in traffic. No projects of economic consequence are occurring or planned for the area. Considering the lack of activities in the area dependent on rail service from this line, the subject action would not have a serious adverse impact on rural and community development. It was determined that the right-of-way would not be suitable for public use.

The line crosses the North Platte River, a blue ribbon trout stream. Salvaging operations on the bridge spanning this river could create a serious adverse effect on a portion of the trout population during spawning. However, a condition is recommended in the TAS which would mitigate this effect.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7497 Filed 3-11-77;8:45 am]

[AB 126]

WELLSVILLE, ADDISON & CALETON RAILROAD CORP.

Abandonment of Entire Line in Potter and Tioga Counties, Pa.

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7486 Filed 3-11-77;8:45 a.m.]

[AB 131]

YAKIMA VALLEY TRANSPORTATION COMPANY

Abandonment in Selah, Yakima County, Washington

FEBRUARY 23, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. A notice setting forth this conclusion was served January 11, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7478 Filed 3-11-77;8:45 am]

[Notice No. 131]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before April 13, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76840, filed December 17, 1976. Transferee: I. L. GEER, MADOLYN A. GEER, GARRY W. GEER, and GILBERT I. GEER, a partnership, doing business as I. L. GEER & SONS, 211 Terrace Street, Warren, Pennsylvania 16365. Transferor: Irving L. Geer, doing business as I. L. Geer, 211 Terrace Street, Warren, Pennsylvania 16365. Applicant's representative: Kenneth T. Johnson & Ronald W. Malin, Attorneys at Law, Bankers Trust Building, Jamestown, New York 14701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 129311, issued June 11, 1968, as follows: Crude oil from points in the Townships of Busti and Kiantone in Chautauqua County, N.Y., to points in Mead Township, Warren County, Pa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76947, filed February 2, 1977. Transferee: CHARLES D. SHUPE & SIBYL SHUPE, doing business as Ravalli Motor Freight, Rt. 2, Box 2381, Hamilton, Montana 59840. Transferor: Norman W. Foster, doing business as Ravalli Motor Freight, P.O. Box 976, Hamilton, Montana 59840. Applicant's representative: Gail H. Goheen, Attorney at Law, Koch & McKenna, P.O. Box 389, Hamilton, Montana 59840. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC 121623 issued July 30, 1973, as follows: Commercial freight between Victor, Corvallis, Grantsdale, Stevensville, Thrifty Grocery Store, Casey's Store and Wayside Grocery Store, Hamilton and Darby on the one hand, and Butte and Anaconda on the other hand over a specified regular route. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76966, filed February 4, 1977. Transferee: Elich Company, a corporation, doing business as ELICH BUTTE-DEER LODGE MOTOR FREIGHT, 3430 South Hillcrest Drive,

Butte, Montana 59701. Transferor: Melvin M. Mooney and Lorraine E. Mooney, a partnership, doing business as Mooney's Butte-Deer Lodge Motor Freight, 107 Rocky Mountain Lane, Butte, Montana 59701. Applicant's representative: Keith P. Johnson, Attorney at Law, 6–10 First National Bank Bldg., Butte, Montana 59701. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 140357 issued February 11, 1976, in the name of David E. Fetters and Virginia S. Fetters, doing business as Fetters Butte-Deer Lodge Motor Freight and authorized to be transferred to Melvin M. Mooney and Lorraine E. Mooney, a partnership, doing business as Mooney's Butte-Deer Lodge Motor Freight pursuant to No. MC–FC–76811 approved January 26, 1977, as follows: General commodities with the usual exceptions over a specified regular route between Butte and Deer Lodge, Mont., serving all intermediate points. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76973, filed February 8, 1977. Transferee: JOE CROCKER MOVING & STORAGE, INC., P.O. Box 7558, Corpus Christi, Texas 78415. Transferor: Joe Crocker (Martha Leona Crocker, Independent Executrix), doing business as Joe Crocker Trucking Co., P.O. Box 7558, Corpus Christi, Texas 78415 and Joe Crocker (Martha Leona Crocker, Independent Executrix), doing business as Joe Crocker Moving & Storage, P.O. Box 7558, Corpus Christi, Texas 78415. Applicant's representative: Philip Robinson, Attorney at Law, 1806 Rio Grande, P.O. Box 2207, Austin, Texas 78768. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 113175 (Sub-No. 3) and No. MC 113175 (Sub-No. 6) issued August 18, 1969 and October 11, 1974 respectively and Certificate of Registration No. MC 121669 issued April 14, 1971, as follows: Used household goods between Corpus Christi, Tex., on the one hand, and, on the other, specified counties in Texas, and between points in specified counties in Texas, and household goods and used office furniture and equipment from all points within a 50 mile radius of Fredericksburg, Texas, to all points in Texas and vice versa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76975, filed February 10, 1977. Transferee: VIRGIL KATHOL, RR No. 3, Hartington, Neb. 68739. Transferor: Ivo Kathol, RR No. 3, Hartington, Neb. 68739. Applicant's representative: George L. Hirschbalh, Attorney at Law, P.O. Box 417, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 93134, issued August 3, 1960, as follows: Livestock, From Hartington, Nebr., and points within 25 miles thereof, to Sioux City, Iowa, and Yankton, S. Dak., and from O'Neill and Plainview, Neb., to Sioux City, Iowa, also Livestock, coal, sand, twine, feed, sugar, lumber, building materials, flour, potatoes, seed, agricutural implements and parts, furniture, fencing, grain, groceries, and petroleum products in containers, from Sioux City, Iowa, to Hartington, Nebr., and points within 25 miles of Hartington, and Grain, fruits, and vegetables, from Hartington, Nebr., and points within 25 miles thereof, to Sioux City, Iowa. Livestock, feed, and seed, from Yankton, S. Dak., to Hartington, Nebr., and points within 25 miles of Hartington, with no Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7469 Filed 3-11-77;8:45 am]

[AB 37 (Sub-No. 6)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY

Abandonment and Abandonment of Operation—By Union Pacific Railroad Company of "Umatilla Branch" Between Umatilla and Irrigon in Umatilla and Morrow Counties, Oregon

FEBRUARY 25, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Oregon-Washington Railroad and Navigation Company and the proposed abandonment of operations by the Union Pacific Railroad Company of the Umatilla Branch extending 7.5 miles from Umatilla to Irrigon in Umatilla and Morrow Counties, Oreg., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Enviromental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environment impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no traffic has been generated on the branch for at least five years and no industries which would be dependent on the line for rail service are located in or planned for the adjacent area. Moreover alternative transportation is available over the UP main line and the navigable Columbia River. Inasmuch as the line would be reclassified to a sidetrack if the abandonment is approved and continue in use for the storage of cars, the proposed abandonment is not expected to adversely affect the existing environment nor have a serious adverse effect on rural and community development. Because ownership would be retained by the railroad, the right-of-way would not be suitable for public use.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7476 Filed 3-11-77;8:45 am]

[AB 12 (Sub-No. 47)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Its San Bruno Branch Between Daly City and Baden, in San Mateo County, California

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment of a 3.41 mile portion of the San Bruno Branch Line in San Mateo County, Calif. by the Southern Pacific Transportation Company, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic to motor carrier would add approximately three trucks to the area highways daily. This additional traffic would not significantly affect ambient environmental conditions, fuel consumption, or safety conditions. Approval of the proposed action would not affect any historic site, or structure, or any endangered or threatened species. There are no definitive development plans that require the continuation of rail service on this corridor. Consequently, abandonment would not affect rural and community development.

It has been determined that the right-of-way would be suitable for public use. Various alternative public uses have been proposed for the property. Consequently, an appropriate public-use condition has been suggested in the TAS.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 13, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–7475 Filed 3–11–77;8:45 am]

[AB 12; Sub-No. 20; Finance Docket Nos. 28024 and 28078]

SOUTHERN PACIFIC TRANSPORTATION CO., ET AL.

Abandonment of Railroad Services, etc.

FEBRUARY 28, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceedings has not caused the Commission's Section of Energy and Environment to modify its previous conclusion that these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202–275–7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77–7499 Filed 3–11–77;8:45 am]

federal register

MONDAY, MARCH 14, 1977

PART II

DEPARTMENT OF STATE

■

PERMITS TO FISH OFF U.S. COASTS

Applications

DEPARTMENT OF STATE

[Public Notice 529]

PERMITS TO FISH OFF THE COASTS OF THE UNITED STATES

Applications

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional applications for fishing beginning March 1, 1977, have been received from the Government of Japan, and are published herewith.

Dated: March 3, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

NO 51

JA-77-0057

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application No. JA-77-0057 (For Use of Issuing Office)

State: JAPAN

1. Name of Vessel: HOKUTO MARU NO. 3
2. Vessel No. Hull No. [illegible] Registration No. OTA-261
3. Name and Address of Owner (HOSHIKI 97) Name and Address of Charterer

Name: HATOH SUISAN CO., LTD.	NIPPON SUISAN KAISHA, LTD.
Address: 3-1-4, TAKATSUKA,	6-6-2, OTEMACHI, CHIYODA-KU,
OTARU-SHI, HOKKAIDO, JAPAN	TOKYO, JAPAN
Cable Address: ---	NISSUI TOKYO

4. Homeport and State of Registry: OTARU, JAPAN
5. Type of Vessel: STERN TRAWLER, AFFILIATED TO MOTHER BASE SHIP SHIKISHIMA MARU
6. Tonnage (Gross): 480.60 M.T. (Net) 137.58 M.T.
7. Length 45.01 M. 8. Breadth 8.80 M. 9. Draft 3.90 M.
10. Horsepower 2300 shp. 11. Maximum Speed 12.0 kt.
11. Propulsion: Diesel (●), Steam ( ), Diesel/Electric ( ).
Other: ---
13. Date Built MARCH 1968
14. Number and Nationality of Personnel 36, JAPAN
Officers 7 Crew 29 Other (Specify) ---
15. Communications: VHF-FM ( ), AM/SSB, Voice (●), Telegraphy (●).
Other: ---
International Radio Call Sign JFSD
Radio Frequencies Monitored A3 2182.5 KHZ, (VIA PACIFIC RADIO SHIP)
Other Working Frequencies A3J 2715.5 4427.5 KHZ (VIA PACIFIC RADIO SHIP)
Schedule WATCH TIME: 20:00 TO 04:00 GMT. (BERING SEA & ALEUTIAN ISLANDS)

16. Navigation Equipment: Loran C (●), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radat ( ), Fathometer (●), Other: ---
17. Cargo Capacity (MT)

		18. Cargo Space	Number	Size
Salted Fish	---	Freezer	-	-
Fresh Fish	250 M.T.	Dry Hold	I, II (FISH HOLD) SEE ATTACHED I	
Frozen Fish	-	Tanks	-	-
Fish Meal	-	Other	-	-
Other	-			

19. Processing Equipment (Indicate daily capacity, MT)
---
20. Fisheries for which Permit is Requested:

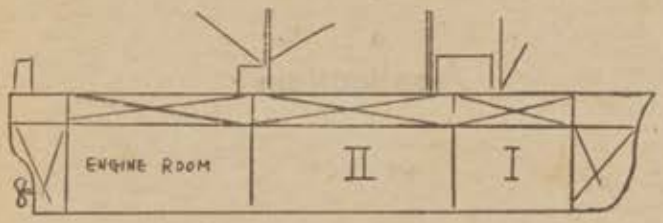
Ocean Area	Period (From-To)	Species	Consolidated Catch (MT)	Gear to be Used
BERING SEA & ALEUTIAN ISLANDS	MAY — OCT.	SEE ATTACHED II		MIDWATER TRAWL, BOTTOM TRAWL,

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

THIS VESSEL IS A SUBSTITUTE FOR THE VESSEL OTA HULL NUMBER "FOURTEEN SEVEN", THE NAME OF WHICH WAS "SUSPENDED" AT THE LATEST APPLICATION.

ATTACHED I

JA-77-0057



I, II.---- DRY HOLD

ATTACHED I

JA-77-0057

THIS VESSEL APPLIES FOR FISHING A PORTION OF THE ALLOCATIONS FOR THE SPECIES IN THE OCEAN AREAS DURING THE PERIODS AS DESCRIBED BELOW:

BERING SEA AND ALEUTIAN ISLANDS

MAY — OCTOBER

POLLOCK	800,000 M.T.	
ROCKFISHES	12,000	BYCATCH
BLACK COD	7,000	
FLOUNDERS	130,000	
PACIFIC COD	45,000	
OTHER GROUNDFISH	40,000	
HERRING	10,000	
SQUID	10,000	

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

IA-77-1000

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977
Application No. For Use of Issuing Office: IA-77-1000
State: JAPAN

1. Name of Vessel: DAIHO MARU
2. Vessel No.: Hull, Sq. ___ Registration No. TKI-623
3. Name and Address of Owner / Name and Address of Charterer
   Name: TOKUMARU KAIUN CO., LTD.
   Address: SHOKI-BLDG, NO. 7,3-CHOME
   KYOBASHI, CHUO-KU, TOKYO, JAPAN
   Cable Address: TOKUMARU KAIUN TOKYO
4. Homeport and State of Registry: AKASHI, JAPAN
5. Type of Vessel: REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1963.06 M.T. (Net) 1074.91 M.T.
7. Length 93.20 M., B. Breadth 13.00 M., D. Draft 5.691 M.
8. Horsepower 3600 shp. 11. Maximum Speed 17.20 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
   Other
12. Date Built APRIL, 1965
14. Number and Nationality of Personnel 39, JAPAN
   Officers 9 Crew 30 Other (Specify)
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*),
   Other
   International Radio Call Sign JKYO
   Radio Frequencies Monitored 500 KHZ 2182 KHZ
   Other Working Frequencies 410 470 492 446 468 KHz/MHz
   Schedule WATCH TIME : BERING SEA AND ALEUTIAN ISLANDS / ATLANTIC.GULF OF ALASKA / OREGON WASHINGTON AND CALIFORNIA / CENTRAL PACIFIC
16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navaid T ( ), Radar (*), Fathometer (*),
   Other
17. Cargo Capacity (MT)
   Salted Fish
   Fresh Fish
   Frozen Fish 1650 M.T.
   Fish Meal
   Other
18. Cargo Space Number / Name
   Freezer: SEE THE ATTACHED PAPER 1 I II III
   Dry Hold: FROZEN FISH HOLD
   Tanks
   Other
19. Processing Equipment (Indicate daily capacity,MT):
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC	MARCH TO DECEMBER			
GULF OF ALASKA	MARCH TO DECEMBER			
BERING SEA AND ALEUTIAN ISLANDS	MARCH TO DECEMBER			
OREGON WASHINGTON AND CALIFORNIA	MARCH TO DECEMBER			
CENTRAL PACIFIC	MARCH TO DECEMBER			

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-1000

ATTACHED PAPER NO. 1
DAIHO MARU
PLAN OF FROZEN FISH HOLD

1001

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977
Application No. For Use of Issuing Office: IA-77-1001
State: JAPAN

1. Name of Vessel: SAKURA MARU
2. Vessel No.: Hull, Sq. ___ Registration No. NS 1-1
3. Name and Address of Owner / Name and Address of Charterer
   Name: SATO SUISANKYO CO., LTD
   Address: 6-15-1 SHINBASHI CHOMTOKI
   HIROSHIMA JAPAN
   Cable Address: SATOKYUSH CHOMTOKI
4. Homeport and State of Registry: CHOMTOKI, JAPAN
5. Type of Vessel: REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2877.55 M.T. (Net) 1496.03 M.T.
7. Length 105.03 M., B. Breadth 14.80M., D. Draft 6.10 M.
10. Horsepower 3720 shp. 11. Maximum Speed 17 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
   Other
12. Date Built JANUARY 1973
14. Number and Nationality of Personnel 71 JAPAN
   Officers 9 Crew 32 Other (Specify)
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),
   Other
   International Radio Call Sign JJ4D
   Radio Frequencies Monitored 500 KHZ 2182 KHZ
   Other Working Frequencies 41; 410 490 466 500 KHz
   Schedule WATCH TIME : BERING SEA AND ALEUTIAN ISLANDS / ATLANTIC.GULF OF ALASKA

IA-77-1001

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
Decca ( ), Navaat ( ), Radar (*), Fathometer (*),
Other

17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	7060 M.T.
Fish Meal	
Other	

18. Cargo Space Number / Name

Freezer	SEE THE ATTACHED PAPER 1
Dry Hold	I II III FROZEN FISH HOLD
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT):

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				MARCH TO DECEMBER
GULF OF ALASKA				MARCH TO DECEMBER
BERING SEA AND ALEUTIAN ISLANDS				MARCH TO DECEMBER
OREGON WASHINGTON AND CALIFORNIA				MARCH TO DECEMBER
CENTRAL PACIFIC				MARCH TO DECEMBER

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED PAPER NO.1
HAKUBA MARU
PLAN OF FROZEN FISH HOLD

IA-77-1001

1002

IA-77-1002

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 to DECEMBER 31, 1977

Application No. For Use of Issuing Office IA-77-1002

State: JAPAN

1. Name of Vessel DAIYUU MARU

2. Vessel No.: Hull,No. Registration No. TKI -895

3. Name and Address of Owner: Name and Address of Charterer

Name MASUNOYU SUISHI CO., LTD.

Address 1-8-8,

NAKANARY ARAKICHI OTSUKO, JAPAN

Cable Address

MASUNOYU AKASHI

4. Homeport and State of Registry: AKASHI , JAPAN

5. Type of Vessel REFRIGERATOR TRANSPORT

6. Tonnage (Gross) 2955.99 M.T. (Net) 1538.40 M.T.

7. Length 100 M., B., Breadth 15.80 M., D., Draft 6.30 M.

10. Horsepower 5,400 shp. 11. Maximum Speed 17.92 kt.

11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other

12. Date Built SEPTEMBER 5, 1973

14. Number and Nationality of Personnel 23, JAPAN

Officers 9 Crew 14 Other (Specify) -

15. Communications: VHF-FM (*), AM/SSB, Voice (*), Telegraphy (*),
Other

International Radio Call Sign JOBA

Radio Frequencies Monitored 500 KHZ 2182 KHZ

Other Working Frequencies A1: 6222, 6331, 8414, 12666, 16888 KHZ
ATLANTIC,GULF OF ALASKA

Schedule MATCH TIME : BERING SEA AND ALEUTIAN ISLANDS
OREGON WASHINGTON AND CALIFORNIA

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
Decca ( ), Navaat ( ), Radar (*), Fathometer ( ),
Other

17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	11285 M.T.
Fish Meal	
Other	

18. Cargo Space Number / Name

Freezer	SEE THE ATTACHED PAPER 1
Dry Hold	I II III IV FROZEN FISH HOLD
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				MARCH TO DECEMBER
GULF OF ALASKA				MARCH TO DECEMBER
BERING SEA AND ALEUTIAN ISLANDS				MARCH TO DECEMBER
OREGON WASHINGTON AND CALIFORNIA				MARCH TO DECEMBER
CENTRAL PACIFIC				MARCH TO DECEMBER

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

1003

IA-77-1002

ATTACHED PAPER NO.1
DAIEKO MARU
PLAN OF FROZEN FISH HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 to DECEMBER 31, 1977 — Application Date For Use of Issuing Office — Status: JAPAN

1. Name of Vessel DAIEIKO MARU NO. 16
2. Vessel Nos. Hull No. _____ Registration No. NK 1-218
3. Name and Address of Owner — Name and Address of Charterer
   Name: TOKYOMARU GYOGYO CO., LTD.
   Address: 7-1 KYOBASHI CHOME, TOKYO, JAPAN
   Cable Address: TOKYOMARU GYOGYO TOKYO
4. Homeport and State of Registry: TOKYO /JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1944.25 (Net) 792.87
7. Length 88.90 M., B., Breadth 12.30 M. D., Draft 5.10 M.
10. Horsepower 1800 shp. 11. Maximum Speed 12.7 kt.
11. Propulsion: Diesel (●), Steam ( ), Diesel/Electric ( ), Other _____
12. Date Built MARCH 1971
14. Number and Nationality of Personnel 2 JAPAN 22 KOREA
    Officers 3 (JAPAN) Crew 15 (KOREA) 8 (KOREA) Other (Specify) _____
15. Communications: VHF-FM (●), AM/SSB, Voice ( ), Telegraphy (●), Other _____
    International Radio Call Sign J B Y A
    Radio Frequencies Monitored 500 KHZ 2182 KHZ
    Other Working Frequencies 411 410 405 ATS FRT
    Schedule WATCH TIME : ATLANTIC-GULF OF ALASKA BERING SEA AND ALEUTIAN ISLANDS

IA-77-1003

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (●), Fathometer (●), Other _____
17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish		Freezer	SEE THE ATTACHED PAPER 1
Fresh Fish		Dry Hold	I II III IV FROZEN FISH HOLD
Frozen Fish	3260 M.T.	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				
GULF OF ALASKA			MARCH TO DECEMBER	
BERING SEA AND ALEUTIAN ISLANDS			MARCH TO DECEMBER	
OREGON WASHINGTON AND CALIFORNIA			MARCH TO DECEMBER	
CENTRAL PACIFIC			MARCH TO DECEMBER	

21. Name and Address of Agent appointed to receive any legal process issued in the United States)

IA-77-1003

ATTACHED PAPER NO.1
DAIEKO MARU NO.16
PLAN OF FROZEN FISH HOLD

1004

IA-77-1004

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 to DECEMBER 31, 1977 — Application For Use of Issuing Office: IA-77-1004 — State: JAPAN

1. Name of Vessel: SATSUKI MARU
2. Vessel No.: Hull, No. ____ Registration No. TKI-885
3. Name and Address of Owner / Name and Address of Charterer
   Name: KYOKUYO CO., LTD.
   Address: CHIYODA-KUDO, 2-1-2
   MARUNOUCHI CHIYODA-KU, TOKYO, JAPAN
   Cable Address: CHIYOKAYOKUYO TOKYO
4. Homeport and State of Registry: TOKYO JAPAN
5. Type of Vessel: REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 4352.73 M/T (Net) 2376.46 M/T
7. Length 117.80 M., B., Breadth 16.60 M., D., Draft 6.768 M.
10. Horsepower 8000 shp. 11. Maximum Speed 19.235 kt.
11. Propulsion: Diesel (•), Steam ( ), Diesel/Electric ( ), Other ____
13. Date Built APRIL 5, 1975
14. Number and Nationality of Personnel 25, JAPAN
    Officers 10 Crew 15 Other (Specify) ____
15. Communications: VHF-FM (•), AM/SSB, Voice (•), Telegraphy (•), Other ____
    International Radio Call Sign JOBF
    Radio Frequencies Monitored 500 KHZ 2182 KHZ
    Other Working Frequencies 4.908HZ, 6.998HZ, 8.998HZ, 12.998HZ, 16.998HZ
    ATLANTIC, GULF OF ALASKA
    Schedule WATCH TIME : BERING SEA AND ALEUTIAN ISLANDS
16. Navigation Equipment: Loran C (•), Loran A ( ), Omega ( ) Decca ( ), Navsat ( ), Radar (•), Fathometer (•), Other ____
17. Cargo Capacity (MT) — 18. Cargo Space Number / Name
    Salted Fish ____ Freezer I II III IV — SEE THE ATTACHED PAPER 1 FROZEN FISH HOLD
    Fresh Fish ____ Dry Hold ____
    Frozen Fish 2990 M.T. Tanks ____
    Fish Meal ____ Other ____
    Other ____
19. Processing Equipment (Indicate daily capacity, MT) ____
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				
GULF OF ALASKA			MARCH TO DECEMBER	
BERING SEA AND ALEUTIAN ISLANDS			MARCH TO DECEMBER	
OREGON WASHINGTON AND CALIFORNIA			MARCH TO DECEMBER	
CENTRAL PACIFIC			MARCH TO DECEMBER	

21. Name and Address of Agent appointed to receive any legal process issued in the United States ____

ATTACHED PAPER NO.1
SATSUKI MARU
PLAN OF FROZEN FISH HOLD

IA-77-1004

1005

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 to DECEMBER 31, 1977 — Application For Use of Issuing Office: IA-77-1005 — State: JAPAN

1. Name of Vessel: MARUTATSU MARU No. 28
2. Vessel No.: Hull, No. ____ Registration No. TKI-902
3. Name and Address of Owner / Name and Address of Charterer
   Name: MARUTATSU KAISH CO., LTD.
   Address: 2-11-38-301
   SHINYAMASHITA, NAKA-KU, YOKOHAMA
   Cable Address: ____
4. Homeport and State of Registry: YOKOHAMA, JAPAN
5. Type of Vessel: REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1043.56 M.T. (Net) 618.42 M.T.
7. Length 63.8 M., B., Breadth 12.0M., D., Draft 4.6 M.
10. Horsepower 1500 shp. 11. Maximum Speeds 11.0 kt.
11. Propulsion: Diesel (•), Steam ( ), Diesel/Electric ( ), Other ____
13. Date Built SEPTEMBER 28, 1960
14. Number and Nationality of Personnel 19 JAPAN
    Officers 9 Crew 10 Other (Specify) ____
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (•), Other ____
    International Radio Call Sign JPZH
    Radio Frequencies Monitored 500 KHZ 2182 KHZ
    Other Working Frequencies 4.908 MHZ 6.998 MHZ 8.998 MHZ 12.998 MHZ 16.998 MHZ
    ATLANTIC, GULF OF ALASKA
    Schedule WATCH TIME : BERING SEA AND ALEUTIAN ISLANDS
    OREGON WASHINGTON AND CALIFORNIA

IA-77-1005

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer ( ).
Other _____

17. Cargo Capacity (MT)

Salted Fish		Freezer	
Fresh Fish		Dry Hold	
Frozen Fish	800 M.T.	Tanks	
Fish Meal		Other	

Other _____

18. Cargo Space Number / Name: SEE THE ATTACHED PAPER 1
I II III / FOREIGN FISH HOLD

19. Processing Equipment (Indicate daily capacity,MT):

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				
GULF OF ALASKA				
BERING SEA AND ALEUTIAN ISLANDS				
OREGON WASHINGTON AND CALIFORNIA				
CENTRAL PACIFIC				

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED PAPER NO.1
MARUTAKIE MARU NO.28
PLAN OF FOREIGN FISH HOLD

IA-77-1005

1006

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application Number For Use of Issuing Office: IA-77-1005

State: JAPAN

1. Name of Vessel: DAIEI MARU NO. 52
2. Vessel No.: Hull,No. _____ Registration No: —
3. Name and Address of Owner: Name: DAIEI GYOGYO CO., LTD. Address: IMABARA ONOMITSUCHO HAKUSUGUN SAGAKENKEN
   Name and Address of Charterer: _____
   Cable Address: _____
4. Homeport and State of Registry: ONOMITSU JAPAN
5. Type of Vessel: REFRIGERATION MOTHERSHIP
6. Tonnage (Gross) 1,929.40 M/T (Net) 846.41 M/T
7. Length 95.63 M., B. Breadth 14.50 M., D. Draft 5.815 M.
10. Horsepower 6,000 shp. 11. Maximum Speed 17.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other —
13. Date Built: Dec. 1973
14. Number and Nationality of Personnel: 21 KOREA
    Officers 9 Crew 12 Other (Specify) —
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy ( ), Other —
    International Radio Call Sign: 6MYB
    Radio Frequencies Monitored: 500 KHZ 2182 KHZ
    Other Working Frequencies: A1 400 440 425 454 468 480 500 512KHZ ATLANTIC,GULF OF ALASKA
    Schedule: WATCH TWICE : BERING SEA AND ALEUTIAN ISLANDS OREGON WASHINGTON AND CALIFORNIA CENTRAL PACIFIC

IA-77-1006

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer (*).
Other —

17. Cargo Capacity (MT)

Salted Fish		Freezer	
Fresh Fish		Dry Hold	
Frozen Fish	1717 M/T	Tanks	
Fish Meal		Other	

Other _____

18. Cargo Space Number / Name: SEE THE ATTACHED PAPER 1

19. Processing Equipment (Indicate daily capacity,MT):

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				
GULF OF ALASKA				
BERING SEA AND ALEUTIAN ISLANDS				
OREGON WASHINGTON AND CALIFORNIA				
CENTRAL PACIFIC				

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

1007

ATTACHED PAPER NO.1
DATEDAUG NO.52
PLAN OF FROZEN FISH HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977 — Application For Use of Issuing Office

State: JAPAN

1. Name of Vessel: OCEAN GREEN
2. Vessel No.: Hull, No. — Registering No. —
3. Name and Address of Owner — Name and Address of Charterer
   Name: PANAMANIAN HONGUN CARRIER S.A.
   Address: CHORRA MITTING AVENIDAS SAMUEL LEWIS AND NAMBRE N MOAVA PANAMA CITY, PANAMA
   Cable Address:
4. Homeport and State of Registry: PANAMA
5. Type of Vessel: REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 4052.42 M.T. (Net) 2077.60 M.T.
7. Length 111.87 M., B. Breadth 16.50 M. D. Draft 7.11 M.
10. Horsepower 4300 shp. 11. Maximum Speed 15 kt.
11. Propulsion: Diesel (•), Steam ( ), Diesel/Electric ( ),
    Other —
13. Date Built FEBRUARY, 1965
14. Number and Nationality of Personnel 29, KOREA
    Officers 10 Crew 19 Other (Specify) —
15. Communications: VHF-FM (•), AM/SSB, Voice ( ), Telegraphy (•),
    Other —
    International Radio Call Sign H3QG
    Radio Frequencies Monitored 500 KHZ 2182 KHZ
    Other Working Frequencies 410 430 468 500 KHZ
    Schedule WATCH TIME : BERING SEA AND ALEUTIAN ISLANDS ATLANTIC GULF OF ALASKA OREGON WASHINGTON AND CALIFORNIA

16. Navigation Equipment: Loran C (•), Loran A ( ), Omega (•),
    Decca ( ), Navsat ( ), Radar (•), Fathometer ( ),
    Other —
17. Cargo Capacity (MT)
    Salted Fish —
    Fresh Fish —
    Frozen Fish 2520 M.T.
    Fish Meal —
    Other —
18. Cargo By Number — Name
    Freezer SEE THE ATTACHED PAPER 1 FROZEN FISH HOLD
    Dry Hold
    Tanks
    Other
19. Processing Equipment (Indicate daily capacity):

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				
GULF OF ALASKA				
BERING SEA AND ALEUTIAN ISLANDS				
OREGON WASHINGTON AND CALIFORNIA				
CENTRAL PACIFIC				

MARCH TO DECEMBER
MARCH TO DECEMBER
MARCH TO DECEMBER
MARCH TO DECEMBER
MARCH TO DECEMBER

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED PAPER NO.1
OCEAN GREEN
PLAN OF FROZEN FISH HOLD

1008

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977 — Application For Use of ... Issuing Office

State: JAPAN

1. Name of Vessel SHINTOKU MARU
2. Vessel No.: Hull, Gg. — Registration No. TKT-956
3. Name and Address of Owner — Name and Address of Charterer

Name TOKUMARU KAIUN CO., LTD.

Address SHOEI-BLDG. NO. 7, 3-CHOME

KYOBASHI, CHUO-KU, TOKYO, JAPAN

Cable Address

TOKUMARU KAIUN TOKYO

4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel EXPERIMENTAL TRANSPORT
6. Tonnage (Gross) 1516.01 M.T. (Net) 794.06 M.T.
7. Length 82.71 M. 8. Breadth 12.80 M. 9. Draft 5.4 M.
10. Horsepower 3500 shp. 11. Maximum Speed 15.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),

Other —

12. Date Built DECEMBER 6, 1972
14. Number and Nationality of Personnel 19, JAPAN (1) KOREA (18)

Officers 9 Crew 10 Other (Specify) —

15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).

Other —

International Radio Call Sign JFPP

Radio Frequencies Monitored 500 KHZ 2182 KHZ

Other Working Frequencies A1, 2075 2091 A2, 410 425 454 KHZ ATLANTIC, GULF OF ALASKA

Schedule WATCH TIME : BERING SEA AND ALEUTIAN ISLANDS OREGON WASHINGTON AND CALIFORNIA

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer (*)

Other —

17. Cargo Capacity (MT)

Salted Fish	—	Freezer	
Fresh Fish	—	Dry Hold	
Frozen Fish	1350 M.T.	Tanks	
Fish Meal	—	Other	

Other —

18. Cargo Space Number / Name

SEE THE ATTACHED PAPER 1 I II III FROZEN FISH HOLD

19. Processing Equipment (indicate daily capacity, M.T.)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				
GULF OF ALASKA				
BERING SEA AND ALEUTIAN ISLANDS				
OREGON WASHINGTON AND CALIFORNIA				
CENTRAL PACIFIC				

MARCH TO DECEMBER

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED PAPER NO. 1
SHINTOKU MARU
PLAN OF FROZEN FISH HOLD

IA-FF-1003

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977 — Application For Use of ... Issuing Office

State: JAPAN

1. Name of Vessel CHIYOU ISLAND
2. Vessel No.: Hull, Gg. — Registration No. —
3. Name and Address of Owner — Name and Address of Charterer

Name INLAND REEFER CARRYING LTD. S.A.

Address EDIFICIO GONORA AVE SAMUEL

LEWIS Y MANUEL MARIA ICAZA

PANAMA-CITY, PANAMA

Cable Address

4. Homeport and State of Registry: P.O. PANAMA
5. Type of Vessel EXPERIMENTAL TRANSPORT
6. Tonnage (Gross) 2661.97M.T. (Net) 1585.41 M.T.
7. Length 104.50 M. 8. Breadth 14.50 M. 9. Draft 5.80 M.
10. Horsepower 3520 shp. 11. Maximum Speed 16.50 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),

Other —

12. Date Built OCTOBER, 1968
14. Number and Nationality of Personnel 23, JAPAN

Officers 9 Crew 14 Other (Specify) —

15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),

Other —

International Radio Call Sign H3UP

Radio Frequencies Monitored 500 KHZ 2182 KHZ

Other Working Frequencies 410 425 454 KHZ ATLANTIC, GULF OF ALASKA

Schedule WATCH TIME : BERING SEA AND ALEUTIAN ISLANDS OREGON WASHINGTON AND CALIFORNIA CENTRAL PACIFIC

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
Decca ( ), Navsat ( ), Radar (*), Fathometer
Other

17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	7950 M.T.
Fish Meal	
Other	

18. Cargo Space

Number	Name
Freezer I II III	SEE THE ATTACHED PAPER 3 FROZEN FISH HOLD
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
ATLANTIC				
GULF OF ALASKA				
BERING SEA AND ALEUTIAN ISLANDS				
OREGON WASHINGTON AND CALIFORNIA				
CENTRAL PACIFIC				

MARCH TO DECEMBER
MARCH TO DECEMBER
MARCH TO DECEMBER
MARCH TO DECEMBER
MARCH TO DECEMBER

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED PAPER NO.4
CHART ISLAND
PLAN OF FROZEN FISH HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1010

Permit Period Applied For: MARCH 1 TO DECEMBER 31, 1977
Application No. For Use of Issuing Office
State: JAPAN

1. Name of Vessel SHIN MARU
2. Vessel No.: Hull No. ——— Registration No. 100268
3. Name and Address of Owner: Name HOKO SHIPPING CO., LTD. Address 2-1, 1-CHOME, YURAKU, CHIYODA, TOKYO, JAPAN Cable Address [illegible]
Name and Address of Charterer:
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATED TRANSPORT
6. Tonnage (Gross) 2,884.80 M.T. (Net) 1,527.70 M.T.
7. Length 109.65 M. 8. Breadth 15.00 M. 9. Draft 6.466 M.
10. Horsepower 5,500 shp. 11. Maximum Speed 18.225 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other
13. Date Built: MARCH 17, 1967
14. Number and Nationality of Personnel: 24 (ALL JAPANESE)
Officers 9 Crew 15 Other (Specify)
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),
Other
International Radio Call Sign JINT
Radio Frequencies Monitored [illegible]
Other Working Frequencies SEE THE ATTACHED PAPER I
Schedule MARCH TUNA ; SEE THE ATTACHED PAPER II

20-77-1010

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
Decca ( ), Navsat ( ), Radar (*), Fathometer ( ),
Other
17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	2,169.05 MT
Fish Meal	
Other	

18. Cargo Space

Number	Name
Freezer I. II. III.	SEE THE ATTACHED PAPER III FROZEN FISH HOLD
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-1010

PAPER I

OTHER WORKING FREQUENCIES

1) 4197.5 6206.25 8395 12582.5 16790 22295 KHZ
2) 4209.5 6314.25 8419 12628.5 16838 22295 KHZ
3) 410 425 432 468 480 500 KHZ

IA-77-1010

PAPER II

SCHEDULE

1) BERING SEA AND ALEUTIAN ISLAND	21:00 TO 23:00 03:00 TO 05:00 G.M.T.
2) GULF OF ALASKA	20:00 TO 22:00 01:00 TO 03:00 G.M.T.
3) WASHINGTON OREGON CALIFORNIA	16:00 TO 18:00 21:00 TO 23:00 G.M.T.
4) CENTRAL PACIFIC	17:00 TO 20:00 23:00 TO 01:00 G.M.T.
5) ATLANTIC	13:00 TO 16:00 19:00 TO 21:00 G.M.T.

PAPER III

IA-77-1010

SETA MARU CARGO SPACE

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1011

Permit Period
Applied For: MARCH 1 TO DECEMBER 31, 1977
Application No. [illegible]
For Use of Issuing Office

State: JAPAN

1. Name of Vessel KAWASAKI MARU
2. Vessel No.: Hull No. ——— Registration No. OYS-8
3. Name and Address of Owner
   Name TAIHEIYO HOGEIGYO LTD.
   Address 796 ICHIBANA,
   HIKICHI, OHITA-KEN, JAPAN
   Cable Address ———
   Name and Address of Charterer
4. Homeport and State of Registry: OITA, JAPAN
5. Type of Vessel REFRIGERATED TRANSPORT
6. Tonnage (Gross) 995.95 M.T. (Net) 521.13 M.T.
7. Length 77.30 M. B. Breadth 10.80 M. D. Draft 4.50 M.
8. Horsepower 1,500 php. 11. Maximum Speed 14.95 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other ———
13. Date Built NOVEMBER 21, 1972
14. Number and Nationality of Personnel 24 (ALL JAPANESE)
    Officers 7 Crew 14 Other (Specify) ———
15. Communications: VHF-FM (*), AM/SSB, Voice (*), Telegraphy (*),
    Other ———
    International Radio Call Sign JTOK
    Radio Frequencies Monitored SEE THE ATTACHED PAPER I
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule NATIVE TIME ; SEE THE ATTACHED PAPER II

IA-77-1011

IA-77-1011

16. Navigation Equipment: Loran C (+), Loran A (+), Omega ( ),
Decca ( ), Navsat ( ), Radar (+), Fathometer ( ),
Other _____

17. Cargo Capacity (MT)

18. Cargo Space

	Number	Name
Salted Fish	_____	Freezer I, II.
Fresh Fish	_____	Dry Hold
Frozen Fish	200 M.T.	Tanks
Fish Meal	_____	Other
Other	_____	

SEE THE ATTACHED PAPER III
FROZEN FISH HOLD

19. Processing Equipment (Indicate daily capacity,MT)
_____
_____
_____
_____

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
_____
_____
_____

PAPER I

OTHER WORKING FREQUENCIES

1) 4197.5 6986.25 8395 12582.5 16780 22285 KHZ
2) 4209.5 6314.25 8419 12628.5 16838 22295 KHZ
3) 410 425 432 468 480 500 KHZ

IA-77-1011

PAPER II

SCHEDULE

1) BERING SEA AND ALEUTIAN ISLAND	21:00 TO 23:00 03:00 TO 05:00 G.M.T.
2) GULF OF ALASKA	20:00 TO 22:00 01:00 TO 03:00 G.M.T.
3) WASHINGTON OREGON CALIFORNIA	16:00 TO 18:00 21:00 TO 23:00 G.M.T.
4) CENTRAL PACIFIC	17:00 TO 20:00 23:00 TO 01:00 G.M.T.
5) ATLANTIC	13:00 TO 16:00 15:00 TO 21:00 G.M.T.

IA-77-1011

PAPER III

KANASAKI MARU CARGO SPACE

1012

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1 TO OCTOBER 31, 1977 Application No. For Use of Issuing Office

State: JAPAN

1. Name of Vessel SHICA MARU

2. Vessel No.: Hull No. ——— Registration No. 118030

3. Name and Address of Owner
Name TANAKA INDUSTRY LTD.
Address 296 ICHIHASA,
OBUKUSHI, OSETAKUN, JAPAN
Cable Address ———

Name and Address of Charterer

4. Homeport and State of Registry: KOBUKI, JAPAN

5. Type of Vessel REFRIGERATION TRANSPORT

6. Tonnage (Gross) 3,616.14 M.T. (Net) 1,857.51 M.T.

7. Length 112.90 M. 8. Breadth 16.60 M. 9. Draft 6.666 M.

10. Horsepower 6,000 shp. 11. Maximum Speed 17.95 kt.

12. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other ———

13. Date Built SEPTEMBER 27, 1975

14. Number and Nationality of Personnel 26 (JAPANESE 1, KOREAN 25)
Officers 10 Crew 16 Other (Specify) ———

15. Communications: VHF-FM (*), MF/SSB, Voice (*), Telegraphy (*),
Other ———
International Radio Call Sign 7JQQ
Radio Frequencies Monitored 500 KHZ
Other Working Frequencies SEE THE ATTACHED PAPER I
Schedule WATCH TIME : SEE THE ATTACHED PAPER II

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega (*),
Decca ( ), Navsat ( ), Radar (*), Fathometer ( ),
Other ———

17. Cargo Capacity (MT)

Salted Fish	———
Fresh Fish	———
Frozen Fish	2,977.05 MT
Fish Meal	———
Other	———

18. Cargo Space

Number	Name
SEE THE ATTACHED PAPER III	
Freezer I, II, III,	FROZEN FISH HOLD
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)
———
———
———
———

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
———
———
———

PAPER I

OTHER WORKING FREQUENCIES

1) 4197.5 6296.25 8395 12592.5 16790 22295 KHZ
2) 4209.5 6314.25 8419 12628.5 16838 22295 KHZ
3) 410 425 432 468 480 500 KHZ

PAPER II

SCHEDULE

1) BERING SEA AND ALEUTIAN ISLAND	21:00 TO 23:00 03:00 TO 05:00 G.M.T.
2) GULF OF ALASKA	20:00 TO 22:00 01:00 TO 03:00 G.M.T.
3) WASHINGTON OREGON CALIFORNIA	16:00 TO 18:00 21:00 TO 23:00 G.M.T.
4) CENTRAL PACIFIC	17:00 TO 20:00 23:00 TO 01:00 G.M.T.
5) ATLANTIC	13:00 TO 16:00 19:00 TO 21:00 G.M.T.

PAPER III

-JA-77-1013

SAITOA MARU CARGO SPACE

No III	No II	No I
FROZEN FISH HOLD	FROZEN FISH HOLD	FROZEN FISH HOLD
FROZEN FISH HOLD	FROZEN FISH HOLD	FROZEN FISH HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1013

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31,1977

Application Number -JA-77-1013
For Use of Issuing Office

States: JAPAN

1. Name of Vessel WAKASHIO MARU
2. Vessel No.: Hull No. - Registration No. TKI-366
3. Name and Address of Owner Name and Address of Charterer
   Name KYOKU SAIGYO KABUSHIKI KAISHA
   Address KYOKO BLDG. 18-6, GINZA
   1-CHOME CHUO-KU TOKYO, 104, JAPAN
   Cable Address
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2180.34 M.T. (Net) 1309.41 M.T.
7. Length 80.60 M. 8. Breadth 12.80 M. 9. Draft 5.80 M.
10. Horsepower 2000 shp. 11. Maximum Speed 15.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other
13. Date Built OCTOBER, 1960
14. Number and Nationality of Personnel 18 JAPAN
    Officers 9 Crew 9 Other (Specify) -
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),
    Other
    International Radio Call Sign JGBU
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule SEE THE ATTACHED PAPER I

-JA-77-1013

16. Navigation Equipment: Loran C ( ), Loran A (*), Omega ( ),
    Decca ( ), Navaid ( ), Radar (*), Fathometer (*),
    Other
17. Cargo Capacity (MT)
    Salted Fish
    Fresh Fish
    Frozen Fish 1260 M.T.
    Fish Meal
    Other
18. Cargo Space Number Name
    SEE THE ATTACHED PAPER II
    Freezer I II III FROZEN FISH HOLD
    Dry Hold
    Tanks
    Other
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

-JA-77-1013
WAKASHIO MARU

PAPER I

OTHER WORKING FREQUENCIES

A1
A2 410,425,432,454,468,480,500KHZ

A1 4187,4186,4179.5,4206,4227,6280.5,6279,6299.5KHZ
6309,6340.5,8374,8372,8399,8412,8454,12561,12550KHZ
12598.5,12618,12681,16748,16744,16798,16824KHZ
16908,22246,22227.5,22299,22379,22367.5KHZ

F3 CH 01 - 28

SCHEDULE

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	01.00 TO 04.00 (GMT) 20.00 TO 23.00 (GMT)
GULF OF ALASKA	18.00 TO 21.00 (GMT) 23.00 TO 02.00 (GMT)
ATLANTIC	12.00 TO 15.00 (GMT) 17.00 TO 20.00 (GMT)

PAPER II YAKAMOTO MARU

77-77-1013

AFT. FORE

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1014

Permit Period MARCH 1,1977 TO
Applied For: DECEMBER 31,1977

Application Num
For Use of Issuing Office

Status: JAPAN

1. Name of Vessel SEIKO MARU

2. Vessel No.: Hull No. - Registration No. TEI-979

3. Name and Address of Owner Name and Address of Charterer

Name KANEHIRA KAISHA
KISOFUJIKAIUN
Address 5-1, NIHATO-CHO, 7-CHOME,
SHIMIZU, SHIZUOKA-KEN,
424, JAPAN

Cable Address

4. Homeport and State of Registry: SHIMIZU, JAPAN

5. Type of Vessel REFRIGERATOR TRANSPORT

6. Tonnage (Gross) 991.13 M.T. (Net) 501.05 M.T.

7. Length 70.34 M. 8. Breadth 11.20 M. 9. Draft 4.60 M.

10. Horsepower 1,800 shp. 11. Maximum Speed 13.47 kt.

11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other -

13. Date Built OCTOBER, 1969

14. Number and Nationality of Personnel 15 JAPAN
Officers 7 Crew 8 Other (Specify) -

15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*)
Other
International Radio Call Sign JJMC
Radio Frequencies Monitored 500 KHZ
Other Working Frequencies SEE THE ATTACHED PAPER I
Schedule SEE THE ATTACHED PAPER I

77-77-1013

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
Other -

17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	620 M.T.
Fish Meal	
Other	

18. Cargo Space

Number	Name
Freezer	SEE THE ATTACHED PAPER II 1,11,111 FROZEN FISH HOLD
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
BERING SEA AND ALEUTIAN ISLANDS	MARCH 1,1977 TO DECEMBER 31, 1977			
GULF OF ALASKA	- DITTO -			

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

77-77-1014

OTHER WORKING FREQUENCIES

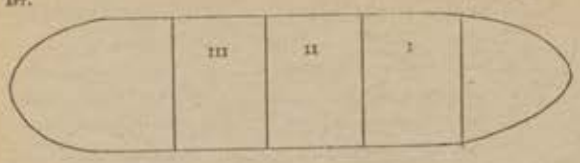
A_1
A_2 410, 425, 430, 460, 480, 500, 512 KHZ
A_1 4102.2, 6273.5, 8364.4, 12546.6, 16728.0, 22254
A_1 4107, 6280.5, 8374, 12561, 16748, 22266
A_1 4192, 6288, 8384, 12576, 16768, 22282.5
A_1 4205.5, 6308.25, 8411, 12616.5, 16822, 22304
A_1 4226.5, 6339.75, 8453, 12679.5, 16906, 22367.5

SCHEDULE

WATCH TIME	01.00 TO 04.00(GMT)
BERING SEA AND ALEUTIAN ISLANDS	20.00 TO 23.00(GMT)
GULF OF ALASKA	18.00 TO 21.00(GMT) 23.00 TO 02.00(GMT)
ATLANTIC	12.00 TO 15.00(GMT) 17.00 TO 20.00(GMT)

PAPER II KAIHEI MARU

AFT. FORE



1015

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1,1977 TO DECEMBER 31,1977 Applied for: Application No. For Use of Issuing Office

Nation JAPAN

1. Name of Vessel KAIHEI MARU NO.5
2. Vessel No.: Hull No. - Registration No. TEI-967
3. Name and Address of Owner Name and Address of Charterer
   Name MARUHOT HONG
   Address 47-37,TOYAMA-CHO, SHINJUKU-KU, TOKYO, 162 JAPAN
   Cable Address
4. Home port and State of Registry: TOKYO JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 824.76 M.T. (Net) 492.76 M.T.
7. Length 67.01 M. 8. Breadth 11.30 M. 9. Draft 4.796 M.
10. Horsepower 1,000 shp. 11. Maximum Speed 13.92 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other -
13. Date Built SEPTEMBER, 1959
14. Number and Nationality of Personnel 11 JAPAN
    Officers 7 Crew 3 Other (Specify) -
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*), Other -
    International Radio Call Sign 7JHM
    Radio Frequencies Monitored 500 KCS
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule SEE THE ATTACHED PAPER I

16. Navigation Equipment: Loran C ( ), Loran A (*), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer (*), Other -
17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	530 M.T.
Fish Meal	
Other	

18. Cargo Spaces

Number	Name
Freezer 1,II,III	SEE THE ATTACHED PAPER II FROZEN FISH HOLD
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

PAPER I KAIHEI MARU NO.5

OTHER WORKING FREQUENCIES

A_1 A_2	410, 425, 432, 460, 490, 500 KCS
A_1	4182.2, 6273.3, 8364.4, 12546.6, 16728.8, 22254
A_1	4186.6, 6279.9, 8373.2, 12559.8, 16746.4, 22240
A_1	4202, 6303, 8404, 12606, 16800, 22307.5
A_1	4210.5, 6315.75, 8421, 12631.5, 16842, 22206.5
A_1	4225, 6334.5, 8446, 12669, 16892, 22560

SCHEDULE

YATOO TIME	01.00 TO 04.00(GMT)
BERING SEA AND ALEUTIAN ISLANDS	20.00 TO 23.00(GMT)
GULF OF ALASKA	18.00 TO 21.00(GMT) 23.00 TO 02.00(GMT)
ATLANTIC	12.00 TO 15.00(GMT) 17.00 TO 20.00(GMT)

PAPER II DAITOKUMARU NO.5

APT. FORE

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1018

Permit Period MARCH 1,1977 TO ... Application No. ...
Applied For: DECEMBER 31,1977 For Use of Issuing Office

State: JAPAN

1. Name of Vessel DAITOKUMARU NO.17
2. Vessel No.: Hull No. - Registration No. 121-920
3. Name and Address of Owner Name and Address of Charterer
   Name THE HOKUTOKU TOKEI-AND BANKING CO.,LTD.
   Address 5-15,FUTABASHI,HIGASHIKU, OSAKA,541,JAPAN
   Cable Address HOKUTOKUBK,OSAKA
4. Homeport and State of Registry: YAIZU, JAPAN
5. Type of Vessel REFRIGERATED TRANSPORT
6. Tonnage (Gross) 1,594.55 M.T. (Net) 830.53 M.T.
7. Length 80.15 M. B. Breadth 12.80 M. D. Draft 5.51 M.
10. Horsepower 3,900 shp. 11. Maximum Speed 17.94 kt.
12. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other
13. Date Built MARCH 8, 1973
14. Number and Nationality of Personnel 35 JAPAN
    Officers 8 Crew 9 Other (Specify) -
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*), Other
    International Radio Call Sign JPSU
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule SEE THE ATTACHED PAPER I

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer ( ), Other

17. Cargo Capacity (MT)

Salted Fish	Freezer	1,II,III
Fresh Fish	Dry Hold	
Frozen Fish	1,180 M.T.	Tanks
Fish Meal		Other
Other		

18. Cargo Spac: Number Name
    SEE THE ATTACHED PAPER II
    FROZEN FISH HOLD

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

PAPER I DAITOKUMARU NO.17

OTHER WORKING FREQUENCIES

A1
A2 410,485,454,468,480,500KHZ

A1 4184,4201,4204,4204.5,4222,4225.5,6276,6301.5KHZ
4306,4306.75,6333.6338.25,8368,8402,8408,8509KHZ
8444,8451.12552,12603,12612,12613.5,12666KHZ
12676.5,16736,16804,16816,16818,16888,16903KHZ
22355,22305,22312.5,22315,22357.5,22367.5KHZ

F3 CH 06,12,14,16,18,19,20

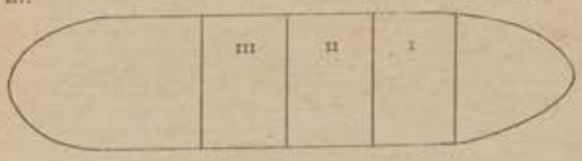
SCHEDULE

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	01.00 TO 04.00 (GMT.) 20.00 TO 23.00 (GMT.)
GULF OF ALASKA	18.00 TO 21.00 (GMT.) 23.00 TO 02.00 (GMT.)
ATLANTIC	12.00 TO 15.00 (GMT.) 17.00 TO 20.00 (GMT.)

PAPER II DAIWAU FARM NO.37

AFT. FORE



FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1017

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977 Applied For: Application No. For Use of Issuing Office

Nation: JAPAN

1. Name of Vessel HAKODATE MARU NO. 2
2. Vessel No.: Hull No. - Registration No. HH1-185
3. Name and Address of Owner Name and Address of Charterer
   Name HAKODATE REIYUSO KABUSHIKI KAISHA
   Address 5-7, ASAHI-CHO,
   HAKODATE, 040, JAPAN
   Cable Address
4. Homeport and State of Registry: HAKODATE, JAPAN
5. Type of Vessel REFRIGERATED TRANSPORT
6. Tonnage (Gross) 1,910.80 M.T. (Net) 997.18 M.T.
7. Length 80.63 M. 8. Breadth 12.70 M. 9. Draft 6.83 M.
10. Horsepower 2,800 shp. 11. Maximum Speed 15.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other
13. Date Built JANUARY 27, 1965
14. Number and Nationality of Personnel 24 JAPAN
    Officers 10 Crew 14 Other (Specify)
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).
    Other
    International Radio Call Sign: JINF
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies: SEE THE ATTACHED PAPER I
    Schedule SEE THE ATTACHED PAPER I

16. Navigation Equipment: Loran C ( ), Loran A (*), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer (*)
    Other
17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	1,370 M.T.
Fish Meal	
Other	

18. Cargo Spaces

	Number (SEE THE ATTACHED PAPER II)	Name
Freezer	1 II III IV	FROZEN FISH HOLD
Dry Hold		
Tanks		
Other		

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

OTHER WORKING FREQUENCIES

A_1
A_2 410,425,437,454,460,490,500,512 KHZ
A_3 4179,6268.5,8358.12537,16716,22250
" 4192.5,6289.75,8385,12577.5,16770,22282.5
" 4213.5,6320.25,8427,12640.5,16854,22506.5
F_3 CH 6, 8, 10, 12, 16

SCHEDULE

WATCH TIME	01.00 TO 04.00 GMT)
NORTH SEA AND ATLANTIC AREA	20.00 TO 23.00 GMT)
GULF OF ALASKA	10.00 TO 21.00 GMT) 23.00 TO 02.00 GMT)
ATLANTIC	12.00 TO 15.00 GMT) 17.00 TO 20.00 GMT)

1013

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No.
For Use of Issuing Office

State: JAPAN

1. Name of Vessel YOEI MARU
2. Vessel No.: Hull No. _____ Registration No. HH-672
3. Name and Address of Owner / Name and Address of Charterer

Name: HAKODATE GYOGYO KABUSHIKI KAISHA
Address: 3-7, ASAHI-CHO,
HAKODATE, 040, JAPAN
Cable Address: _____

4. Homeport and State of Registry: HAKODATE, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1,955.01 M.T. (Net) 1,035.99 M.T.
7. Length 86.58 M. 8. Breadth 12.70 M. 9. Draft 6.05 M.
10. Horsepower 3,000 shp. 11. Maximum Speed 15.9 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other: —
13. Date Built AUGUST 1, 1968
14. Number and Nationality of Personnel: 27 JAPAN
Officers 10 Crew 13 Other (Specify) —
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*)
Other _____
International Radio Call Sign JDBW
Radio Frequencies Monitored 500 KHZ
Other Working Frequencies SEE THE ATTACHED PAPER 1
Schedule SEE THE ATTACHED PAPER 1

PAPER II

HAKODATE MARU NO. 2

AFT. FORE

IV III II I

16. Navigation Equipment: Loran C (,), Loran A (*), Omega ( ),
Decca ( ), Navrat ( ), Radar (*), Fathometer (*),
Other _____

17. Cargo Capacity (MT)

Salted Fish	_____
Fresh Fish	_____
Frozen Fish	1240 M.T.
Fish Meal	_____
Other	_____

18. Cargo Space

	Number	Name
Freezer	1 II III IV	FROZEN FISH HOLD
Dry Hold		
Tanks		
Other		

SEE THE ATTACHED PAPER II

19. Processing Equipment (Indicate daily capacity,MT)

_____
_____
_____
_____

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

_____
_____
_____

PAPER I YOEI MARU

OTHER WORKING FREQUENCIES

A_1
A_2 430,425,457,454,469,490,500,512 KHz
A_3 4379,6358.5,8358,12537,16716,22253
* 4392.5,6388.75,8365,12577.5,16770,22282.5
* 4213.5,6320.25,8427,12640.5,16854,22309.5
F_3 06-16 GH

SCHEDULE

MAYOR TIME	01.00 TO 04.00(GMT)
PERIOD OFF AND ALTERNATE PERIOD	20.00 TO 23.00(GMT)
GULF OF ALASKA	10.00 TO 21.00(GMT) 23.00 TO 02.00(GMT)
ATLANTIC	12.00 TO 15.00(GMT) 17.00 TO 20.00(GMT)

PAPER II

TOKO MARU

AFT. FORE

1019

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1,1977 TO ... Application No. ...
Applied Year: DECEMBER 31,1977 For Use of Issuing Office

State ...

1. Name of Vessel SAIKO MARU
2. Vessel No.: Hull No. - Registration No. TKI-0019
3. Name and Address of Owner ... Name and Address of Charterer

Name FISHING SPORTS FISHERIES ASSOCIATION
Address SHIBUYA-KUMIAI BLDG., 12-1,YURAKU-CHO,1-CHOME, CHIYODA-KU, TOKYO, 100, JAPAN
Cable Address ...

4. Homport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 3,955.17 M.T. (Net) 2,117.25 M.T.
7. Length 116.42 M. 8. Breadth 17.00 M. 9. Draft 6.81 M.
10. Horsepower 7,000 shp. 11. Maximum Speed 16.17 ...
11. Propulsion: Diesel (*), Steam ( ), Diesel/El. ... ( ).
Other -
13. Date Built MARCH 1977
14. Number and Nationality of Personnel 25 JAPAN
Officers 10 Crew 15 Other (Specify) -
15. Communications: VHF-FM (*), MF/SSB, Voice ( ), Telegraphy (*)
Other -
International Radio Call Sign JD2BP
Radio Frequencies Monitored VHF/FM
Other Working Frequencies 156.8 MC ATTACHED PAPER I
Schedule SEE VHF ATTACHED PAPER I

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega (*), Decca ( ), Navaid ( ), Radar (*), Fathometer
Other -
17. Cargo Capacity (MT)
Salted Fish ...
Fresh Fish ...
Frozen Fish 2,350 M.T.
Fish Meal ...
Other ...
18. Cargo Tanks: Number - Name SEE VHF AT ... ON PAPER II
Freezer I,II,III,IV,V FROZEN FISH HOLD
Dry Hold
Tanks
Other
19. Processing Equipment (Indicate daily capacity, MT)
...
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Concentrated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
...

PAPER I SAIKO MARU

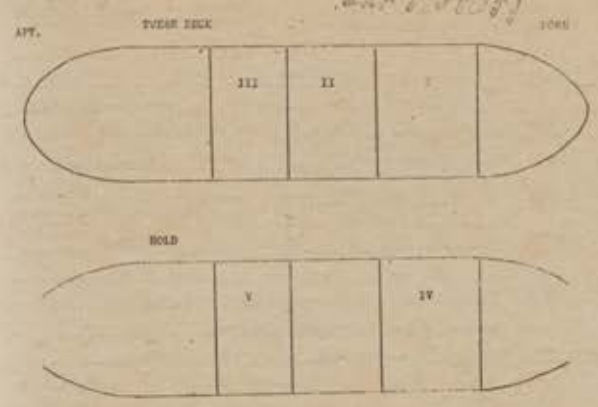
OTHER WORKING FREQUENCIES

A_1
A_2 410,425,432,454,460,480,500,512 KHZ
A_1 4181.8,6272.7,8363.6,12545.4,16727.7,2...
A_1 4185.8,6278.7, 8371.6,12557.4,16743.2,2...
A_2 4192.5,6288.75,8385.12577.5,16770,22982.5,
A_1 4213.5,6320.25,8427,12640.5,16854,22306.5
F_3 CH 01 - 20

SCHEDULE

BERING SEA	01.00 TO 04.00(GMT)
BERING SEA AND ALEUTIAN ISLANDS	20.00 TO 23.00(GMT)
GULF OF ALASKA	18.00 TO 21.00(GMT) 23.00 TO 02.00(GMT)
ATLANTIC	12.00 TO 15.00(GMT) 17.00 TO 20.00(GMT)

PAPER II AJIN MARU



FISHING VESSEL IDENTIFICATION FORM (FOREIGN) -1020

Permit Period MARCH 1,1977 TO
Applied Port DECEMBER 31,1977
Application No.
For Use of Issuing Office

Status JAPAN

1. Name of Vessel AJIN MARU
2. Vessel No.: Hull No. _____ Registration No. TKI-002
3. Name and Address of Owner Name and Address of Charterer
   Name TOKYO TAIYO HOGEIGYO KABUSHIKI KAISHA
   Address 1-41, SORAN 5-CHOME MINATOKU, TOKYO, 105, JAPAN
   Cable Address
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATION TRANSPORT
6. Tonnage (Gross) 3,801.27 M.T. (Net) 2,070.74 M.T.
7. Length 131.65 M. 8. Breadth 16.0 M. 9. Draft 6.90 M.
10. Horsepower 5,200 shp. 11. Maximum Speed 20.9 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other —
13. Date Built JULY, 1973
14. Number and Nationality of Personnel 73 JAPAN
    Officers 9 Crew 14 Other (Specify)
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).
    Other —
    International Radio Call Sign JAOS
    Radio Frequencies Monitored 500 KHz
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule SEE THE ATTACHED PAPER I

PAPER I AJIN MARU

OTHER WORKING FREQUENCIES

A1	
A2	430, 475, 430, 454, 500, 405, 500 KHz
A3	4379, 6858.5, 8755, 12577, 16716, 22290 KHz
A4	4190.8, 6272.7, 8363.6, 12545.4, 16727.2, 22292 KHz
A5	4189.8, 6278.7, 8371.6, 12557.4, 16743.2, 22344 KHz
A6	4192.5, 6288.75, 8385, 12577.5, 16770, 22360.5 KHz
A7	4213.5, 6320.25, 8427, 12640.5, 16854, 22506.5 KHz
F3	11 TO 14,16,18 TO 28 ch

SCHEDULE

WATCH KEPT

BERING SEA AND ALEUTIAN ISLANDS	01.00 TO 04.00(GMT) 20.00 TO 23.00(GMT)
GULF OF ALASKA	18.00 TO 21.00(GMT) 23.00 TO 02.00(GMT)
ATLANTIC	17.00 TO 19.00(GMT) 17.00 TO 20.00(GMT)

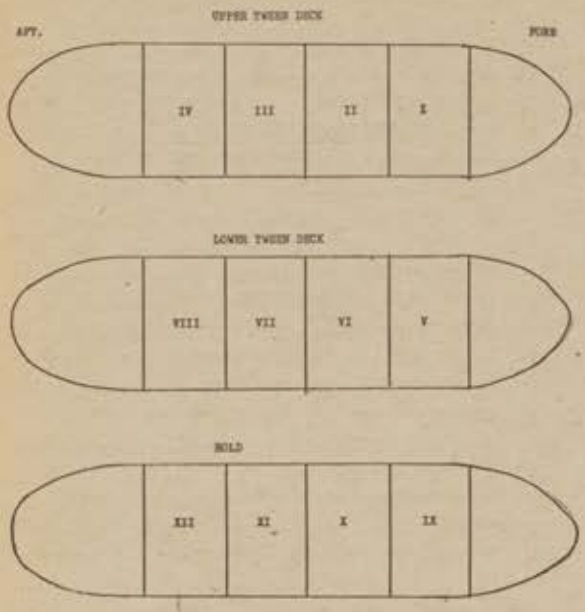
16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navcat ( ), Radar (*), Fathometer (*),
    Other —
17. Cargo Capacity (MT)
    Salted Fish _____
    Fresh Fish _____
    Frozen Fish 3,500 M.T.
    Fish Meal _____
    Other _____
18. Cargo Spice
    Number Name
    SEE THE ATTACHED PAPER II
    Freezer I TO III FROZEN FISH HOLD
    Dry Hold
    Tanks
    Other
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-1020

PAPER II



FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1021

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. IA-77-1021
For Use of Issuing Office

State: JAPAN

1. Name of Vessel KENTOKU MARU
2. Vessel No.: Hull No. ——— Registration No. TK1-905
3. Name and Address of Owner
Name THE MITSUBISHI TRUST AND BANKING CORPORATION
Address EIRAKU BUILDING
NO.4-5, 1-CHOME,
MARUNOUCHI, CHIYODA-KU,
TOKYO, JAPAN
Cable Address ———
Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 992.98 (Net) 486.43
7. Length 76.80 M. 8. Breadth 12.00 M. 9. Draft 4.75 M.
10. Horsepower 2,700 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other ———
13. Date Built OCTOBER 5, 1973
14. Number and Nationality of Personnel 16, JAPANESE
Officers 7 Crew 9 Other (Specify) ———
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).
Other ———
International Radio Call Sign JBLN
Radio Frequencies Monitored 500 KHZ
Other Working Frequencies SEE THE ATTACHED PAPER I
Schedule SEE THE ATTACHED PAPER I

IA-77-1021

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
Decca ( ), Navsat ( ), Radar (*), Fathometer ( ),
Other ———
17. Cargo Capacity (MT)
Salted Fish ———
Fresh Fish ———
Frozen Fish 1,050
Fish Meal ———
Other ———
18. Cargo Space
Number Hang
SEE THE ATTACHED PAPER II
Freezer I II III IV FROZEN FISH HOLD
Dry Hold
Tanks
Other
19. Processing Equipment (Indicate daily capacity,MT)
———
———
———
———
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-1021

ATTACHED PAPER I

OTHER WORKING FREQUENCIES

A1 A2 410 425 432 454 468 480 500 512
A1 4184 4204.5 4225.5 4201 4222 6276 6306.75 6338.25 6301.5
6333 8368 8409 8451 8402 8414 12552 12615.5 12603
12666 16736 16818 16904 16804 16888 22255 22315 22367.5
22305 22357.5 22305 22357.5 KHZ

F3 156.30 156.60 156.65 156.70 156.80 157.00 157.20 157.35
157.30 157.35 MHZ

SCHEDULE

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS

01:00 TO 04:00 (GMT)
20:00 TO 23:00 (GMT)

GULF OF ALASKA

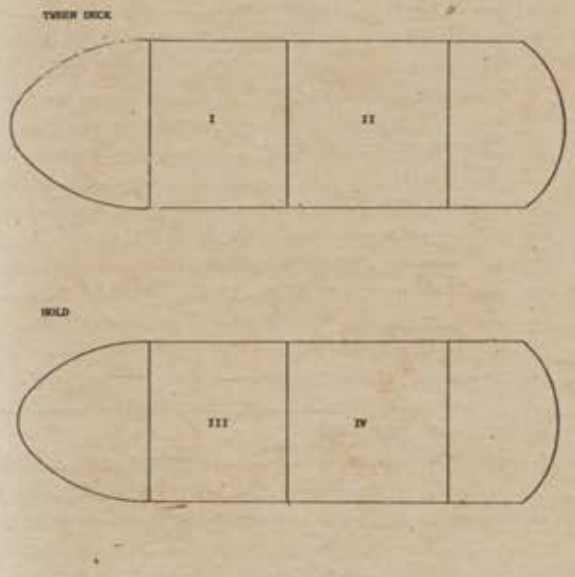
18:00 TO 21:00 (GMT)
23:00 TO 02:00 (GMT)

ATLANTIC

12:00 TO 15:00 (GMT)
17:00 TO 20:00 (GMT)

ATTACHED PAPER II IA-77-1021

CARGO SPACE



FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1022

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977 Applied For: Application No. IA-77-1022 For Use of Issuing Office

State: JAPAN

1. Name of Vessel TITOSAMARU No.2
2. Vessel No.: Hull No. _____ Registration No. HK 1-529
3. Name and Address of Owner / Name and Address of Charterer
   Name: HOKKAIDO TOKUSHOKA / —
   Address: 16-24 SUMIYOSHI-CHO / —
   HAKODATE, HOKKAIDO, 040 JAPAN / —
   Cable Address: — / —
4. Homeport and State of Registry: HAKODATE, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1391.20 M.T (Net) 717.73 M.T
7. Length 79.0 M. 8. Breadth 11.50 M. 9. Draft 5.90 M.
10. Horsepower 3550 shp. 11. Maximum Speed 11.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other —
13. Date Built DECEMBER 1960
14. Number and Nationality of Personnel 36 JAPAN
    Officers 9 Crew 7 Other (Specify) —
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).
    Other —
    International Radio Call Sign JJTA
    Radio Frequencies Monitored 500 KHz
    Other Working Frequencies SEE ATTACHED PAPER 3
    Schedule SEE THE ATTACHED PAPER 3

IA-77-1022

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other _____
17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish	_____	Freezer	SEE THE ATTACHED PAPER 2 I, II, III, IV FOR FISH HOLD
Fresh Fish	_____	Dry Hold	
Frozen Fish	871 M/T	Tanks	
Fish Meal	_____	Other	
Other	_____		

19. Processing Equipment (Indicate daily capacity,MT)
    _____
    _____
    _____
    _____
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    _____
    _____
    _____

IA-77-1022

PAPER 3 TITOSAMARU No.2

OTHER WORKING FREQUENCIES

A1 2075, 2091

A2 410, 425, 432, 454, 466, 480, 500

A3 4186.6, 4183, 4202, 4204, 4210.5, 4182.2 KHz
12546.8, 4214, 12642, 8279.9, 8274.5, 6303 KHz
6306, 6312.75, 6273.3, 16728.8, 6321, 16856 KHz
8373.2, 8364, 84 04, 8408, 8417, 83644, 22234 KHz
8428, 22262.5, 4210.5, 12631.5, 12085, 6315.75 KHz

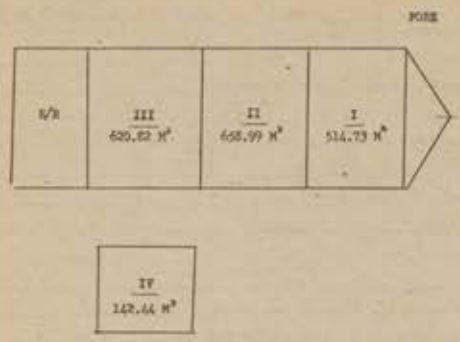
SCHEDULE

WATCH TIME

BERING SEA AND ALEUTIAN ISLAND	01.00 TO 04.00 (GMT) 20.00 TO 23.00 (GMT)
GULF OF ALASKA	18.00 TO 21.00 (GMT) 23.00 TO 02.00 (GMT)
ATLANTIC	12.00 TO 15.00 (GMT) 17.00 TO 20.00 (GMT)

JA-77-1022

PAPER 2 TISHIKIMI No.2



1023

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977 Applied For: Application No. JA-77-1022 For Use of Issuing Office

State: JAPAN

1. Name of Vessel MISHIMA MARU
2. Vessel No.: Hull No. ------- Registration No. TKI-707
3. Name and Address of Owner: Name YASHIMA SHIPPING CO., LTD. Address NISHI-YAESU BLDG. 3-5-12 NIHONBASHI, CHUO-KU, TOKYO,103, JAPAN Cable Address YASHIMA SHIPCO
   Name and Address of Charterer:
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2,684.88 M.T. (Net) 1,470.16 M.T.
7. Length 306.90 ft. 8. Breadth 51.50 ft. 9. Draft 5.80 m.
10. Horsepower 4,400 shp. 11. Maximum Speed 16.50 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other ---------
13. Date Built 18.DEC. 1968
14. Number and Nationality of Personnel 20 JAPAN
    Officers 9 Crew 11 Other (Specify) -------
15. Communications: VHF-FM (*), AM/SSB, Voice (*), Telegraphy (* Other ---------
    International Radio Call Sign JKYO
    Radio Frequencies Monitored A3,A2 500KHZ
    Other Working Frequencies A3,A2 425 468 KHZ
    Schedule WATCH TIME; ATLANTIC: 1300-1600, 1800-2100, 2300-0100 G.M.T.

JA-77-1023

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*). Other ---------
17. Cargo Capacity (MT)

Salted Fish	-----	Freezer	
Fresh Fish	-----	Dry Hold	
Frozen Fish	1,860 M.T.	Tanks	
Fish Meal	-----	Other	
Other	-----		

18. Cargo Space Number Name SEE THE ATTACHED PAPER-I
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

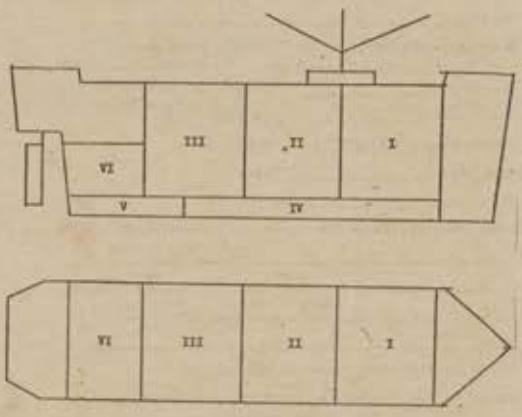
Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1023

PAPER - I

MISHIMA MARU



I, II, III; FROZEN FISH HOLD
IV; FUEL OIL TANK
V; FRESH WATER TANK
VI; ENGINE ROOM

1024

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application No. TA-77-102 For Use of Issuing Office

Waiver JAPAN

1. Name of Vessel KYOTO MARU
2. Vessel No.: Hull No. ----- Registration No. YKI-834
3. Name and Address of Owner: Name and Address of Charterer:

Name TOKYO SHOSUN KAISHA LTD.

Address NO.12 MARU BLDG., 1-15, 2 CHOME, NIHONBASHI, CHUO-KU, TOKYO, 103, JAPAN

Cable Address BLUEMARINE TOKYO

4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2,408.95 M.T. (Net: 1011.41 M.T.
7. Length 108.30 M. 8. Breadth 15.60 M. 9. Draft 6.03 M.
10. Horsepower 1500 shp. 11. Maximum Speed 15.26 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other -----
13. Date Built APRIL, 1972
14. Number and Nationality of Personnel 28, JAPAN

Officers 9 Crew 19 Other (Specify) -----

15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*) Other -----

International Radio Call Sign JEPC

Radio Frequencies Monitored A3, A2, 500 KHZ

Other Working Frequencies A3, A2, 425 KHZ, 480 KHZ

Schedule SEE THE ATTACHED PAPER -I

TA-77-1024

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*), Other -----
17. Cargo Capacity (MT)

Salted Fish -----
Fresh Fish -----
Frozen Fish 1700 M.T.
Fish Meal 170 M.T.
Other -----

18. Cargo Space Number / Name

Freezer SEE THE ATTACHED PAPER - II
Dry Hold
Tanks
Other

19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

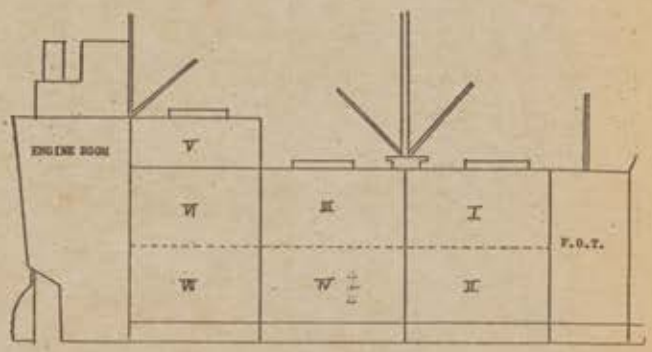
TA-77-1024

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS 2100-0200, 0300-0600 (G.M.T.)
GULF OF ALASKA 2100-0200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC 2100-0200, 0300-0600 (G.M.T.)
ATLANTIC 1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA 2100-0200, 0300-0600 (G.M.T.)

TA-77-1024



CARGO SPACE

	NUMBER	NAME
FREEZER	I, II, III, IV, VI, VI	FROZEN FISH HOLD
DRY HOLD	V	FISH MEAL HOLD

1025

JA-77-1025

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977
Applied For:

Application No. JA-77-1025
For Use of Issuing Office

State: JAPAN

1. Name of Vessel FUKUTO MARU
2. Vessel No.: Hull No. ----- Registration No. KNG-201
3. Name and Address of Owner / Name and Address of Charterer

Name FUKUSHIN KISEN KAISHA LTD.

Address 3-9-5, NAKATADO, OAZA, MAKIKATA-CHO, OOKU-GUN, EHIME-KEN, 799-23, JAPAN
Cable Address -----

4. Homeport and State of Registry: KAMIKATA-CHO, OOKU-GUN, EHIME, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2993.00 M.T. (Net) 1127.23 M.T.
7. Length 104.95 M. 8. Breadth 15.00 M. 9. Draft 6.61 M.
10. Horsepower 1500 shp. 11. Maximum Speed 15.95 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other -----
13. Date Built OCTOBER 1972
14. Number and Nationality of Personnel 20, JAPAN
Officers 9 Crew 11 Other (Specify) -----
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),
Other -----
International Radio Call Sign JNSW
Radio Frequencies Monitored A1, A2 500 KHZ
Other Working Frequencies A1, A2 425 KHZ, 480 KHZ
Schedule SEE THE ATTACHED PAPER -I

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*).
Other -----
17. Cargo Capacity (MT)

Salted Fish	-----	Freezer	SEE THE ATTACHED PAPER -
Fresh Fish	-----	Dry Hold	
Frozen Fish	1800 M.T.	Tanks	
Fish Meal	-----	Other	
Other	-----		

18. Cargo Space Number / Name
19. Processing Equipment (Indicate daily capacity, MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

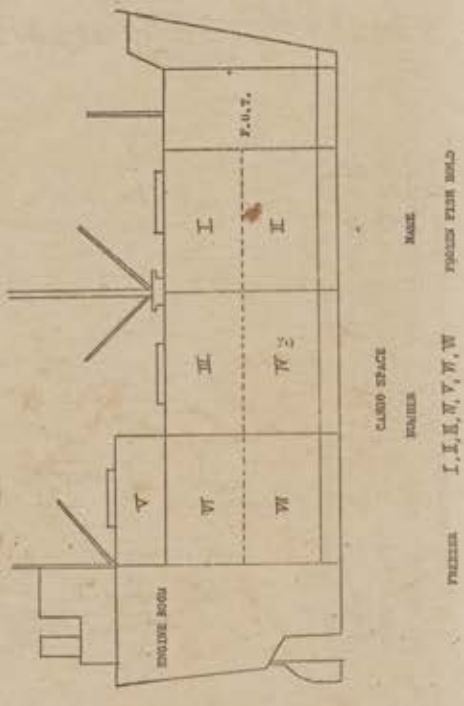
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1025

PAPER I
WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2300, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2300, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2300, 0300-0600 (G.M.T.)
ATLANTIC	1900-2100, 0000-0300 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2300, 0300-0600 (G.M.T.)

JA-77-1025



1026

JA-77-1026

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application No. JA-77-1026 For Use of Issuing Office

State: JAPAN

1. Name of Vessel KITO MARU
2. Vessel No.: Hull No. ----- Registration No. KHL-32
3. Name and Address of Owner / Name and Address of Charterer
   Name NOMURA SUISAN TŪSHIN KAISHA
   Address 26-5, 2 CHŌME, ICHIBANCHO, MATUYAMA-SHI, EHIME-KEN, 790, JAPAN
   Cable Address -----
4. Homeport and State of Registry: MATSUYAMA, EHIME, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2,015.70 MT (Net) 1,137.09 MT
7. Length 100.34 M. 8. Breadth 14.00 M. 9. Draft 6.00 M.
10. Horsepower 4500 shp. 11. Maximum Speed 15.25 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other -----
13. Date Built DECEMBER, 1972
14. Number and Nationality of Personnel 23, JAPAN
    Officers 9 Crew 14 Other (Specify) -----
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*), Other -----
    International Radio Call Sign JNTT
    Radio Frequencies Monitored A1, A2 500 KHZ
    Other Working Frequencies A1, A2 425 KHZ, 480 KHZ
    Schedule SEE THE ATTACHED PAPER - I
16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*), Other -----
17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish	-----	Freezer	SEE THE ATTACHED PAPER-II
Fresh Fish	-----	Dry Hold	
Frozen Fish	1500 MT	Tanks	
Fish Meal	-----	Other	
Other	-----		

19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1026

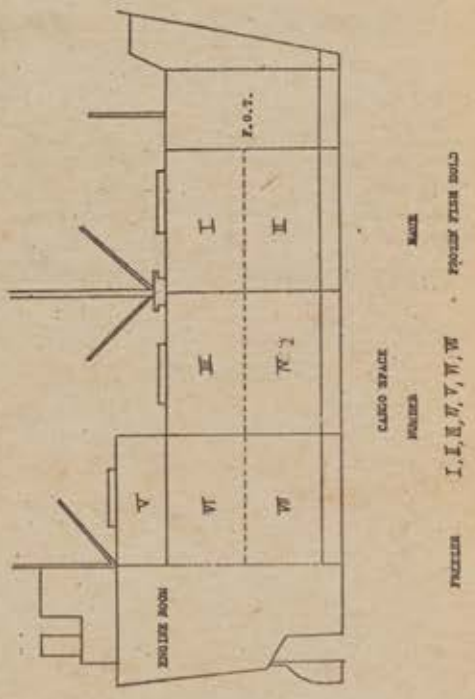
PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-0700, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0600 (G.M.T.)
ATLANTIC	1700-1500, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0600 (G.M.T.)

JA-77-1026

2201-77-JAP



1027

IH-77-1027

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. IH-77-1027
For Use of Issuing Office

State: JAPAN

1. Name of Vessel HAKUHASAN MARU
2. Vessel No.: Hull No. ----- Registration No. TKI-884
3. Name and Address of Owner / Name and Address of Charterer
   Name: NAGANI SUISANBU KOGYO KAISHA LTD.
   Address: 10-13, 2 CHOME KITAOTSUKA,
   TOSHIMA-KU, TOKYO, 170, JAPAN
   Cable Address: ---
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2107.07 MT (Net) 1170.21 MT
7. Length 100.13 M. 8. Breadth 14.00 M. 9. Draft 6.01 M.
10. Horsepower 4500 shp. 11. Maximum Speed 15.50 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other -----
13. Date Built AUGUST, 1973
14. Number and Nationality of Personnel 22, JAPAN
    Officers 9 Crew 13 Other (Specify) -----
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),
    Other
    International Radio Call Sign JAIH
    Radio Frequencies Monitored A1, A2, 500 KHz
    Other Working Frequencies A1, A2, 425 KHz, 480 KHz
    Schedule SEE THE ATTACHED PAPER - I
16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other
17. Cargo Capacity (MT) / 18. Cargo Space Number / Name

Salted Fish	-----	Freezer	SEE THE ATTACHED PAPER - II
Fresh Fish	-----	Dry Hold	
Frozen Fish	1500 MT	Tanks	
Fish Meal	-----	Other	
Other	-----		

19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

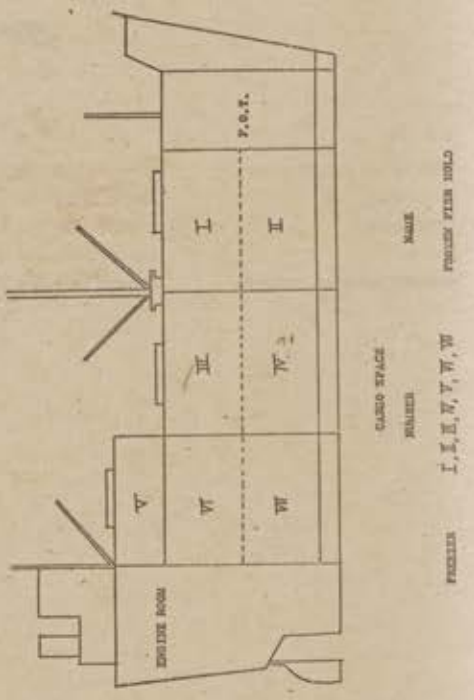
IH-77-1027

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2200, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0300 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0600 (G.M.T.)

IH-77-1027



1028

IA-77-1028

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. IA-77-1028
For Use of Issuing Office

State: JAPAN

1. Name of Vessel SHOYO MARU
2. Vessel No.: Hull No. ----- Registration No. TKI-592
3. Name and Address of Owner / Name and Address of Charterer
   Name TOKYO SHOSEN KAISHA LTD.
   Address NO.12 MAKO BLDG., 3-18,
   2 CHOME, NIHONBASHI, CHUO-KU, TOKYO,
   103, JAPAN
   Cable Address MUIK MARINE TOKYO
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1936.69 T.T. (Net) 978.19 M.T.
7. Length 89.40 m. 8. Breadth 13.00 M. 9. Draft 5.31 M.
10. Horsepower 1700 shp. 11. Maximum Speed 14.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other -----
13. Date Built MARCH 31, 1967
14. Number and Nationality of Personnel 23, JAPAN
    Officers 9 Crew 14 Other (Specify) -----
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*),
    Other -----
    International Radio Call Sign JMFD
    Radio Frequencies Monitored A1, A2 500 KHZ
    Other Working Frequencies A1, A2 425 KHZ, 480 KHZ
    Schedule SEE THE ATTACHED PAPER - I

IA-77-1028

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( )
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other -----
17. Cargo Capacity (MT) / 18. Cargo Space Number / Name

Salted Fish	-----	Freezer	SEE THE ATTACHED PAPER.
Fresh Fish	-----	Dry Hold	
Frozen Fish	1200 MT	Tanks	
Fish Meal	-----	Other	
Other	-----		

19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

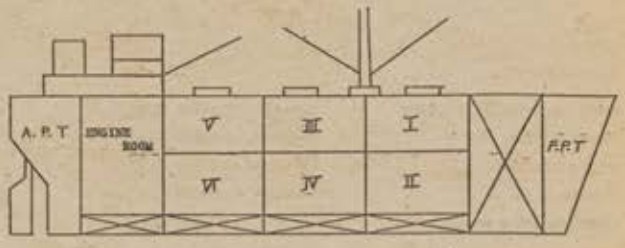
IA-77-1028

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2200, 0300-0400 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0400 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0400 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0400 (G.M.T.)

IA-77-1028



CARGO SPACE

NUMBER	NAME
FREEZER I, II, III, IV, V, VI	FROZEN FISH HOLD

1029

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

IA-77-1029

Permit Period MARCH 1,1977 TO
Applied For: DECEMBER 31,1977

Application No.
For Use of Issuing Office

State: JAPAN

1. Name of Vessel HOYO MARU
2. Vessel No.: Hull No. —— Registration No. IKI-639
3. Name and Address of Owner
   Name: TOKYO SHOGEN KAISHA LTD.
   Address: NO.12 MAKO BLDG.,4-18,
   2 CHOME,NIHONBASHI,CHUO-KU,TOKYO,103,JAPAN
   Cable Address: BLUE MARINE TOKYO
   Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1,944.16 M.T. (Net) 980.00 M.T.
7. Length 89.40 M. 8. Breadth 13.00 M. 9. Draft 5.45 M.
10. Horsepower 3,520 shp. 11. Maximum Speed 14.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other ——
13. Date Built JULY,1967
14. Number and Nationality of Personnel 23,JAPAN
    Officers 9 Crew 14 Other (Specify) ——
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy ( )
    Other ——
    International Radio Call Sign JDRO
    Radio Frequencies Monitored A1,A2 500KHZ
    Other Working Frequencies A1,A2 425KHZ,480KHZ
    Schedule SEE THE ATTACHED PAPER-I

IA-77-1029

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other ——
17. Cargo Capacity (MT)

Salted Fish	——	Freezer	
Fresh Fish	——	Dry Hold	
Frozen Fish	1,200 M.T.	Tanks	
Fish Meal	——	Other	
Other	——		

18. Cargo Space Number / Name — SEE THE ATTACHED PAPER-II
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-1029

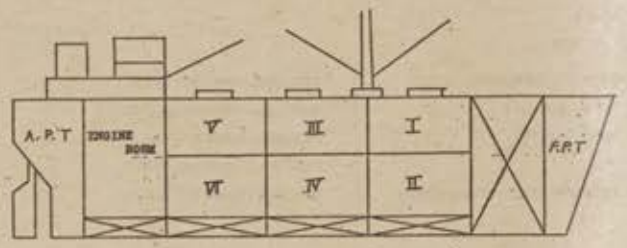
PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2200, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0600 (G.M.T.)

ATTACHED PAPER II

IA-77-1029



CARGO SPACE

	NUMBER	NAME
FREEZER	I, II, III, IV, V, VI	FROZEN FISH HOLD

1030

IA-77-1030

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1,1977 TO
Applied For: DECEMBER 31,1977

Application No. IA-77-1030
For Use of Issuing Office

State: JAPAN

1. Name of Vessel TAMAGAWA MARU
2. Vessel No.: Hull No. — Registration No. TKI-282
3. Name and Address of Owner / Name and Address of Charterer

Name TAIYO FISHERY CO., LTD.
Address 1-5-1, MARUNOUCHI
CHIYODA-KU, TOKYO 100, JAPAN
Cable Address OCEANFISH TOKYO

4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1804.86 M.T. (Net) 975.94 M.T.
7. Length 88.90 M. 8. Breadth 12.60 M. 9. Draft 5.46 M.
10. Horsepower 3190 shp. 11. Maximum Speed 12.3 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other —
13. Date Built JUNE,1964
14. Number and Nationality of Personnel 95, JAPAN
Officers 9 Crew 16 Other (Specify) —
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*),
Other
International Radio Call Sign JAHM
Radio Frequencies Monitored A1, A2, 500KHz
Other Working Frequencies A1, A2, 4075Khz, 8054Hz
Schedule SEE THE ATTACHED PAPER-I

IA-77-1030

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
Other

17. Cargo Capacity (MT) / 18. Cargo Space Number / Name

Salted Fish	—	Freezer	
Fresh Fish	—	Dry Hold	
Frozen Fish	1100 M.T.	Tanks	SEE THE ATTACHED PAPER-II
Fish Meal	—	Other	
Other	—		

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

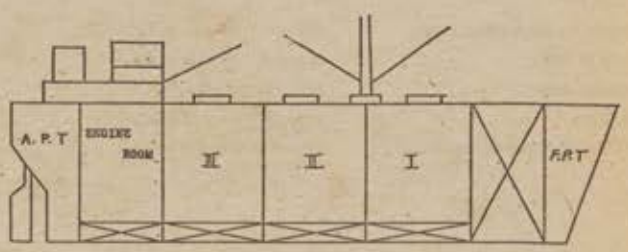
IA-77-1030

IA-77-1030

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2200, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0600 (G.M.T.)



	CARGO SPACE NUMBER	NAME
FREEZER	I, II, III	FROZEN FISH HOLD

1031

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. IA-77-1031
for Use of Issuing Office

State: JAPAN

1. Name of Vessel KANOHANA MARU
2. Vessel No.: Hull No. — Registration No. TKI-786
3. Name and Address of Owner / Name and Address of Charterer
   Name: TAITO FISHERY CO., LTD.
   Address: 1-5-1, MARUNOUCHI
   CHIYODA-KU, TOKYO 100, JAPAN
   Cable Address: OCEANFISH TOKYO
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1804.53 M.T. (Net) 955.33 M.T.
7. Length 88.30 M. 8. Breadth 12.60 M. 9. Draft 5.46 M.
10. Horsepower 3150 shp. 11. Maximum Speed 15.2 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other
13. Date Built NOVEMBER, 1964
14. Number and Nationality of Personnel 25, JAPAN
    Officers 9 Crew 16 Other (Specify) —
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*),
    Other
    International Radio Call Sign JAVD
    Radio Frequencies Monitored A1, A2, 500 KHZ
    Other Working Frequencies A1, A2, A05 KHZ, A00 KHZ
    Schedule SEE THE ATTACHED PAPER-I

IA-77-1031

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other

IA-77-1031

17. Cargo Capacity (MT)

Salted Fish	—
Fresh Fish	—
Frozen Fish	1100 M.T.
Fish Meal	—
Other	—

18. Cargo Space

Number	Name
—	Freezer
—	Dry Hold
—	Tanks
—	Other

SEE THE ATTACHED PAPER-

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

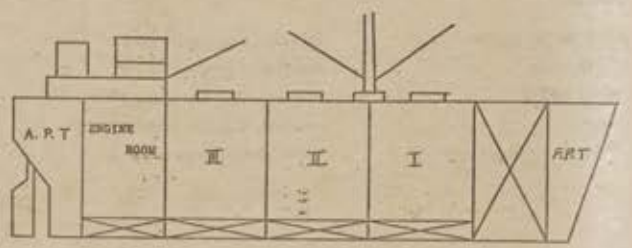
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-1031

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2200, 0300-0400 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0400 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0400 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0400 (G.M.T.)



CARGO SPACE NUMBER	NAME
FREEZER I, II, III	FROZEN FISH HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) 1032

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. IA-77-1032
For Use of Issuing Office

State: JAPAN

1. Name of Vessel AOEGAWA MARU
2. Vessel No.: Hull No. — Registration No. TKI-304
3. Name and Address of Owner / Name and Address of Charterer
   Name: TAITO FISHERY CO., LTD.
   Address: 1-5-1, NAKANOSHIMA,
   CHUYODA-KU, TOKYO 100, JAPAN
   Cable Address: OCEANFISH TOKYO
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1700.30 M.T. (Net) 977.51 M.T.
7. Length 88.5 M. 8. Breadth 12.6 M. 9. Draft 5.48 M.
10. Horsepower 3150 shp. 11. Maximum Speed 13.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other —
13. Date Built NOVEMBER, 1964
14. Number and Nationality of Personnel 25, Japan
    Officers 9 Crew 16 Other (Specify) —
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*),
    Other —
    International Radio Call Sign JAMI
    Radio Frequencies Monitored A1, A2, 500 KHZ
    Other Working Frequencies A1, A2, 425 KHZ, 480 KHZ
    Schedule SEE THE ATTACHED PAPER- I

IA-77-1032

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other —
17. Cargo Capacity (MT) / 18. Cargo Space Number / Name

Salted Fish	—	Freezer	SEE THE ATTACHED PAPER
Fresh Fish	—	Dry Hold	
Frozen Fish	1100 M.T.	Tanks	
Fish Meal	—	Other	
Other	—		

19. Processing Equipment (Indicate daily capacity,MT)
    —
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    —

IA-77-1032

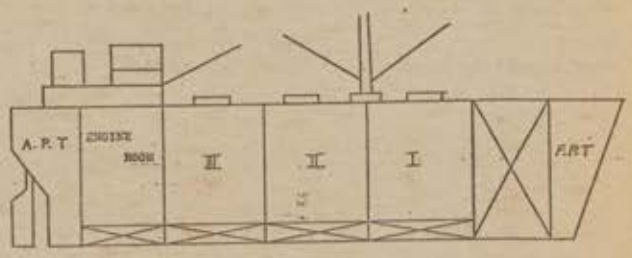
ATTACHED PAPER I

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2200, 0300-0400 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0400 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0400 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0400 (G.M.T.)

IA-77-1032



CARGO SPACE NUMBER	NAME
FREEZER I, II, III	FROZEN FISH HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

1033

JA-77-1033

Permit Period Applied For: MARCH 1,1977 TO DECEMBER 31,1977

Application No. For Use of Issuing Office JA-77-1033

State: JAPAN

1. Name of Vessel YUYO MARU
2. Vessel No.: Hull No. —— Registration No. ——
3. Name and Address of Owner / Name and Address of Charterer

Name TAIYO KYUEN KABUSHIKI KAISHA

Address 5F,HIBIYA-BLDG., 1-1,1 CHOME SHIMBASHI,MINATO-KU TOKYO,105,JAPAN

Cable Address —

4. Homeport and State of Registry: TOKYO,JAPAN
5. Type of Vessel CARGO VESSEL
6. Tonnage (Gross) 2,343.73 M.T. (Net) 1,345.63 M.T.
7. Length 91.31 M. 8. Breadth 13.4 M. 9. Draft 5.68 M.
10. Horsepower 2,400 shp. 11. Maximum Speed 12.5 Knot.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),

Other ——

13. Date Built AUGUST,1966
14. Number and Nationality of Personnel 22,JAPAN

Officers 9 Crew 13 Other (Specify) —

15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*),

Other ——

International Radio Call Sign JNAS

Radio Frequencies Monitored A1,A2 500KHZ

Other Working Frequencies A1, A2, 425 KHZ, 480 KHZ

Schedule SEE THE ATTACHED PAPER- I

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*),

Other

17. Cargo Capacity (MT)

Salted Fish	——	Freezer	
Fresh Fish	——	Dry Hold	SEE THE ATTACHED PAPER-II
Frozen Fish	1,800 M.T.	Tanks	
Fish Meal	——	Other	
Other	——		

18. Cargo Space Number / Name

19. Processing Equipment (indicate daily capacity,Mt)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1033

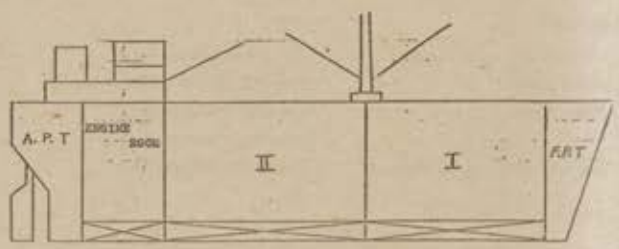
PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2200, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0600 (G.M.T.)

ATTACHED PAPER II

JH-77-1033



CARGO SPACE

NUMBER	NAME
DRY HOLD I, II	FISH MEAL HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

1034

JA-77-1034

Permit Period MARCH 1,1977 TO
Applied For: DECEMBER 31,1977

Application No. JA-77-1034
For Use of Issuing Office

State: JAPAN

1. Name of Vessel KYOKO MARU
2. Vessel No.: Hull No. —— Registration No. ——
3. Name and Address of Owner / Name and Address of Charterer

Name FUJITA KAIUN KABUSHIKI KAISHA

Address 24, OAZA NAKAHIGASHIDORI, YOSHIUMI-CHO, OCHI-GUN EHIME-KEN, JAPAN

Cable Address ——

4. Homeport and State of Registry: YOSHIUMI-CHO, OCHI-GUN, EHIME, JAPAN
5. Type of Vessel CARGO VESSEL
6. Tonnage (Gross) 1,998.43 M.T. (Net) 1,247.44 M.T.
7. Length 91.90 M. 8. Breadth 14.00 M. 9. Draft 5.73 M.
10. Horsepower 2,400 shp. 11. Maximum Speed 13.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
Other ——
12. Date Built FEBRUARY,1971
14. Number and Nationality of Personnel 32,JAPAN
Officers 9 Crew 13 Other (Specify) ——
15. Communications: VHF-FM ( ), MF/SSB, Voice ( ), Telegraphy (*).
Other ——
International Radio Call Sign JPAA
Radio Frequencies Monitored A1,A2 500KHZ
Other Working Frequencies A1, A2, 425 KHZ, 480 KHZ
Schedule SEE THE ATTACHED PAPER - I

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*).
Other

17. Cargo Capacity (MT)

Salted Fish	——	Freezer	
Fresh Fish	——	Dry Hold	
Frozen Fish	——	Tanks	SEE THE ATTACHED PAPER - II
Fish Meal	1,500M.T.	Other	
Other	——		

18. Cargo Space

Number	Name

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1034

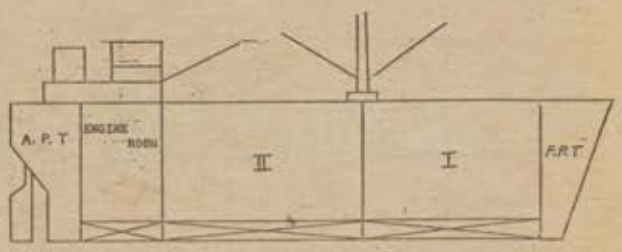
ATTACHED PAPER I

JA-77-1034

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2300-2300, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2300, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2300, 0300-0600 (G.M.T.)
ATLANTIC	1700-1900, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2300, 0300-0600 (G.M.T.)



CARGO SPACE

NAME	NUMBER	NAME
DRY HOLD	I , II	FISH MEAL HOLD

1035

JA-77-1035

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1,1977 TO DECEMBER 31,1977

Application No. JA-77-1035 For Use of Issuing Office

State: JAPAN

1. Name of Vessel KOTOKU MARU

2. Vessel No.: Hull No. — Registration No. —

3. Name and Address of Owner
Name SHINKO KAIUN KAISHA LTD.
Address SHOWA BLDG., 18-8, KYOBASHI, 1-CHOME, CHUO-KU, TOKYO, 103, JAPAN
Cable Address SHINKOLINE TOKYO

Name and Address of Charterer

4. Homeport and State of Registry: TOKYO, JAPAN

5. Type of Vessel CARGO VESSEL

6. Tonnage (Gross) 2,301.81 M.T. (Net) 1,544.49 M.T.

7. Length 86.70 M. 8. Breadth 13.00 M. 9. Draft 6.70 M.

10. Horsepower 3,000 shp. 11. Maximum Speed 13.0 kt.

11. Propulsion: Diesel (✓), Steam ( ), Diesel/Electric ( ),
Other —

13. Date Built JUNE, 1965

14. Number and Nationality of Personnel 31, JAPAN
Officers 9 Crew 18 Other (Specify)

15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (✓),
Other —
International Radio Call Sign J G I N
Radio Frequencies Monitored A₂, A₃ 500 KHZ,
Other Working Frequencies A₂, A₃ 435 KHZ, 480 KHZ
Remarks SEE THE ATTACHED PAPER 1

16. Navigation Equipment: Loran C (✓), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar (✓), Fathometer ( ),
Other —

17. Cargo Capacity (MT)

Salted Fish	—	Freezer	
Fresh Fish	—	Dry Hold	
Frozen Fish	—	Tanks	
Fish Meal	1,900 M.T.	Other	
Other	—		

18. Cargo Space Number Name

SEE THE ATTACHED PAPER II

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1035

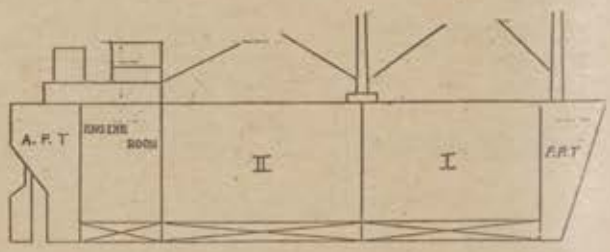
ATTACHED PAPER II

JA-77-1035

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-0700, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2200, 0300-0600 (G.M.T.)



CARGO SPACE

	NUMBER	NAME
DRY HOLD	I , II	FISH MEAL HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

1036

JA-77-1036

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1036
For Use of Issuing Office

State: JAPAN

1. Name of Vessel HUSAN MARU
2. Vessel No.: Hull No. _____ Registration No. _____
3. Name and Address of Owner / Name and Address of Charterer
   Name: TANAKA INDUSTRY CO., LTD.
   Address: 795, OAZA ICHINAWA,
   USUKI-SHI, OITA-KEN, JAPAN
   Cable Address: ———
4. Homeport and State of Registry: OITA, USUKI, JAPAN
5. Type of Vessel CARGO VESSEL
6. Tonnage (Gross) 999.49 M.T. (Net) 582.89 M.T.
7. Length 82.49 M. B. Breadth 77.00 M. D. Draft 5.31 M.
8. Horsepower 2100 shp. 11. Maximum Speed 14.05 kt.
9. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
   Other _____
11. Date Built APRIL 30, 1976
12. Number and Nationality of Personnel 15, JAPAN
    Officers 7 Crew 8 Other (Specify) _____
13. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*).
    Other —
    International Radio Call Sign JHQI
    Radio Frequencies Monitored A1, A2, 500 KHZ
    Other Working Frequencies A1, A2, 425 KHZ, 480 KHZ
    Schedule SEE THE ATTACHED PAPER - I
16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer ( ),
    Other —
17. Cargo Capacity (MT)

Salted Fish	—	Freezer	
Fresh Fish	—	Dry Hold	
Frozen Fish	—	Tanks	
Fish Meal	1700 MT	Other	
Other	—		

18. Cargo Space Number / Name — SEE THE ATTACHED PAPER - II
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1036

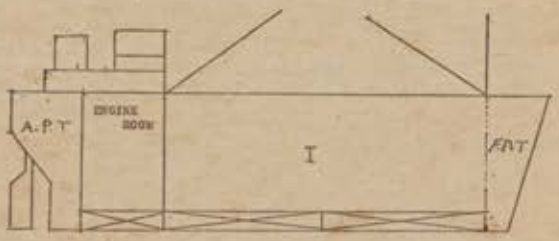
JA-77-1036

PAPER I

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2300, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2300, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2300, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2300, 0300-0600 (G.M.T.)

ATTACHED PAPER I



	CARGO SPACE NUMBER	NAME
DRY HOLD	1	FISH MEAL HOLD

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1037

Permit Period Applied For: MARCH 1, 1977 TO NOVEMBER 31, 1977

Application No. JA-77-1037 For Use of Issuing Office

State: JAPAN

1. Name of Vessel HAYATSUKI MARU
2. Vessel No.: Hull No. ---- Registration No. WEI-858
3. Name and Address of Owner / Name and Address of Charterer
   Name: KYOEI KAIUN CO., LTD.
   Address: 1-15-6, GINZA, CHUO-KU, TOKYO, JAPAN
   Cable Address: ---
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2997.69 M.T. (Net) 1527.41 M.T.
7. Length 103.57 M. 8. Breadth 15.00 M. 9. Draft 8.00 M.
10. Horsepower 5800 shp. 11. Maximum Speed 16.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other ---
13. Date Built MARCH 1973
14. Number and Nationality of Personnel 20, JAPAN
    Officers 9 Crew 11 Other (Specify) ---
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*).
    Other ---
    International Radio Call Sign JGPI
    Radio Frequencies Monitored 500 KHz
    Other Working Frequencies 4134, 6239 KHz
    Schedule WATCH TIME: 20:00 TO 04:00 GMT.
    (OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*), Other ---
17. Cargo Capacity (MT)

Salted Fish	---
Fresh Fish	---
Frozen Fish	2065 M.T.
Fish Meal	---
Other	---

18. Cargo Space

Number	Name
[I]	SEE ATTACHED I
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT) ---
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States: ---

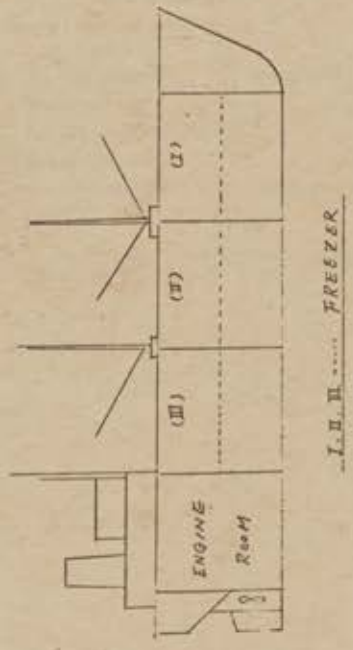
JA-77-1037

ATTACHED I

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1037

M.S. HAYATSUKI-MARU



ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-103B

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-38
For Use of Issuing Office

State: JAPAN

1. Name of Vessel TOKUJU MARU
2. Vessel Off. Hull No. —— Registration No. TO1-591
3. Name and Address of Owner / Name and Address of Charterer
   Name NISSUI SHIPPING CORPORATION,
   Address 3-6-2, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address
   SHIPPING NISSUI TOKYO
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 3730.58 M.T. (Net) 2048.43 M.T.
7. Length 107.99 M. 8. Breadth 16.00 M. 9. Draft 8.50 M.
10. Horsepower 4600 shp. 11. Maximum Speed 16.50 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other ——
12. Date Built JUNE 1973
14. Number and Nationality of Personnel 28, JAPAN
    Officers 10 Crew 18 Other (Specify)
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*).
    Other ——
    International Radio Call Sign JOIP
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 410, 425 KHZ
    Schedule WATCH HRS: 01:00 TO 04:00, 10:00 TO 14:00, 22:00 TO 11:00 GMT.
    (OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Satnav ( ), Radar (*), Fathometer (*),
    Other ——
17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish		Freezer	I II III SEE ATTACHED II
Fresh Fish		Dry Hold	
Frozen Fish	2011 M.T.	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Quantity Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

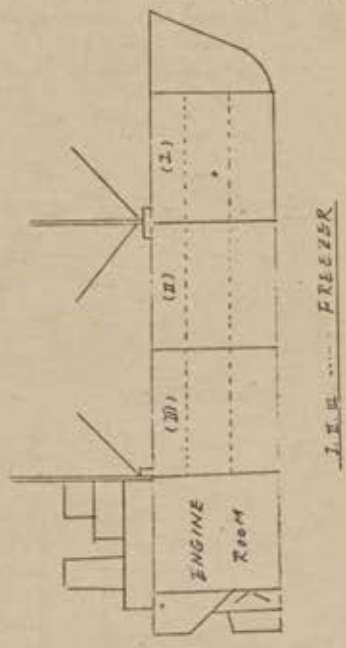
JA-77-103B

ATTACHED I

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-103B

11 S ISOKAZE-MARU



ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1039

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1039
For Use of Issuing Office

State: JAPAN

1. Name of Vessel EIHEI MARU
2. Vessel No./ Hull No. ——— Registration No. TK1-441
3. Name and Address of Owner
   Name HOKOKU MARINE PRODUCTS CO., LTD.
   Address 7-9-13, TSUKIJI,
   CHUO-KU, TOKYO, JAPAN
   Cable Address ———
   Name and Address of Charterer ———
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1428.91 M.T. (Net) 714.72 M.T.
7. Length 73.15 M. 8. Breadth 12.80 M. 9. Draft 5.72 M.
10. Horsepower 2100 shp. 11. Maximum Speed 12.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other ———
12. Date Built JUNE 1962
14. Number and Nationality of Personnel 35, JAPAN
    Officers 10 Crew 25 Other (Specify) ———
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy ( ).
    Other ———
    International Radio Call Sign TLAX
    Radio Frequencies Monitored 5.0 MHz
    Other Working Frequencies 4156—22127.5 MHz
    Schedule WATCH TIME: 24:00 TO 02:00, 04:00 TO 07:00, 08:00 TO 11:00
    (OCEAN AREA SEE ATTACHED I) GMT.

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Sonar ( ), Radar (*), Fathometer (*),
    Other ———
17. Cargo Capacity (MT)

		Cargo Space Number	Name
Salted Fish	———	Freezer	I II III SEE ATTACHED II
Fresh Fish	———	Dry Hold	
Frozen Fish	1112 M.T.	Tanks	
Fish Meal	———	Other	
Other	———		

18. Processing Equipment (Indicate daily capacity, MT)
    ———
19. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

20. Name and Address of Agent appointed to receive any legal process issued in the United States:
    ———

ATTACHED I

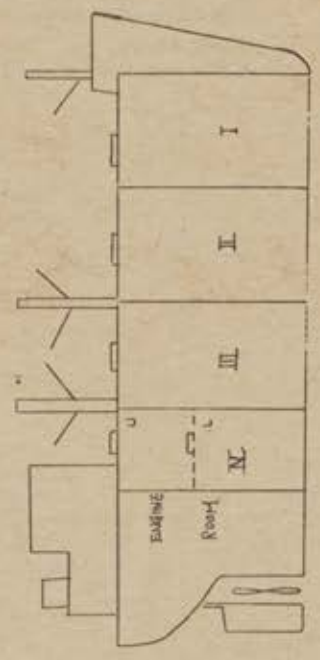
JA-77-1039

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1039

ATTACHED II

M.S. EIHEI MARU



FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1040

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application No. JA-77-1040
For Use of Issuing Office

State: JAPAN

1. Name of Vessel SOYOKAZE MARU
2. Vessel Hull No. _____ Registration No. FKI-811
3. Name and Address of Owner / Name and Address of Charterer
   Name: NIPPON SUISAN KAISHA, LTD.
   Address: 2-6-7, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address: NISSUI TOKYO
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIG. MOTOR TRANSPORT
6. Tonnage (Gross) 2307.71 M.T. (Net) 1361.81 M.T.
7. Length 91.32 M. 8. Breadth 14.80 M. 9. Draft 5.60 M.
10. Horsepower 5600 shp. 11. Maximum Speed 14.8 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other _____
12. Date Built JUNE 1972
14. Number and Nationality of Personnel 73, JAPAN
    Officers 10 Crew 63 Other (Specify) _____
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),
    Other _____
    International Radio Call Sign JKSY
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 410, 425 KHZ
    Schedule WATCH TIME 03:00 TO 08:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT.
    (OCEAN AREA See ATTACHED I)
16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
    Decca ( ), Satnav ( ), Radar (*), Fathometer (*),
    Other _____
17. Cargo Capacity (MT)
    Salted Fish _____
    Fresh Fish _____
    Frozen Fish 1680 M.T.
    Fish Meal _____
    Other _____
18. Cargo Space
    Number: DECK
    Freezer: I II III (SEE ATTACHED II)
    Dry Hold
    Tanks
    Other
19. Processing Equipment (Indicate daily capacity, MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

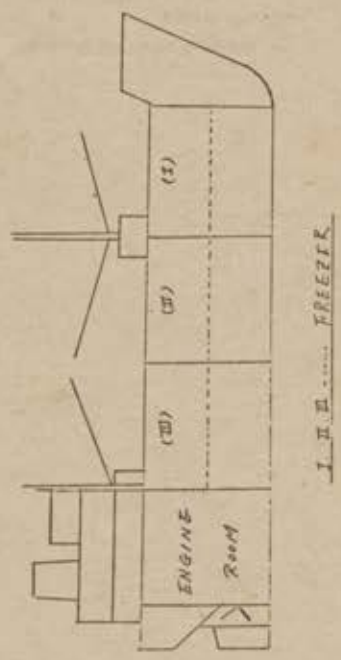
ATTACHED I

JA-77-1040

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1040

M.S. SOYOKAZE-MARU



ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1041

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application No. JA-77-1041 For Use of Issuing Office

State: JAPAN

1. Name of Vessel NANKO MARU
2. Vessel No.: Hull No. ——— Registration No. TK1-385
3. Name and Address of Owner / Name and Address of Charterer
   Name: NIPPON SUISAN KAISHA, LTD. / ———
   Address: 3-6-2, OTEMACHI, / ———
   CHIYODA-KU, TOKYO, JAPAN / ———
   Cable Address: / ———
   NISSUI TOKYO / ———
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1694.75 M.T. (Net) 868.45 M.T.
7. Length 76.42 M. 8. Breadth 12.60 M. 9. Draft 6.30 M.
10. Horsepower 2400 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other ———
13. Date Built JULY 1961
14. Number and Nationality of Personnel 23, JAPAN
    Officers 9 Crew 14 Other (Specify) ———
15. Communications: VHF-FM (*), AP/SSB, Voice ( ), Telegraphy (*),
    Other ———
    International Radio Call Sign JUKO
    Radio Frequencies Monitored 500 KHz
    Other Working Frequencies 410, 425 KHz
    Schedule WATCH TIME: 01:00 TO 04:00, 20:00 TO 22:00, 07:00 TO 11:00 J.S.T.
    (OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other ———
17. Cargo Capacity (MT)

Salted Fish	———
Fresh Fish	———
Frozen Fish	1104 M.T.
Fish Meal	———
Other	———

18. Cargo Space

Number	Name
Freezer	I, II, III — SEE ATTACHED II
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)
    ———
    ———
    ———
    ———
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    ———
    ———
    ———

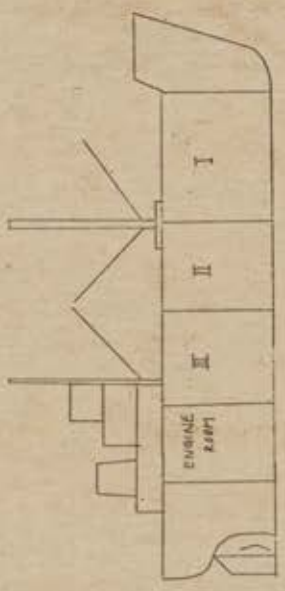
ATTACHED I

JA-77-1041

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1041

M.S. NANKO MARU



I, II, III --- FREEZER

ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1042

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application No. JA-77-1042 For Use of Issuing Office

State: JAPAN

1. Name of Vessel TOKO MARU
2. Vessel No., Wall No. — Registration No. TEI-415
3. Name and Address of Owner / Name and Address of Charterer

Name NISSUI SHIPPING CORPORATION,

Address 2-6-3, OTEMACHI,

CHIYODA-KU, TOKYO, JAPAN

Cable Address

SHIPPING NISSUI

4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1696.55 M.T. (Net) 875.85 M.T.
7. Length 76.71 M. 8. Breadth 12.60 M. 9. Draft 4.30 M.
10. Horsepower 2400 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).

Other

13. Date Built NOVEMBER 1961
14. Number and Nationality of Personnel 23, JAPAN

Officers 9 Crew 14 Other (Specify)

15. Communications: VHF-FM (*), AM/SSB, Telex ( ), Telegraphy (*).

Other

International Radio Call Sign JMKA

Radio Frequencies Monitored 500 KHZ

Other Working Frequencies 410, 425 KHZ

Schedule WATCH TIME: 03:00 TO 04:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT.
(OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer (*),

Other

17. Cargo Capacity (MT)

Salted Fish

Fresh Fish

Frozen Fish 1103 M.T.

Fish Meal

Other

18. Cargo Space Number / Data

Freezer I, II, III SEE ATTACHED II

Dry Hold

Tanks

Other

19. Processing Equipment (Indicate daily capacity, MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1042

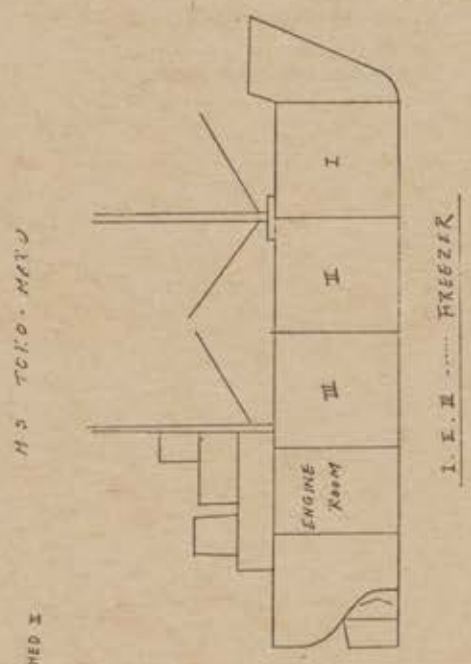
ATTACHED I

OCEAN AREA

1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1042

ATTACHED II



FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1043

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977 Application No. JA-77-1043
Applied For: For Use of Issuing Office

State: JAPAN

1. Name of Vessel SEIKO MARU
2. Vessel Off. Hull No. ——— Registration No. TEI-419
3. Name and Address of Owner / Name and Address of Charterer
   Name NISSUI SHIPPING CORPORATION,
   Address 2-6-3, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address
   SHIPPING NISSUI TOKYO
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1691.88 M.T. (Net) 858.80 M.T.
7. Length 76.21 M. F. Breadth 12.60 M. F. Draft 6.30 M.
10. Horsepower 2400 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other ———
13. Date Built DEC.MAR 1961
14. Number and Nationality of Personnel 24, JAPAN
    Officers 9 Crew 14 Other (Specify) ———
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).
    Other ———
    International Radio Call Sign JAGP
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 410, 425 KHZ
    Schedule 48HOU TIME:03:00 TO 04:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT.
    (OCEAN AREA M.C ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Tachometer (*),
    Other ———
17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	1101 M.T.
Fish Meal	
Other	

18. Cargo Space

Number	Name
Freezer	I II III SEE ATTACHED II
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)

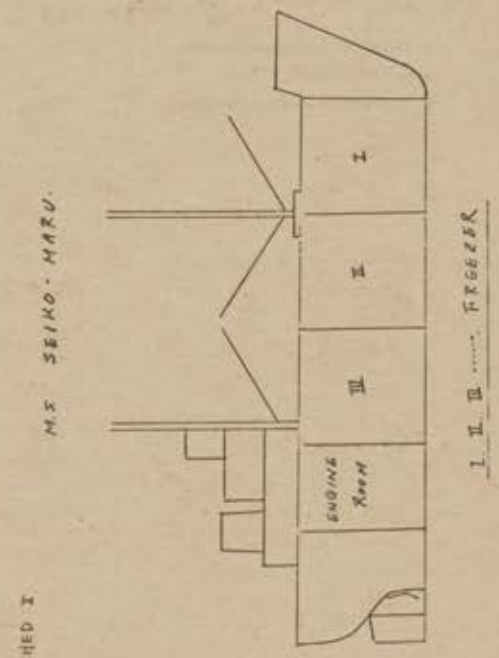
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED I

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA



ATTACHED I

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1044

Permit Period: MARCH 1, 1977 TO DECEMBER 31, 1977 Application No. JA-77-1044 For Use of Issuing Office

State: JAPAN

1. Name of Vessel HOKKO MARU
2. Vessel No.: Hull No. —— Registration No. TKI-366
3. Name and Address of Owner: Name: NIPPON SUISAN KAISHA, LTD. Address: 2-6-2, OTEMACHI, CHIYODA-KU, TOKYO, JAPAN Cable Address: NISSUI TOKYO
   Name and Address of Charterer:
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1697.12 M.T. (Net) 869.16 M.T.
7. Length 76.62 m. 8. Breadth 12.60 m. 9. Draft 6.30 m.
10. Horsepower 2400 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other ——
12. Date Built JULY 1961
14. Number and Nationality of Personnel 23, JAPAN
    Officers 9 Crew 14 Other (Specify) ——
15. Communications: VHF- (*), AM/SSB, Voice ( ), Telegraphy (*), Other ——
    International Radio Call Sign JSOU
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 410, 425 KHZ
    Schedule AT ALL TIMES 03:00 TO 02:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT. (OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Satnat ( ), Radar (*), Fathometer (*), Other ——
17. Cargo Capacity (MT)

		18. Cargo Space	Number	Name
Salted Fish		Freezer	1 2 3	SEE ATTACHED II
Fresh Fish		Dry Hold		
Frozen Fish	1104 M.T.	Tanks		
Fish Meal		Other		
Other				

19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

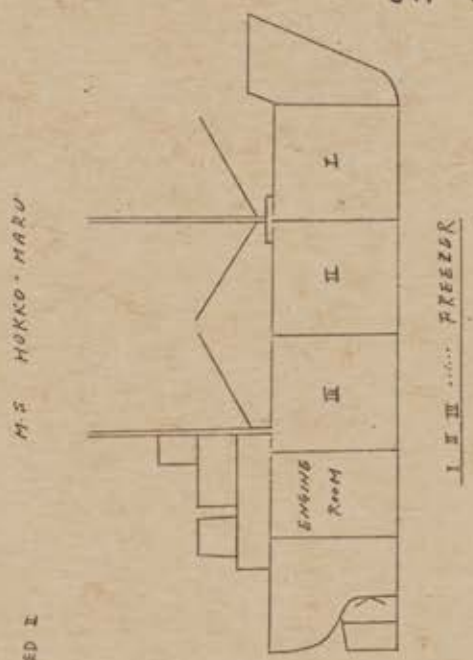
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1044

ATTACHED I

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1044



ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1045

Permit Period Applied For: MARCH 1, 1977 TO DECEMBER 31, 1977

Application No. JA-77-1045 For Use of Issuing Office

State: JAPAN

1. Name of Vessel MATSUNAKE MARU
2. Vessel Sub Hull No. ——— Registration No. YKI-763
3. Name and Address of Owner
   Name NIPPON SUISAN KAISHA, LTD.
   Address 2-6-2, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address
   NISSUI TOKYO

   Name and Address of Charterer

4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2690.90 M.T. (Net) 1562.32 M.T.
7. Length 91.30 M. 8. Breadth 14.80 M. 9. Draft 7.63 M.
10. Horsepower 5600 shp. 11. Maximum Speed 14.8 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other ———
13. Date Built MARCH 1971
14. Number and Nationality of Personnel 24, JAPAN
    Officers 10 Crew 14 Other (Specify) ———
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).
    Other ———
    International Radio Call Sign JPVE
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 410, 425 KHZ
    Schedule WATCH TIME: 01:00 TO 04:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT.
    (OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer (*).
    Other ———
17. Cargo Capacity (MT)

Salted Fish		Freezer	I II III
Fresh Fish		Dry Hold	
Frozen Fish	1899 M.T.	Tanks	
Fish Meal		Other	
Other			

18. Cargo Space Number: SEE ATTACH. II Name:
19. Processing Equipment (Indicate daily capacity, MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

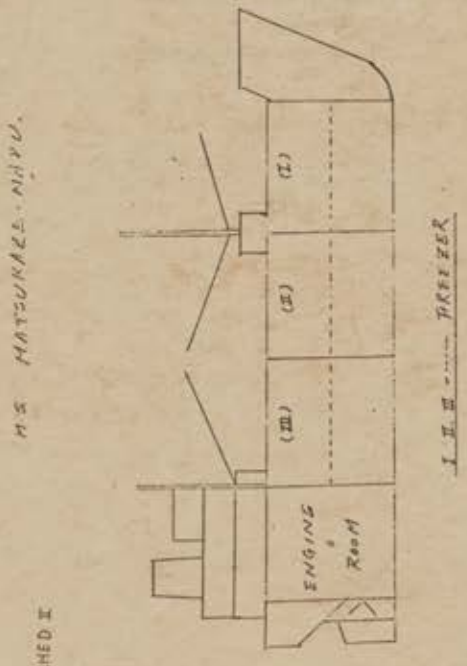
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1045

ATTACHED I

OCEAN AREA
1) NORTH SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1045



ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1046

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1046
For Use of Issuing Office

State: JAPAN

1. Name of Vessel KAZUSHIMA MARU
2. Vessel No.: Hull No. ——— Registration No. YKI-437
3. Name and Address of Owner
   Name: NIPPON SUISAN KAISHA, LTD.
   Address: 2-6-2, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address
   NISSUI TOKYO
   Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 3732.16 M.T. (Net) 1804.76 M.T.
7. Length 107.9 M. B. Breadth 16.6 M. D. Draft 9.05 M.
10. Horsepower 3830 shp. 11. Maximum Speed 13.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other ———
13. Date Built MAY 1962
14. Number and Nationality of Personnel 30, JAPAN
    Officers 10 Crew 20 Other (Specify)
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*),
    Other ———
    International Radio Call Sign JQPX
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 410, 425 KHZ
    Schedule WATCH TIME: 20:00 TO 12:00 GMT.
    (OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other ———
17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	2134 M.T.
Fish Meal	
Other	

18. Cargo Space

Number	Name
Freezer	I II III SEE ATTACHED II
Dry Hold	
Tanks	
Other	

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

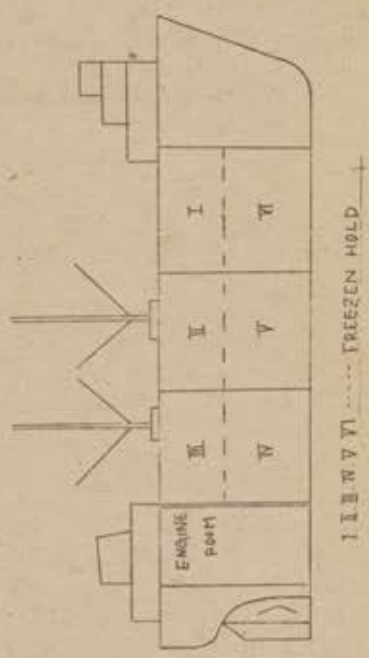
21. Name and Address of Agent Appointed to receive any legal process issued in the United States:

ATTACHED I

JA-77-1046

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1046



FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1047

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1047
For Use of Issuing Office

State: JAPAN

1. Name of Vessel KASHIMA MARU
2. Vessel Nat. Null No. ——— Registration No. TK1-181
3. Name and Address of Owner
   Name NIPPON SUISAN KAISHA, LTD.
   Address 2-6-2, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address
   NISSUI TOKYO
   Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 6317.57 M.T. (Net) 3148.59 M.T.
7. Length 135.13 m. 8. Breadth 17.60 m. 9. Draft 9.31 m.
10. Horsepower 4600 shp. 11. Maximum Speed 13.38 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other ———
13. Date Built APRIL 1956
14. Number and Nationality of Personnel 51, JAPAN
    Officers 17 Crew 44 Other (Specify) ———
15. Communications: VHF-FM (*), AM SSB, Voice (*), Telegraph (*),
    Other ———
    International Radio Call Sign JVTW
    Radio Frequencies Monitored 500 KHz
    Other Working Frequencies 4214.5, 2135 KHz
    Schedule WATCH TIME: 0)+00 TO 04:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT.
    (OCEAN AREA SEE ATTACHED I)
16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
    Decca ( ), Navsat ( ), Radar (*), Fathometer (*),
    Other ———
17. Cargo Capacity (MT)
    Salted Fish ———
    Fresh Fish ———
    Frozen Fish 3400 M.T.
    Fish Meal ———
    Other ———
18. Cargo Space
    Number Name
    Freezer I, II & V, VI, VII, SEE ATTACHED II
    Dry Hold
    Tanks
    Other
19. Processing Equipment (Indicate daily capacity, MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1047

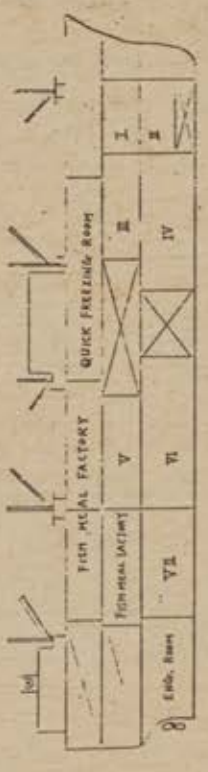
ATTACHED I

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1047

ATTACHED II

KASHIMA MARU



I, II, III, IV, VI, ... FREEZER
V, VII, ... FISH MEAL HOLD

JA-77-1047

THIS VESSEL "KASHIMA MARU" IS SCHEDULED TO BE USED AS A REFRIGERATOR TRANSPORT FOR OTHER FACTORY BASE SHIPS OPERATING IN BERING SEA AND ALEUTIAN ISLANDS AREA DURING THE PERIOD FROM MARCH TO AUGUST 1977, and IS ALSO SCHEDULED TO OPERATE AS A FACTORY BASE SHIP (DRAGNET FISHERY) IN BERING SEA AND ALEUTIAN ISLANDS AREA DURING THE PERIOD FROM SEPTEMBER TO DECEMBER 1977.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1048
For Use of Issuing Office

State: JAPAN

1. Name of Vessel KEIKO MARU
2. Vessel Sov't Call No. —— Registration No. KEI-157
3. Name and Address of Owner / Name and Address of Charterer
   Name NIPPON SUISAN KAISHA, LTD.
   Address 2-6-2, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address KOKUSAI TOKYO
4. Homeport and State of Territory: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 7519.43 M.T. (Net) 3531.51 M.T.
7. Length 135.35 m. B. Breadth 17.80 m. D. Draft 8.42 m.
8. Horsepower 3650 shp. 11. Maximum Speed 12.0 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ).
    Other ——
13. Date Built OCTOBER 1969
14. Number and Nationality of Personnel: 41, JAPAN
    Officers 14 Crew 27 Other (Specify) ——
15. Communications: SAT-C/T (*), AT/SSB, Voice (*), Telex (*)
    Other ——
    International Call Sign JMLP
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies 2060.5, 2060 KHZ
    Schedule MARCH TIME: 03:00 TO 04:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT.
    (OCEAN AREA SEE ATTACHED I)

JA-77-1048

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
    Decca ( ), Transit ( ), Radar (*), Fathometer (*),
    Other ——
17. Cargo Capacity (MT) / 18. Cargo Space Number / Name

Salted Fish		Freezer	1, 2
Fresh Fish		Dry Hold	
Frozen Fish	1479 M.T.	Tanks	
Fish Meal		Other	
Other			

SEE ATTACHED I

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

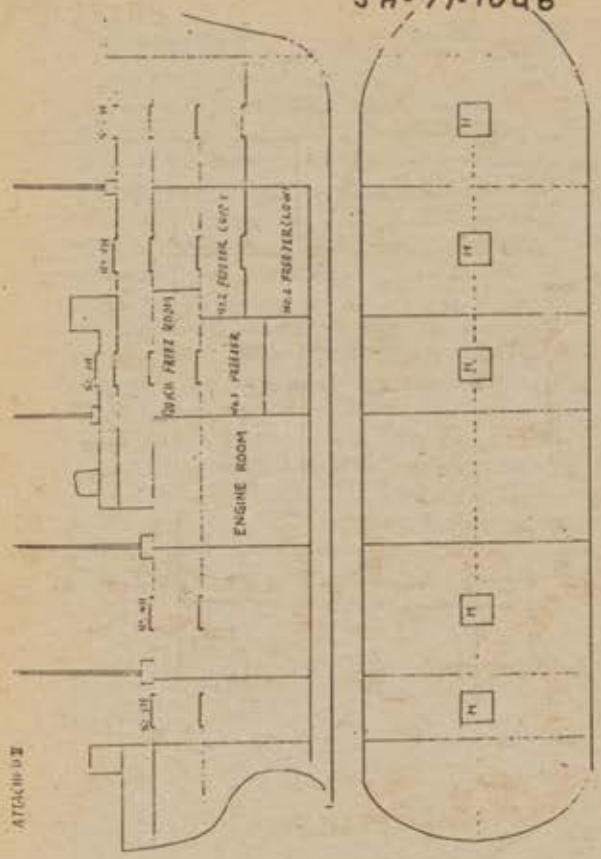
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED I

JA-77-1048

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1048



JA-77-1048

THIS VESSEL "KEIKO MARU" IS SCHEDULED TO OPERATE AS A FACTORY BASE SHIP (CRAB) IN BERING SEA DURING THE PERIOD FROM MARCH TO JULY 1977, AND ALSO SCHEDULED TO BE USED AS A REFRIGERATOR TRANSPORT FOR OTHER FACTORY BASE SHIPS OPERATING IN BERING SEA AND ALEUTIAN ISLANDS AREA DURING THE PERIOD FROM AUGUST TO DECEMBER 1977.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1049

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977
Applied For:

Application No. JA-77-1049
For Use of Issuing Office

State: JAPAN

1. Name of Vessel HAKUKAZE MARU
2. Vessel No.: Hull No. ——— Registration No. TKI-853
3. Name and Address of Owner
   Name NIPPON SUISAN KAISHA, LTD.
   Address 2-6-7, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address
   NISSUI TOKYO
   Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2815.91 M.T. (Net) 1495.06 M.T.
7. Length 97.25 M. 8. Breadth 14.80 M. 9. Draft 7.60 M.
10. Horsepower 4800 shp. 11. Maximum Speed 15.75 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other ———
13. Date Built FEBRUARY 1968
14. Number and Nationality of Personnel 21, JAPAN
    Officers 9 Crew 14 Other (Specify) ———
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy ( ).
    Other ———
    International Radio Call Sign JPHH
    Radio Frequencies Monitored 500 KHz
    Other Working Frequencies 410, 425 KHz
    Schedule WATCH TIME: 01:00 TO 04:00, 20:00 TO 24:30, 07:00 TO 11:00 (LOCAL TIME) (SEE ATTACHED 1) GMT.

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ).
    Decca ( ), Sonar ( ), Radar (*), Fathometer (*).
    Other ———
17. Cargo Capacity (MT)
    Salted Fish ———
    Fresh Fish ———
    Frozen Fish 1801 M.T.
    Fish Meal ———
    Other ———
18. Cargo Space
    Number: Freezer 1 1 1 — Hold
    Dry Hold
    Tanks
    Other
    Name: SEE ATTACHED 2
19. Processing Equipment (Indicate daily capacity, MT)
    ———
    ———
    ———
    ———
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Cost to be Paid

21. Name and address of Agent appointed to receive any legal process issued in the United States:
    ———
    ———
    ———

JA-77-1049

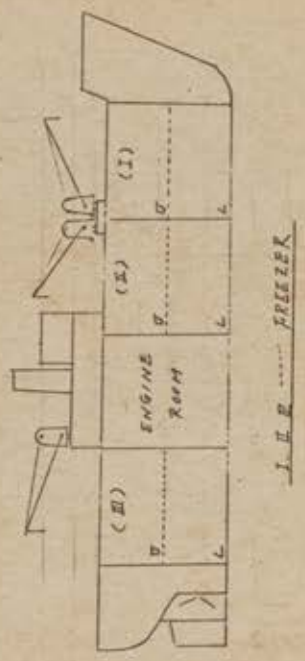
ATTACHED I

OCEAN AREA 1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

JA-77-1049

ATTACHED II

M.S. HARUKAZE MARU



JA-77-1050

Permit Period MARCH 1,1977 TO DECEMBER 31,1977
Application No. JA-77-1050
For Use of Issuing Office

State: JAPAN

1. Name of Vessel FUKUJU MARU NO.57
2. Vessel No.: Hull No. —— Registration No. 801-766
3. Name and Address of Owner / Name and Address of Charterer
Name FUKUJUSABU KAIUN CO.,LTD.
Address 78-2,SHIMAZAKICHO
SHIMIZU-CITY,SHIZUOKA-KEN,JAPAN
Cable Address ——
4. Homeport and State of Registry: SHIMIZU,JAPAN
5. Type of Vessel REFRIGERATOR MOTHERSHIP
6. Tonnage (Gross) 986.68M.T. (Net) 547.92M.T.
7. Length 71.10 M. 8. Breadth 10.60 M. 9. Draft 5.25 M.
10. Horsepower 1650 shp. 11. Maximum Speed 12.0 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
Other ——
12. Date Built: JULY 22,1965
14. Number and Nationality of Personnel 22,JAPAN
Officers 7 Crew 15 Other (Specify) ——
15. Communications: VHF-FM ( ), AM/SSB, Voice (*), Telegraphy ( ),
Other ——
International Radio Call Sign JU01
Radio Frequencies Monitored 500KHZ,2091KHZ
Other Working Frequencies SEE THE ATTACHED PAPER I
Schedule
BERING SEA ALEUTIAN ISLANDS.
GULF OF ALASKA.
WASHINGTON,OREGON, AND CALIFORNIA.
WATCH TIME : (G.M.T.)
01:00 TO 04:00
06:00 TO 08:00
20:00 TO 23:00

JA-77-1050

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
Decca ( ), Navsat ( ), Radar (*), Fathometer ( ),
Other ——
17. Cargo Capacity (MT)

Salted Fish	——	Freezer	
Fresh Fish	——	Dry Hold	——
Frozen Fish	800M.T.	Tanks	——
Fish Meal	——	Other	——
Other	——		

18. Cargo Space

Number	Name
SEE THE ATTACHED PAPER II	
I,II	FROZEN FISH HOLD

19. Processing Equipment (Indicate daily capacity,MT)
——
——
——
——
——
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

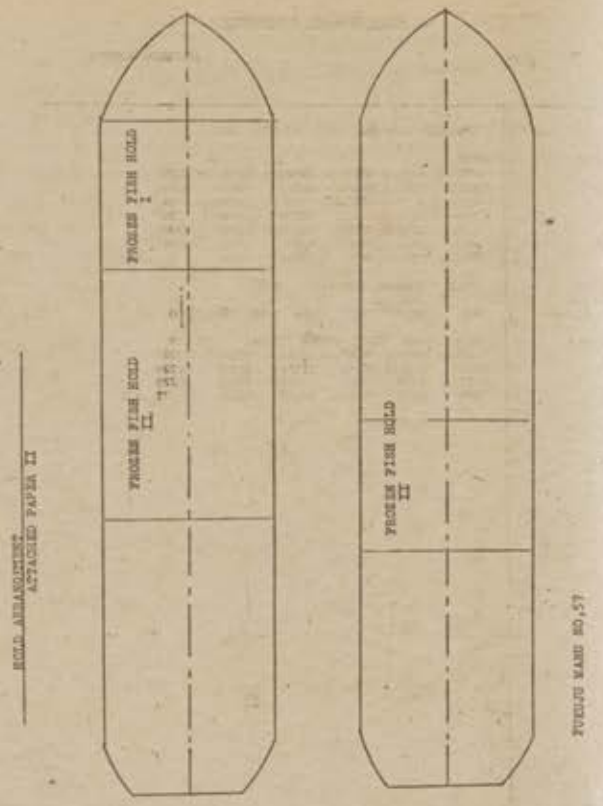
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1050

OTHER WORKING FREQUENCIES

ATTACHED PAPER I

A1	*A2	410 245 432 454 468 480 500 512 KHZ
A1		1695 2075 2091 4185 8274.5 8566 12549 16732 22250 4195 8282.5 8590 12585 16780 22290 4204.5 8336.75 8649 12673.5 16908 22385 4221 8340.5 8654 12681 16908 22397.5 4206 8309 8612 12618 16824 22317.5 4182.2 8273.3 8564.4 12546.6 16728.8 22234 4210 8315 8620 12630 16840 22302.5 4199.5 8299.25 8599 12598.5 16798 22299 4185.4 8278.1 8570.8 12556.2 16741.6 22242 KHZ
A37		272745 KHZ
A1	A2	410 425 468 500 KHZ
A1		2075 2091 KHZ 4185 82745 8566 12549 16732 4182.2 8273.3 8564.4 12546.6 16728.8 4199.5 8299.25 8599 12598.5 16798 4206 8309 8612 12618 16824 KHZ



JA-77-1050

JA-77-1051

Permit Period MARCH 1,1977 TO DECEMBER 31,1977
Applied For:

Application No. JA-77-1051
For Use of Issuing Office

State: JAPAN

1. Name of Vessel TAISEI MARU NO.39
2. Vessel No./Hull No. — Registration No. KEI-327
3. Name and Address of Owner
   Name TAISEI GYOGYO KAISHA, LTD.
   Address 5-5 NOMACHI,
   ISE-CITY, MIE-KEN, JAPAN
   Cable Address
   TAISEIGYOGYO ISESHI
   Name and Address of Charterer
   1
4. Homeport and State of Registry: ISE, JAPAN
5. Type of Vessel REFRIGERATOR TRANSHIP
6. Tonnage (Gross) 1487.08M.T. (Net) 892.07M.T.
7. Length 86.74 M. 8. Breadth 12.80 M. 9. Draft 5.10 M.
10. Horsepower 3800 shp. 11. Maximum Speed 15.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
    Other —
13. Date Built JULY 29,1968
14. Number and Nationality of Personnel 24, JAPAN
    Officers 9 Crew 15 Other (Specify)
15. Communications: VHF-FM ( ), AM/SSB, Voice (*), Telegraphy ( ),
    Other —
    International Radio Call Sign JINB
    Radio Frequencies Monitored 500KHZ, 2091KHZ
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule
    BERING SEA AND ALEUTIAN ISLANDS.
    GULF OF ALASKA.
    WASHINGTON, OREGON, AND CALIFORNIA
    WATCH TIME : (G.M.T.)
    01:00 TO 04:00
    08:00 TO 08:00
    20:00 TO 23:00

JA-77-1051

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
    Decca ( ), Navaid ( ), Radar (*), Fathometer ( ),
    Other —
17. Cargo Capacity (MT)
    Salted Fish —
    Fresh Fish —
    Frozen Fish 110M.T.
    Fish Meal —
    Other FISH OIL TOM.T.
18. Cargo Space

Number	Name
SEE THE ATTACHED PAPER II	
Freezer	
I,II,III	FROZEN FISH HOLD
Dry Hold	—
Tanks	
II	FISH OIL TANK
Other	—

19. Processing Equipment (Indicate daily capacity,MT)
    —
    —
    —
    —
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

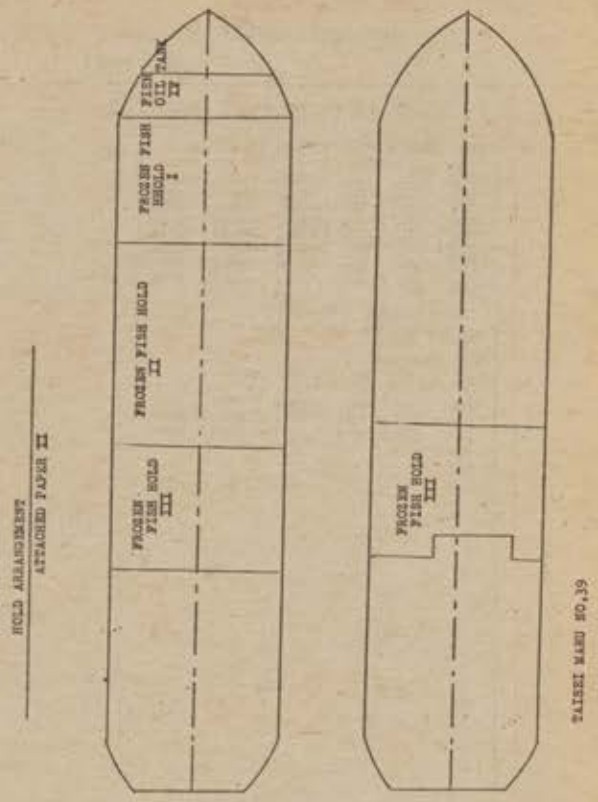
JA-77-1051

OTHER WORKING FREQUENCIES

ATTACHED PAPER I

A1	A2	410 425 432 454 468 480 500 KHZ
A1		2091
		4182.2 6275.3 8364.4 12546.6 16728.8 22234
		4187 6280.5 8374 12561 16748 22246
		4185.4 6278.1 8370.8 12556.2 16741.6 22242
		4186 6279 8372 12558 16744 22227.5
		4199.5 6299.25 8399 12598.5 16798 22299
		4206 6309 8412 12618 16824 22279
		4201 6301.5 8402 12603 16804 KHZ
A32		27054.5 27274.5 27374.5 KHZ
A1	A2	410 425 432 454 468 480 500 KHZ
A1		4186 6279 8372 12558 16744 22227.5
		4182.2 6275.3 8364.4 12546.6 16728.8 22234
		4187 6280.5 8374 12561 16748 22246
		4199.5 6299.25 8399 12598.5 16798 22299
		4206 6309 8412 12618 16824 22279 KHZ

JA-77-1051



Permit Period Applied For: MARCH 1,1977 TO DECEMBER 31,1977

Application No. JA-77-1052 For Use of Issuing Office

JA-77-1052

State: JAPAN

1. Name of Vessel: TAISEI MARU NO.16
2. Vessel No.: Hull No. —— Registration No. MIE-361
3. Name and Address of Owner: Name: TAISEIMARU NAVIGATION CO.,LTD. Address: 5-5,HOTTACHI, ISE-CITY,MIE-KEN,JAPAN Cable Address: TAISEIMA(ULINK) ISEMIE
   Name and Address of Charterer: —
4. Homeport and State of Registry: ISE,JAPAN
5. Type of Vessel: REFRIGERATOR TRANSHIP
6. Tonnage (Gross): 1094.07M.T. (Net): 1146.40M.T.
7. Length: 97.28 M. 8. Breadth: 13.40 M. 9. Draft: 5.735 M.
10. Horsepower: 4400 shp. 11. Maximum Speed: 16.3 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ), Other: ——
13. Date Built: FEBRUARY 7,1970
14. Number and Nationality of Personnel: 27,JAPAN
    Officers: 9 Crew: 18 Other (Specify): ——
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy ( ), Other: ——
    International Radio Call Sign: JRPA
    Radio Frequencies Monitored: 500KHZ,2091KHZ
    Other Working Frequencies: SEE THE ATTACHED PAPER I
    Schedule:
    BERING SEA AND ALEUTIAN ISLANDS.
    GULF OF ALASKA.
    WASHINGTON,OREGON, AND CALIFORNIA
    WATCH TIME : (G.M.T.)
    01:00 TO 04:00
    05:00 TO 08:00
    20:00 TO 23:00

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (*), Fathometer ( ), Other: ——
17. Cargo Capacity (MT)

Salted Fish	——	Freezer	——
Fresh Fish	——	Dry Hold	——
Frozen Fish	1470M.T.	Tanks	——
Fish Meal	——	Other	——
Other	——		

18. Cargo Space Numbers Name: SEE THE ATTACHED PAPER II I,II,III FROZEN FISH HOLD
19. Processing Equipment (Indicate daily capacity,MT): ——
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

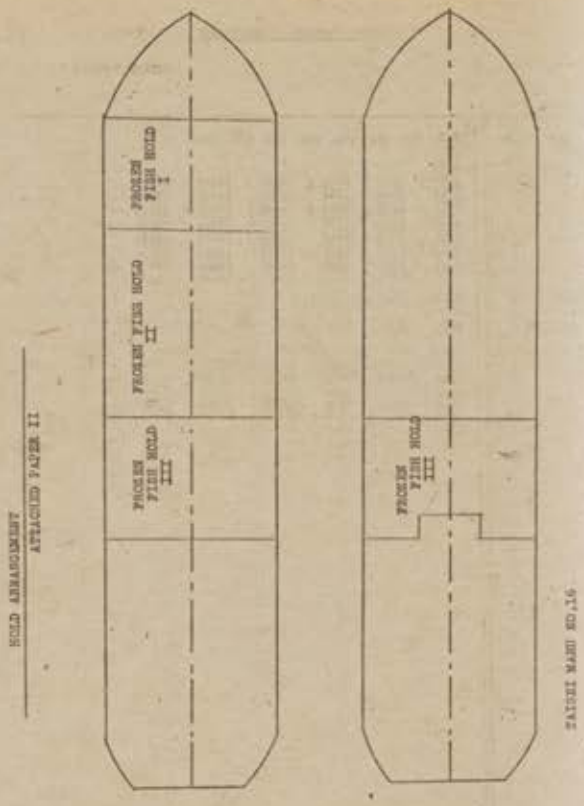
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1052

OTHER WORKING FREQUENCIES

ATTACHED PAPER I

A1	A2	410 425 452 454 468 480 500 KHz
A1		1660 9701 4106 6279 8372 12558 16744 22227.5 4182.2 6273.3 8564.4 12546.6 16728.8 22234 4187 6280.5 8374 12561 16748 22246 4185.4 6278.1 8370.8 12555.2 16741.6 22242 4199.5 6299.25 8399 12598.2 16798 22299 4206 6309 8412 12618 16824 22275 4210 6315 8420 12630 16840 22310.5 4201 6301.5 8402 12605 16806 22279 KHz
A3J		27054.5 27274.5 27574.5 KHz
A3B		27524 KHz
A1	A2	410 425 452 454 468 480 500
A1		4106 6279 8372 12558 16744 22227.5 4182.2 6273.3 8564.4 12546.6 16728.8 22234 4187 6280.5 8374 12561 16748 22246 4199.5 KHz 4206



JA-77-1053

JA-77-1053

Permit Period MARCH 1,1977 TO DECEMBER 31,1977
Applied For:
Application No. JA-77-1053
For Use of Issuing Office

State: JAPAN

1. Name of Vessel TAIHEI MARU NO.87
2. Vessel Nos: Hull No. — Registration No. MIE-560
3. Name and Address of Owner / Name and Address of Charterer
   Name: TAIHEIMARU NAVIGATION CO.,LTD.
   Address: 5-5,HONMACHI,
   ISE-CITY,MIE-KEN,JAPAN
   Cable Address:
   TAIHEIMARULINE ISEPIN
4. Homeport and State of Registry: ISE,JAPAN
5. Type of Vessel REFRIGERATOR TRANSHIP
6. Tonnage (Gross) 2999.47M.T. (Net) 1698.30M.T.
7. Length 114.28 M. B. Breadth 15.80 M. V. Draft 6.716 M.
8. Horsepower 7900 shp. 11. Maximum Speed 17.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ),
   Other —
13. Date Built FEBRUARY 17,1975
14. Number and Nationality of Personnel 28,JAPAN
   Officers 9 Crew 19 Other (Specify)
15. Communications: VHF-FM (*), AM/SSB, Telex (*), Telegraphy ( ),
   Other —
   International Radio Call Sign JGLD
   Radio Frequencies Monitored SOUTH2,3,5,6,8,9
   Other Working Frequencies SEE THE ATTACHED PAPER I
   Schedule

BERING SEA AND ALEUTIAN ISLANDS.
GULF OF ALASKA.
WASHINGTON,OREGON, AND CALIFORNIA.
WATCH TIME : (G.M.T.)
00:00 TO 04:00
08:00 TO 12:00
20:00 TO 23:00

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
   Decca ( ), Navaet ( ), Radar (*), Fathometer ( ),
   Other —
17. Cargo Capacity (MT)
   Salted Fish —
   Fresh Fish —
   Frozen Fish 2470M.T.
   Fish Meal —
   Other FISH OIL 200M.T.
18. Cargo Space
   Number / Name
   SEE THE ATTACHED PAPER II
   Freezer I,II,III FROZEN FISH HOLD
   Dry Hold —
   Tanks VI FISH OIL TANK
   Other —
19. Processing Equipment (Indicate daily capacity,MT)
   —
   —
   —
   —
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

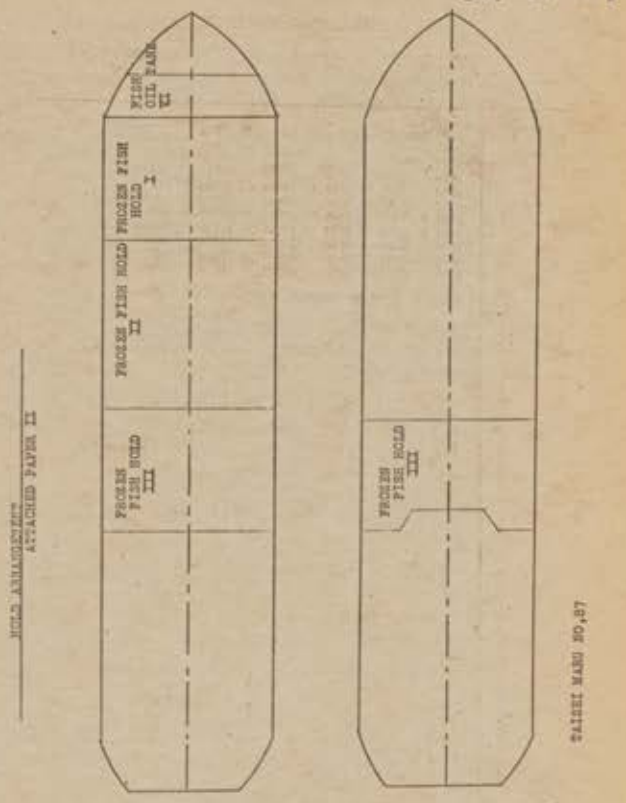
JA-77-1053

OTHER WORKING FREQUENCIES

ATTACHED PAPER I

A1 A2	410 425 432 454 468 500 512 EXE	
A1	2075 2091	
	4187 6290.5 8374 12561 16748 22046	
	4186 6279 8372 12558 16744 22027.5	
	4182.2 6273.3 8364.4 12546.6 16728.8 22234	
	4199.5 6299.25 8399 12598.5 16798 22299	
	4206 6309 8412 12618 16824 22279	
	4210 6315 8420 12630 16840 22302.5	
	4201 6301.5 8402 12605 16804 22305	
	4208.5 6312.75 8417 12625.5 16834 22281.5 EXE	
A32	27054.5 27190.5 27274.5 27374.5 EXE	
A83	27524 EXE	
A1 A2	410 425 432 454 468 500 512 EXE	
A1	4186 6279 8372 12558 16744 22027.5	
	4182.2 6273.3 8364.4 12546.6 16728.8 22234	
	4199.5 6298.25 8399 12598.5 16798 22299	
	4206 6309 8412 12618 16824 22279	
	4201 6301.5 8402 12605 16804 22305 EXE	

JA-77-1053



JA-77-1054

Permit Period MARCH-1, 1977, TO Application No. JA-77-1054
Applied Part DECEMBER 31,1977 For Use of Issuing Office

State JAPAN

1. Name of Vessel TAISEI MARU NO.98
2. Vessel No.: Hull No. — Registration No. MIE-
3. Name and Address of Owner Name and Address of Charterer
   Name TAISEIMARU NAVIGATION CO.,LTD.
   Address 5-5,HONMACHI,
   ISE-CITY,MIE-KEN,JAPAN
   Cable Address
   TAISEIMARULINE ISEMIE
4. Homeport and State of Registry: ISE,JAPAN
5. Type of Vessel OIL AND REFRIGERATOR TRANSHIP
6. Tonnage (Gross) (Net)
7. Length 155.60 M. 8. Breadth 21.60M. 9. Draft 8.00M.
10. Horsepower 15200 shp. 11. Maximum Speed kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ),
    Other —
13. Date Built JANUARY 16,1977
14. Number and Nationality of Personnel 35,JAPAN
    Officers 11 Crew 24 Other (Specify)
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy ( ),
    Other —
    International Radio Call Sign JHKE
    Radio Frequencies Monitored 500KHZ,2091KHZ
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule
    BERING SEA AND ALEUTIAN ISLANDS.
    GULF OF ALASKA.
    WASHINGTON,OREGON, AND CALIFORNIA.

    WATCH TIME : (0,2,2,)
    01:00 TO 04:00
    06:00 TO 08:00
    20:00 TO 23:00

16. Navigation Equipment: Loran C (a), Loran A ( ), Omega ( ),
    Decca ( ), Navsat ( ), Radar (a), Fathometer ( ),
    Other —
17. Cargo Capacity (MT)

Salted Fish	—	Freezer	
Fresh Fish	—	Dry Hold	—
Frozen Fish	6400M.T.	Tanks	V
Fish Meal	—	Other	VI —

    Other FUEL OIL 2400M.T.

18. Cargo Space

Number	Name
SEE THE ATTACHED PAPER II	
I,II,III,IV	FROZEN FISH HOLD
V	FISH OIL TANK
VI	FUEL OIL TANK

19. Processing Equipment (Indicate daily capacity,MT)
    —
    —
    —
    —
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

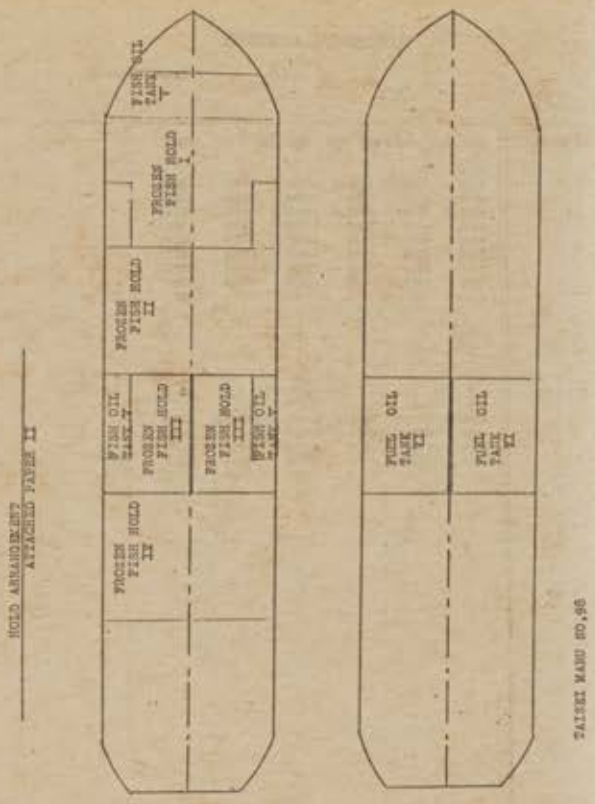
JA-77-1054

OTHER WORKING FREQUENCIES

ATTACHED PAPER I

A1	A2	410	425	432	454	468	500	512	KHZ
A1		1660	2075	2091					
		4184.4	6272.1	8362.8	12544.2	16725.6	22250		
		4182.2	6273.3	8364.4	12546.6	16728.3	22254		
		4183.8	6275.7	8367.6	12551.4	16735.2	22258		
		4185.4	6278.1	8370.8	12556.2	16741.6	22262		
		4187	6280.5	12561	22246				
		4199.5	6299.25	8399	12598.5	16798	22299		
		4206	6309	8412	12618	16824	22279		
		4210	6315	8420	12630	16840	22338.5		
		4201	6301.5	8402	12603	16804	22305		
		4208	6312.75	8417	12625.5	16834	22281.5	KHZ	
A3J		2066	2150	2182	7594.5	KHZ			
A3A	A3J	4094.8		8226.8	12351	16481	22055		
		4098		8230	12354.5	16484.5	22058.5		
		4136.5	6204	8268.4	12409.5	16555.5	22075.5	KHZ	
A3H		2182	KHZ						

A1	A2	410	425	432	454	468	480	500	512	KHZ
A1		4187	6280.5	8374	12561					
		4182.2	6273.3	8364.4	12546.6	16728.8	22234			
		4199.5	6299.25	8399	12598.5	16798	22299			
		4206	6309	8412	12618	16824	22279			
		4201	6301.5	8402	12603	16804	22305	KHZ		



JA-77-1055

Permit Period MARCH 1,1977 TO DECEMBER 31,1977
Applied For:

Application No. JA-77-1055
For Use of Issuing Office

State: JAPAN

1. Name of Vessel TAISHI MARU NO.52
2. Vessel No.: Hull No. —— Registration No. MIE-037
3. Name and Address of Owner
Name TAISHIMARU NAVIGATION CO.,LTD.
Address 5-5,NONMACHI,
ISE-CITY,MIE-KEN,JAPAN
Cable Address
TAISHIMARUSHIPS ISESHI
Name and Address of Charterer
4. Homeport and State of Registry: ISE,JAPAN
5. Type of Vessel OIL,CARGO AND REFRIGERATOR TRANSHIP
6. Tonnage (Gross) 4434.30M.T. (Net) 2774.37M.T.
7. Length 129.06 M. 8. Breadth 17.50 M. 9. Draft 7.0 M.
10. Horsepower 6200 shp. 11. Maximum Speed 16.0 kt.
12. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ),
Other ——
13. Date Built AUGUST 25,1972
14. Number and Nationality of Personnel 29,JAPAN
Officers 10 Crew 19 Other (Specify)
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy ( ),
Other ——
International Radio Call Sign 8JIH
Radio Frequencies Monitored 500KHZ,2091KHZ
Other Working Frequencies SEE THE ATTACHED PAPER I
Schedule

BERING SEA ALEUTIAN ISLANDS.
GULF OF ALASKA.
WASHINGTON,OREGON, AND CALIFORNIA.
WATCH TIME : (G.M.T.)
01:00 TO 04:00
06:00 TO 08:00
20:00 TO 23:00

JA-77-1055

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ),
Decca ( ), Navsat ( ), Radar (*), Fathometer ( ),
Other ——

17. Cargo Capacity (MT)

Salted Fish	——
Fresh Fish	——
Frozen Fish	22500M.T.
Fish Meal	1670M.T.
Fish Oil	3101.T.
Other	FUEL OIL 2560M.T.

18. Cargo Space

Number	Name
Freezer	SEE THE ATTACHED PAPER II
Dry Hold	II,III FROZEN FISH HOLD
Tanks	I,IV FISH MEAL HOLD
Other	I,IV FUEL OIL TANK
	V FISH OIL TANK

19. Processing Equipment (Indicate daily capacity,MT)
——
——
——
——

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1056

OTHER WORKING FREQUENCIES

ATTACHED PAPER I

A1	A2	410 425 452 454 468 480 500 512 KHZ
A1		1660 2091 4182.2 6273.3 8364.4 12546.6 16728.8 22254 4187 6280.5 8374 12561 16748 22246 4185.4 6278.1 8370.8 12556.2 16741.6 22242 4186 6279 8372 12558 16744 22227.5 4199.5 6299.25 8399 12598.5 16798 22299 4206 6309 8412 12618 16824 22279 4210 6315 8420 12630 16840 22302.5 4201 6301.5 8402 12603 16804 22305 4208.5 6312.75 8417 12625.5 16834 22281.5 KHZ
A2J		27254.5 2719.05 27274.5 27374.5 KHZ
A3E		27524 KHZ

A1	A2	410 425 452 454 468 480 500 512 KHZ
A1		4182.2 6273.3 8364.4 12546.6 16728.8 22254 4186 6279 8372 12558 16744 22227.5 4199.5 6299.25 8399 12598.5 16798 22299 4206 6309 8412 12618 16824 22279 4210 6315 8420 12630 16840 22302.5 KHZ

JA-77-1055

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navaar ( ), Radar (*), Fathometer ( ), Other ——

17. Cargo Capacity (MT)

Salted Fish	——	Freezer	SEE THE ATTACHED PAPER II
Fresh Fish	——	Dry Hold	II,III FROZEN FISH HOLD
Frozen Fish	3250M.T.	Tanks	I,IV FISH MEAL HOLD
Fish Meal	1670M.T.	Other	I,IV FUEL OIL TANK
	FISH OIL 310M.T.		V FISH OIL TANK
Other	FUEL OIL 2500M.T.		——

18. Cargo Space

Number	Name
SEE THE ATTACHED PAPER II	
II,III	FROZEN FISH HOLD
I,IV	FISH MEAL HOLD
I,IV	FUEL OIL TANK
V	FISH OIL TANK

19. Processing Equipment (Indicate daily capacity,MT)

——

——

——

——

20. Fisheries for which Permit Is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Permit Period MARCH 1,1977 TO DECEMBER 31,1977
Applied For:

Application No. JA-77-1056
For Use of Issuing Office

State: JAPAN

1. Name of Vessel TAISEI MARU NO.41
2. Vessel No.: Hull No. —— Registration No. HM1-172
3. Name and Address of Owner / Name and Address of Charterer

Name: TAISEIGYO NAVIGATION CO.,LTD.

Address: 5-5,NIHONBASHI,
1CHOME-CHUO-KU,TOKYO,JAPAN

Cable Address:
TAISEIGYOKURING TOKYO

4. Homeport and State of Registry: TOKYO,JAPAN
5. Type of Vessel OIL,CARGO AND REFRIGERATOR TRANSFER
6. Tonnage (Gross) 1498.61M.T. (Net) 784.99M.T.
7. Length 80.32 M. 8. Breadth 13.40M. 9. Draft 5.746 M.
10. Horsepower 3000 shp. 11. Maximum Speed 11.6 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ), Other ——
12. Date Built APRIL,1970
13. Number and Nationality of Personnel 27,JAPAN
Officers 9 Crew 18 Other (Specify) ——
14. Communications: VHF-FM ( ), AM/SSB, Voice (*), Telegraphy ( ), Other ——

International Radio Call Sign JKQR

Radio Frequencies Monitored 500KHZ,2091KHZ

Other Working Frequencies SEE THE ATTACHED PAPER I

Schedule

BERING SEA AND ALEUTIAN ISLANDS.
GULF OF ALASKA.
WASHINGTON,OREGON, AND CALIFORNIA.
WATCH TIME : (G.M.T.)
01:00 TO 04:00
06:00 TO 08:00
20:00 TO 23:00

JA-77-1056

16. Navigation Equipment: Loran C (*), Loran A ( ), Omega ( ), Decca ( ), Navaar ( ), Radar (*), Fathometer ( ), Other ——

17. Cargo Capacity (MT)

Salted Fish	——	Freezer	I,IV FROZEN FISH HOLD
Fresh Fish	——	Dry Hold	III,IV FISH MEAL HOLD
Frozen Fish	640M.T.	Tanks	II,III,IV FUEL OIL TANK
Fish Meal	920M.T.		V FISH OIL TANK
	FISH OIL 200M.T.	Other	——
Other	FUEL OIL 11500M.T.		

18. Cargo Space

Number	Name
SEE THE ATTACHED PAPER II	
I,IV	FROZEN FISH HOLD
III,IV	FISH MEAL HOLD
II,III,IV	FUEL OIL TANK
V	FISH OIL TANK

19. Processing Equipment (Indicate daily capacity,MT)

——

——

——

——

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1056

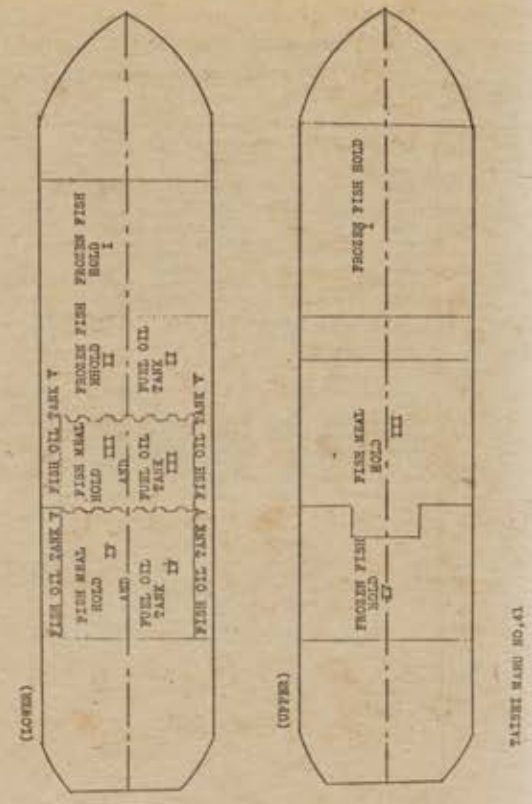
OTHER WORKING FREQUENCIES

ATTACHED PAPER I

A1	A2	410 425 454 468 480 500 KHz
A1		1660 2091
		4182.2 6273.3 8364.4 12546.6 16728.8 22254
		4185.4 6278.1 8370.8 12556.2 16741.6 22262
		4186 6279 8372 12558 16744 22227.5
		4199.5 6299.25 8399 12598.5 16798 22299
		4206 6309 8412 12618 16824 22279
		4210 6315 8420 12630 16840 22302.5
		4201 6301.5 8402 12605 16804 22285
		4208.5 6312.75 8417 12625.5 16834 22281.5 KHz
A3J		27030.5 27054.5 27274.5 27374.5 KHz
A3H		27254 KHz
A1	A2	410 425 454 468 480 500 KHz
A1		4182.2 6273.3 8364.4 12546.6 16728.8 22254
		4187 6280.5 8374 12561 16749 22246
		4186 6279 8372 12558 16744 22227.5
		4199.5 6299.25 8399 12598.5 16798 22299
		4206 6309 8412 12618 16824 22279
		4210 6315 8420 12630 16840 22302.5 KHz

HOLD ARRANGEMENT

ATTACHED PAPER II



TAISEI MARU NO.61

JA-77-1056

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1057

Permit Period Applied For: MARCH 1, 1977 TO NOVEMBER 30, 1977

Application No. JA-77-1057
For use of Issuing Office

State: JAPAN

1. Name of Vessel: DAIYUKARU MARU
2. Vessel Hull No.: ——— Registration No.: TKI-591
3. Name and Address of Owner / Name and Address of Charterer
   Name: NIPPON SUISAN KAISHA, LTD.
   Address: 2-6-2, OTEMACHI,
   CHIYODA-KU, TOKYO, JAPAN
   Cable Address: NIS NI TOKYO
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel: CARGO VESSEL & OIL TANKER
6. Tonnage (Gross): 2907.42 M.T. (Net): 1527.19 M.T.
7. Length: 91.28 M. 8. Breadth: 16.80 M. 9. Draft: 7.50 M.
10. Horsepower: 3500 shp. 11. Maximum Speed: 13.3 Kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other: ———
13. Date Built: MARCH 1969
14. Number and Nationality of Personnel: 25, JAPAN
    Officers: 10 Crew: 15 Other (Specify): ———
15. Communications: UHF-FM ( ), MF/SSB, Voice ( ), Telegraphy ( ).
    Other: ———
    International Radio Call Sign: JNST
    Radio Frequencies Monitored: 500 KHz
    Other Working Frequencies: 410, 425 KHz
    Schedule (GMT): TIME: 03:00 TO 04:00, 20:00 TO 24:00, 07:00 TO 11:00 GMT.
    (OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer (*).
    Other: ———
17. Cargo Capacity (MT)
    Salted Fish: ———
    Fresh Fish: ———
    Frozen Fish: ———
    Fish Meal: 2250 M.T.
    Other: NIL M.T. (FISH OIL)
18. Cargo Space (Number / Cubic)
    Freezer
    Dry Hold } I, II, V. SEE ATTACHED I
    Tanks
    Other
19. Processing Equipment (Indicate daily capacity, MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Controlled Catch (MT)	Gear to be Used

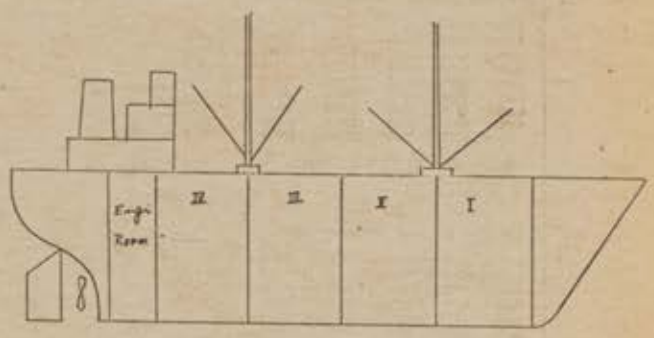
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED I JA-77-1054

OCEAN AREA
1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

ATTACHED II JA-77-1057

M.S. SACHIKAZE-MARU



I. X. II. IX ..... MEAL OR OIL

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1058

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977
Applied Year
Application No. JA-77-1058
For Use of Issuing Office

State: JAPAN

1. Name of Vessel SUISHIN MARU
2. Vessel Radio Call No. ——— Registration No. YKI-771
3. Name and Address of Owner
Name NIPPON SUISAN KAISHA, LTD.
Address 2-6-2, OTEMACHI,
OHTEMON-KU, TOKYO, JAPAN
Cable Address NISSUI TOKYO
Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel CARGO VESSEL & OIL TANKER
6. Tonnage (Gross) 2930.60 M.T. (Net) 1540.38 M.T.
7. Length 93.28 M. 8. Breadth 15.80 M. 9. Draft 7.90 M.
10. Horsepower 3520 shp. 11. Maximum Speed 13.4 kt.
11. Propulsion: Diesel (•), Steam ( ), Diesel/Electric ( ),
Other ———
13. Date Built APRIL 1970
14. Number and Nationality of Personnel 25, JAPAN
Officers 10 Crew 15 Other (Specify)
15. Communications: UHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (•),
Other ———
International Radio Call Sign JBBI
Radio Frequencies Monitored 500 KHZ
Other Working Frequencies 410, 425 KHZ
Schedule WATCH KEPT: 03:00 TO 06:00, 09:00 TO 24:00, 07:00 TO 11:00 GMT.
(HOURS LOCAL SAME ATTACHED I)

16. Navigation Equipment: Loran C (•), Loran A (•), Omega ( ),
Decca ( ), Navsat ( ), Radar (•), Fathometer (•),
Other ———
17. Cargo Capacity (MT)
Salted Fish ———
Fresh Fish ———
Frozen Fish ———
Fish Meal 2177 M.T.
Other 813 M.T. (FISH OIL)
18. Cargo Space
Number Name
Freezer
Dry Hold } I II X
Tanks } SAME ATTACHED X
Other
19. Processing Equipment (Indicate daily capacity,MT)
———
———
———
———
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

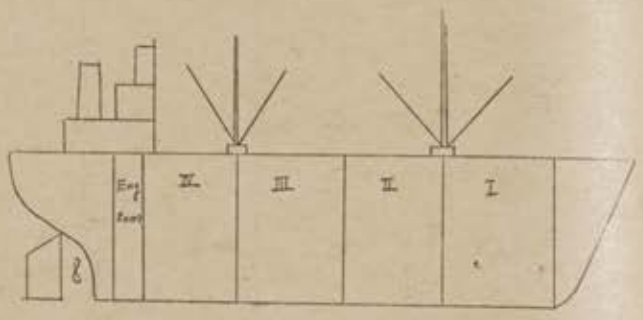
21. Name and Address of Agent appointed to receive any legal process issued in the United States:
———
———
———

ATTACHED I JA-77-1058

OCEAN AREA 1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

ATTACHED II JA-77-1058

3 M.S KUZURAZE-MARU



I. II. III. IV ..... MEAL OR OIL

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1059

Permit Period MARCH 1, 1977 TO
Applied For: OCTOBER 31, 1977

Application No. JA-77-1059
For Use of Issuing Office

State: JAPAN

1. Name of Vessel: KAORIWAKAMA MARU
2. Vessel Off. Full No. — Registration No. 0211-2
3. Name and Address of Owner
Name: SATO KYUEN CO., LTD.
Address: 1-6-15, MINAMA,
OHOMICHI-SHI, HIROSHIMA-KEN, JAPAN
Cable Address: —
Name and Address of Charterer: —
4. Homeport and State of Registry: OHOMICHI, JAPAN
5. Type of Vessel: CARGO VESSEL
6. Tonnage (Gross) 1974.00 M.T. (Net) 1089.77 M.T.
7. Length 80.90 M. 8. Breadth 12.40 M. 9. Draft 5.40 M.
10. Horsepower 1500 shp. 11. Maximum Speed 13.4 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
Other: —
13. Date Built OCTOBER 1961
14. Number and Nationality of Personnel 27, JAPAN
Officers 9 Crew 18 Other (Specify) —
15. Communications: VHF-FM (*), AM/SSB, Voice ( ), Telegraphy (*).
Other: —
International Radio Call Sign JHMJ
Radio Frequencies Monitored 500 KHz
Other Working Frequencies 4181.5 KHz
Schedule WATCH TIMES 20:00 TO 23:00, 04:00 TO 05:00, 01:00 TO 04:00
(OCEAN AREA SEE ATTACH. II)

16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
Decca ( ), Navaid ( ), Radar (*), Fathometer (*),
Other: —
17. Cargo Capacity (MT)
Salted Fish —
Fresh Fish —
Frozen Fish —
Fish Meal 1636 M.T.
Other —
18. Cargo Space Number / Name
Freezer
Dry Hold I. II. III SEE ATTACHED II
Tanks
Other
19. Processing Equipment (Indicate daily capacity, MT)
—
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

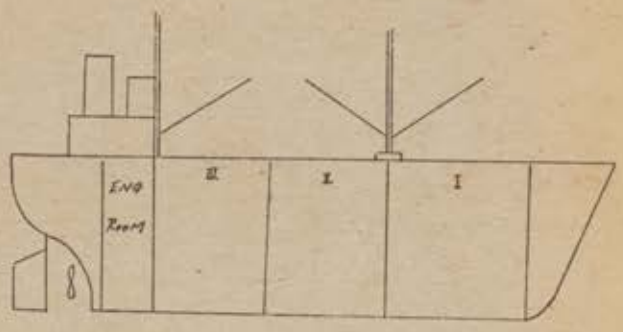
21. Name and Address of Agent appointed to receive any legal process issued in the United States:
—

ATTACHED I JA-77-1059

OCEAN AREA 1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

ATTACHED II JA-77-1059

M.V. KASUIWAHANA-MARU



I II III ..... MEAL

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1060

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1060
For Use of Issuing Office

State: JAPAN

1. Name of Vessel: KASUIWAHANA MARU
2. Vessel No.: Hull No. ——— Registration No. OTA-11
3. Name and Address of Owner: Name: YAMAMOTO KISEN CO., LTD. Address: 12376-1, HINODE-MU, NANKI-SHI, OITA-KEN, JAPAN Cable Address: ———
Name and Address of Charterer: ———
4. Homeport and State of Registry: NANKI, JAPAN
5. Type of Vessel: CARGO VESSEL
6. Tonnage (Gross) 2616.25 M.T. (Net) 1475.00 M.T.
7. Length 88.69 M. 8. Breadth 15.00 M. 9. Draft 7.00 M.
10. Horsepower 3000 shp. 11. Maximum Speed 11.2 kt.
12. Propulsion: Diesel (•), Steam ( ), Diesel/Electric ( ), Other: ———
13. Date Built: AUGUST 1970
14. Number and Nationality of Personnel 21, JAPAN
Officers 9 Crew 12 Other (Specify) ———
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (•), Other: ———
International Radio Call Sign JKUN
Radio Frequencies Monitored 500 KHz
Other Working Frequencies ———
Schedule WATCH TIME, 20:00 TO 23:00, 05:00 TO 08:00, 01:00 TO 04:00 GMT.
(OCEAN AREA SEE ATTACHED I)

16. Navigation Equipment: Loran C (•), Loran A (•), Omega ( ), Decca ( ), Navsat ( ), Radar (•), Fathometer (•), Other: ———
17. Cargo Capacity (MT)
Salted Fish ———
Fresh Fish ———
Frozen Fish ———
Fish Meal 2585 M.T.
Other ———
18. Cargo Space Number / Name
Freezer
Dry Hold I II SEE ATTACHED II
Tanks
Other
19. Processing Equipment (Indicate daily capacity,MT) ———
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal proc ss issued in the United States: ———

JA-77-1060

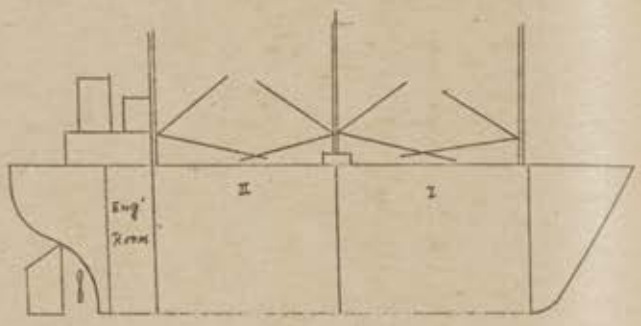
ATTACHED I

OCEAN AREA 1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

ATTACHED II

JA-77-1060

M.S. AWASHIMA-MARU



I II ..... MEAL

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1060

Permit Period MARCH 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1061
For Use of Issuing Office

State: JAPAN

1. Name of Vessel MAGINA MARU
2. Vessel No./ Hull No. ——— Registration No. HK1-826
3. Name and Address of Owner
Name HOKUTO SUISAN CO., LTD.
Address 7-9-13, TSUKIJI,
CHUO-KU, TOKYO, JAPAN
Cable Address ———
Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel CARGO VESSEL
6. Tonnage (Gross) 3576.58 M.T. (Net) 1360.67 M.T.
7. Length 90.75 M. 8. Breadth 13.30 M. 9. Draft 6.95 M.
10. Horsepower 3200 shp. 11. Maximum Speed 12.0 kt.
11. Propulsion: Diesel ( ), Steam ( ), Diesel/Electric ( ).
Other ———
13. Date Built JUNE 1960
14. Number and Nationality of Personnel 38, JAPAN
Officers 10 Crew 28 Other (Specify) ———
15. Communications: VHF-FM (x), AM/SSB, Voice ( ), Telegraphy (x).
Other ———
International Radio Call Sign JJLX
Radio Frequencies Monitored 500 KHz
Other Working Frequencies 410, 425 KHz
Schedule WATCH TIME: 22:30 TO 02:00, 04:00 TO 07:00, 08:30 TO 11:00 GMT.
(OCEAN AREA See ATTACHED I)

16. Navigation Equipment: Loran C (x), Loran A (x), Omega ( ).
Decca ( ), Navsat ( ), Radar (x), Fathometer (x).
Other ———
17. Cargo Capacity (MT)
Salted Fish ———
Fresh Fish ———
Frozen Fish ———
Fish Meal 2399 M.T.
Other ———
18. Cargo Space
Number Name
Freezer
Dry Hold I, II, II See ATTACHED II
Tanks
Other
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED I

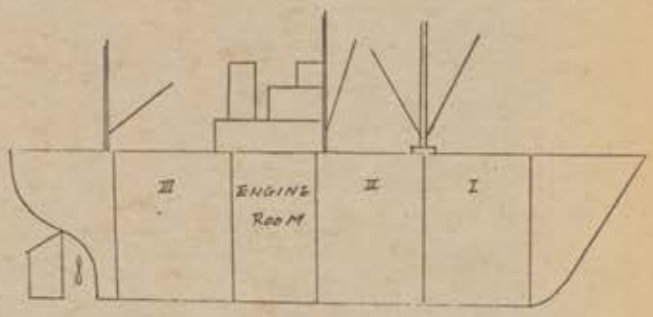
JA-77-1060

OCEAN AREA 1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

ATTACHED II

JA-77-1060

M.S. NAGISAHARU



I. II III ----- MEAL

1062

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period: OCT 1, 1977 TO
Applied For: DECEMBER 31, 1977

Application No. JA-77-1062
For Use of Issuing Office

State: JAPAN

1. Name of Vessel NISSHO MARU
2. Vessel Coast Guard No. - Registration No. TE 1-555
3. Name and Address of Owner: NISSHO SUISAN PRODUCTS CO., LTD., 9-13 TSUKIJI 7 CHOME, CHUO-KU, TOKYO, JAPAN. Cable Address: NISP. CO. LTD. TOKYO. Name and Address of Charterer: -
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1,155.39 M.T. (Net) 596.24 M.T.
7. Length 67.52 M. 8. Breadth 11.50 M. 9. Draft 5.30 M.
10. Horsepower 1,800 shp. 11. Maximum Speed 11.0 kt.
12. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ). Other -
13. Date Built SEPTEMBER 7, 1960.
14. Number and Nationality of Personnel 24 JAPAN
Officers 9 Crew 15 Other (Specify) -
15. Communications: VHF-FM ( ), AM/SSB, Voice (*), Telegraphy ( ). Other -
International Radio Call Sign JDJR
Radio Frequencies Monitored 500KHz, 2091KHz
Other Working Frequencies SEE THE ATTACHED PAGE 1.
Schedule WITHIN THE 00:00 TO GMT(LT) BERING SEA AND WATERS OF ALEUTIAN ISLANDS GULF OF ALASKA, WASHINGTON, OREGON AND CALIFORNIA.

JA-77-1062

16. Navigation Equipment: Loran C ( ), Loran A (*), Omega ( ), Decca ( ), Navaid ( ), Radar (*), Fathometer ( ), Other -
17. Cargo Capacity (MT)
Salted Fish -
Fresh Fish -
Frozen Fish 940 M.T.
Fish Meal -
Other -
18. Cargo Space

	Number	Name
Freezer	1,2,3.	SEE THE ATTACHED PAGE II. FROZEN FISH HOLD FREEZING ROOM
Dry Hold		
Tanks		
Other		

19. Processing Equipment (indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

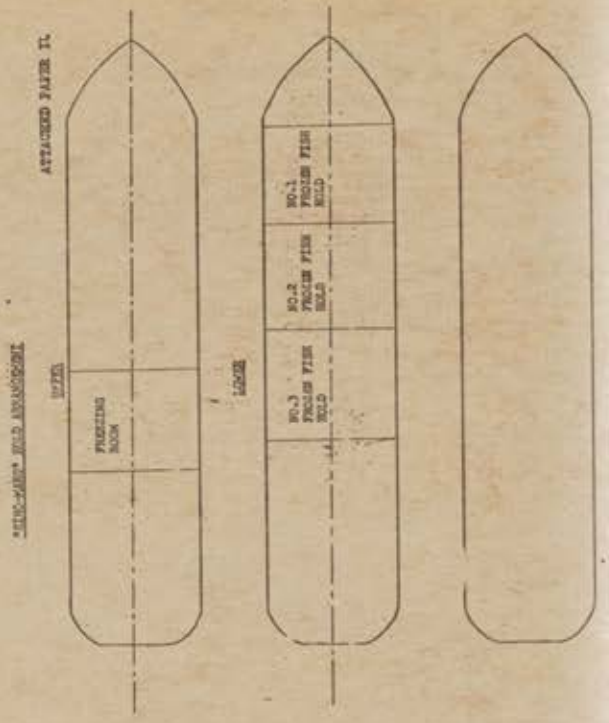
JA-77-1062

OTTER WORKING GROUNDLINE

ATTACHED PAGE 1

A1 A2	410 425 468 500 KHz
A3	2075 2091 2115 4182.2 6273.3 8364.4 12546.6 16728.8 22234 4187 6280.5 8374 12560 16748 22246 4199.5 6299.25 8399 12598.5 16798 22299 4206 6309 8412 12618 16824 22279 4201 6301.5 8402 12603 16804 22305 4208.5 6312.75 8417 12625.5 16834 22281.5 4214.5 6321.75 8429 12643.5 16858 22252.5 4204 6306 8408 12612 16816 22237.5 KHz
F1	4168.5 6250.5 8334 12502 16665 22169 KHz
A3A	2182 27524 KHz
A3Z	1685 1793.5 2139.5 2182 2255 2394.5 2543.5 3233.5 4085.2 6262 12382.5 16498.5 22014 27030.5 27056.5 27150.5 27190.5 27238.5 27274.5 27374.5 KHz
F3	156.30 156.40 156.45 156.50 156.55 156.60 156.65 156.70 156.80 157.30 157.35 159.21 MHz
A1 A2	410 425 468 500 KHz
A1	1795 2073 2091 2135 2256.5 2437 KHz

JA-77-1062



1063

JA-77-1063

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period JANUARY 1, 1977 TO DECEMBER 31, 1977 Application No. JA-77-1063 For Use of Issuing Office

State: JAPAN

1. Name of Vessel SEIKO MARU
2. Vessel Official No. - Registration No. TO 3-476
3. Name and Address of Owner: NIKKEN MARINE PRODUCTS CO., LTD. Address 9-11 TSUKIJI 7 CHOME, CHUO-KU, TOKYO, JAPAN. Cable Address NIK. CO. LTD. TOKYO
   Name and Address of Charterer
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 1,125.58 M.T. (Net) 610.36 M.T.
7. Length 65.81 M. 8. Breadth 11.50 M. 9. Draft 5.20 M.
10. Horsepower 1,800 shp. 11. Maximum Speed 10.5 kt.
11. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
    Other -
13. Date Built MARCH 15, 1960.
14. Number and Nationality of Personnel 24 JAPAN
    Officers 9 Crew 15 Other (Specify) -
15. Communications: VHF-FM ( ), AM/SSB, Voice (*), Telegraphy ( ).
    Other -
    International Radio Call Sign JKCH
    Radio Frequencies Monitored 500KHz 2091KHz
    Other Working Frequencies SEE ATTACHED F-PGE 1.
    Schedule WITH 7HR 00:00 TO 08:00(G.M.T) DURING SEA AND PORT
    [illegible]
    GULF OF ALASKA
    WASHINGTON, OREGON
    CALIFORNIA
16. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ).
    Decca ( ), Navaid ( ), Radar (*), Fathometer ( ),
    Other -
17. Cargo Capacity (MT)
    Salted Fish -
    Fresh Fish -
    Frozen Fish 860 M.T.
    Fish Meal -
    Other FISH OIL TANK 110 M.T.
18. Cargo Space
    Number Name
    SEE THE ATTACHED PAPER II
    Freezer 1,2,3,4. FROZEN FISH HOLD
    Dry Hold
    Tanks
    Other 7,8. FISH OIL TANK
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

JA-77-1063

OTHER WORKING FREQUENCIES

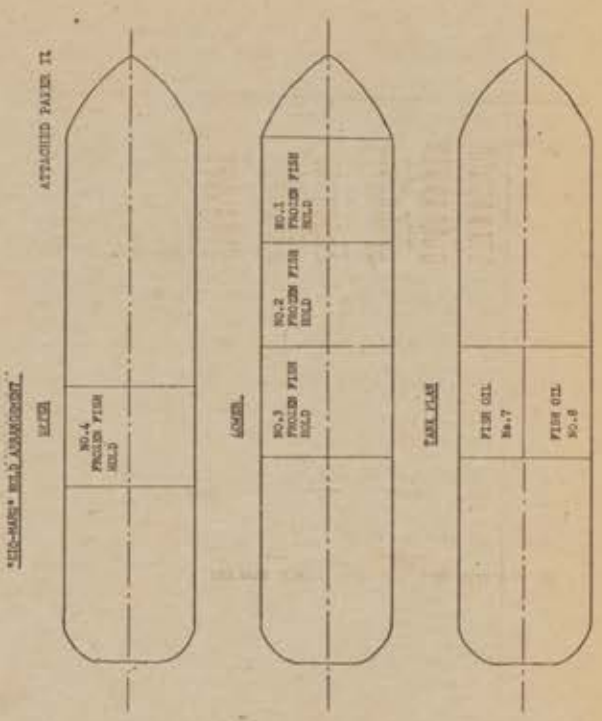
ATTACHED PAPER 1.

A1 A2	410 425 454 468 480 500 KHz
A1	2075 2091 2115 4182.2 6273.5 8364.4 12546.6 16728.8 22254 4187 6280.5 8374 12561 16748 22246 4199.5 6299.25 8399 12598.5 16798 22299 4206 6309 8412 12618 16824 22279 4204 6306 8408 12612 16816 22257.5 4214.5 6321.75 8429 12643.5 16858 22252.5 4201 6301.5 8402 12603 16804 22305 4208.5 6312.75 8417 12625.5 16834 22281.5 KHz
A3H	2182 KHz
A3J	2182 2394.5 2785 27030.5 27054.5 27062.5 27150.5 27190.5 27274.5 KHz
A1 A2	410 425 468 500 KHz
A1	2075 2091 KHz

JA-77-1063

ATTACHED PAPER II

"SEE-SAWS" WEIR ARRANGEMENT



FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-1064

Permit Period Applied For: 1 MARCH TO DECEMBER 31, 1977
Application No. JA-77-1064 For Use of Issuing Office
State: JAPAN

1. Name of Vessel TAKASHIMA MARU NO.38
2. Vessel No.: Roll No. _____ Registration No. MIE-657
3. Name and Address of Owner: Name TAKASHIMAYAMA KAISUN KABUSHIKI KAISHA, Address 719-5, OKAMOTOMA, HAMAKI-CHO, WATARAI-GUN, MIE-PREF., JAPAN, Cable Address TAKASHIMAYAMA, A/D
Name and Address of Charterer
4. Homeport and State of Registry: HAMAMATSU, JAPAN
5. Type of Vessel REFRIGERATED TRANSPORT
6. Tonnage (Gross) 960.45 M.T. (Net) 505.68 M.T.
7. Length 61.76 M. B. Breadth 11.20 M. D. Draft 5.10 M.
10. Horsepower 1800 shp. 11. Maximum Speed 12.5 kt.
11. Propulsion: Diesel (x), Steam ( ), Diesel/Electric ( ), Other _____
13. Date Built FEBRUARY 1969
14. Number and Nationality of Personnel 18 (ALL JAPANESE)
Officers 7 Crew 11 Other (Specify) _____
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy (x), Other _____
International Radio Call Sign JMLR
Radio Frequencies Monitored 500 KHz
Other Working Frequencies SEE THE ATTACHED PAPER 1.
Schedule WATCH TIMES : SEE THE ATTACHED PAPER 2.

16. Navigation Equipment: Loran C (x), Loran A (x), Omega ( ), Decca ( ), Sharat ( ), Radar (x), Fathometer ( ), Other _____
17. Cargo Capacity (MT):
Salted Fish _____
Fresh Fish _____
Frozen Fish 700 MT
Fish Meal _____
Other _____
18. Cargo Space Number / Name:
Freezer 1.2.3. FROZEN FISH HOLD
Dry Hold (SEE THE ATTACHED PAPER 3)
Tanks
Other
19. Processing Equipment (Indicate daily capacity, MT) _____
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States: _____

JA-77-1064

PAPER 1.
(1) [illegible]
(2) 6706 6309 8632 12618 16526 22779 KHZ
(3) 410 [illegible] 532 665 480 KHZ

JA-77-1064

PAPER 2.
(1) FISHING AREA AND ALEUTIAN ISLANDS. 0800-0900 1200-1300 G.M.T.
(2) GULF OF ALASKA. - " - - " -
(3) [illegible] CALIFORNIA. - " - - " -
(4) CENTRAL PACIFIC. - " - - " -
(5) ATLANTIC. - " - - " -

JA-77-1064

PAPER 3.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period - Application No. JA-77-1064
Applied for: MARCH 1ST 1977 For Use of Issuing Office
TO DECEMBER 31ST 1977 State: JAPAN

1. Name of Vessel TSUKAT MARU
2. Vessel No.: Hull No. — Registration No. —
3. Name and Address of Owner Name and Address of Charterer
Name HACHIMORI KAIYU CO., LTD.
Address 1478, TAMATAMAPO,
EHIME, JAPAN
Cable Address —
—
4. Homeport and State of Registry: EHIME, JAPAN
5. Type of Vessel OIL TANKER
6. Tonnage (Gross) 2,864.90M.T. (Net) 1,219.45M.T.
7. Length 88.98 M. 8. Breadth 12.60 M. 9. Draft 5.80 M.
10. Horsepower 2,100 shp. 11. Maximum Speed 12.0 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),
Other —
13. Date Built AUGUST, 1965
14. Number and Nationality of Personnel 22 (JAPAN 22)
Officers 9 Crew 13 Other (Specify) —
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy (X).
Other —
International Radio Call Sign — 8 KBM
Radio Frequencies Monitored 500 KC
Other Working Frequencies SEE THE ATTACHED PAPER (1)
Schedule SEE THE ATTACHED PAPER (2)

IA-77-2000

16. Navigation Equipment: Loran C (X), Loran A (X), Omega ( ), Decca ( ), Navopt ( ), Radar (X), Fathometer (X), Other —

17. Cargo Capacity (MT)

Salted Fish	—
Fresh Fish	—
Frozen Fish	—
Fish Meal	—
Other FUEL OIL 1,642 M.T.	

18. Cargo Space

Bunker	None
Freezer	SEE THE ATTACHED PAPER (5)
Dry Hold	
Tanks	1,2,3,4
Other	

19. Processing Equipment (Indicate daily capacity,MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-2000

ATTACHMENT (1)

IA-77-2000

410 KC	425 KC	432 KC	454 KC
468 KC	480 KC	500 KC	512 KC
2,333[5] KC	2,723[3] KC		
4,180 KC	4,192 KC	4,313 KC	4,185[8] KC
4,181[8] KC	6,770 KC	6,778[7] KC	6,288 KC
6,319[3] KC	6,372[7] KC	8,360 KC	8,371[6] KC
8,384 KC	8,426 KC	8,363[4] KC	12,340 KC
12,557[4] KC	12,576 KC	12,634 KC	12,545[4] KC
13,653 KC	16,720 KC	16,743[7] KC	16,768 KC
16,727[2] KC	22,235 KC	22,261[5] KC	22,244 KC
22,262[5] KC			

IA-77-2000

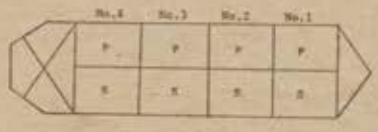
PAPER (2)

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2359, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2300, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2300, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2200-2300, 0300-0600 (G.M.T.)

ATTACHMENT (3)

IA-77-2000



No.1	PORT	451 MT
	STARBOARD	435 MT
No.2	PORT	443 MT
	STARBOARD	442 MT
No.3	PORT	457 MT
	STARBOARD	456 MT
No.4	PORT	457 MT
	STARBOARD	451 MT
TOTAL		3,642 MT

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1ST 1977 TO DECEMBER 31TH 1977 — Application No. For Use of Issuing Office: IA-77-2001 — State: JAPAN

1. Name of Vessel: SHO MARU
2. Vessel No.: Hull No. —; Registration No. —
3. Name and Address of Owner: Name: KETTA SHIPPING CO., LTD. Address: 3 CHOMEICHI KITAKU OSAKA JAPAN Cable Address: — Name and Address of Charterer: —
4. Homeport and State of Registry: OSAKA, JAPAN
5. Type of Vessel: OIL TANKER
6. Tonnage (Gross): 1,997.01 M.T. (Net): 1,226.57 M.T.
7. Length: 82.75 M. 8. Breadth: 12.60 M. 9. Draft: 5.75 M.
10. Horsepower: 2,600 shp. 11. Maximum Speed: 12.0 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other: —
13. Date Built: FEBRUARY, 1968
14. Number and Nationality of Personnel: 20 (JAPAN 20) Officers: 9 Crew: 11 Other (Specify): —
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy (X), Other: —
International Radio Call Sign: JPJP
Radio Frequencies Monitored: 500 KC
Other Useful Frequencies: SEE THE ATTACHED PAPER (1)
Schedule: SEE THE ATTACHED PAPER (2)

14. Navigation Equipment: Loran C (X), Loran A (X), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other: — IA-77-2001
17. Cargo Capacity (MT): Salted Fish —; Fresh Fish —; Frozen Fish —; Fish Meal —; Other: FUEL OIL 3,532 M.T.
18. Cargo Space Number / Name: SEE THE ATTACHED PAPER (3) — Freezer; Dry Hold; Tanks 1,2,3,4; Other
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Controlled Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

IA-77-2001

ATTACHMENT (1)

410 KC	425 KC	432 KC	454 KC	468 KC
486 KC	500 KC	513 KC		
2,158 KC	2,182 KC	2,638 KC		
4,181 KC	$4,181^{8}$ KC	$4,186^{2}$ KC	$4,196^{5}$ KC	$4,202^{5}$ KC
$6,271^{5}$ KC	$6,272^{7}$ KC	$6,279^{3}$ KC	$6,294^{75}$ KC	$6,311^{25}$ KC
8,362 KC	$8,363^{6}$ KC	$8,373^{4}$ KC	8,393 KC	8,415 KC
$12,543^{5}$ KC	$12,545^{4}$ KC	$12,558^{6}$ KC	$12,584^{5}$ KC	$12,622^{5}$ KC
16,724 KC	$16,727^{3}$ KC	$16,744^{8}$ KC	16,786 KC	16,830 KC
22,260 KC	22,232 KC	22,264 KC	22,295 KC	$22,256^{5}$ KC

IA-77-2001

PAPER (2)

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2200-2230, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2200, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2200, 0300-0600 (G.M.T.)
ATLANTIC	1700-1800, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2130-2200, 0300-0600 (G.M.T.)

ATTACHMENT (3)

IA-77-2001

No.1	PORT	434 MT
	STARBOARD	434 MT
No.2	PORT	457 MT
	STARBOARD	457 MT
No.3	PORT	447 MT
	STARBOARD	447 MT
No.4	PORT	428 MT
	STARBOARD	428 MT
TOTAL		3,593 MT

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: MARCH 1ST 1977 TO DECEMBER 31TH 1977 Application No. IA-77-2002 For Use of Issuing Office

State: JAPAN

1. Name of Vessel: CHIYODA MARU
2. Vessel No.: Hull No. — Registration No. —
3. Name and Address of Owner: Name: TAIYO FISHERY CO., LTD. Address: 2-1, 1-CHOME, MARUNOUCHI, CHIYODA-KU, TOKYO, JAPAN. Cable Address: OCEAN FISH TOKYO. —
   Name and Address of Charterer: —
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel: OIL TANKER
6. Tonnage (Gross) 8,794.77 M.T. (Net) 2,353.47 M.T.
7. Length 144.11 M. B. Breadth 16.46 M. 9. Draft 7.45 M.
10. Horsepower 6,500 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other —
13. Date Built: DECEMBER 1973
14. Number and Nationality of Personnel: 26 (JAPAN 26)
    Officers 10 Crew 16 Other (Specify) —
15. Communications: VHF-FM (X), AM/SSB, Voice ( ), Telegraphy (X), Other —
    International Radio Call Sign: J R B C
    Radio Frequencies Monitored: 500 KC, VHF 13 OR 16 CHN
    Other Working Frequencies: SEE THE ATTACHED PAPER (1)
    Schedule: SEE THE ATTACHED PAPER (2)

IA-77-2002

16. Navigation Equipment: Loran C (X), Loran A (X), Omega (X), Decca ( ), Navaid ( ), Radar (X), Fathometer (X), Other —
17. Cargo Capacity (MT)
    Salted Fish —
    Fresh Fish —
    Frozen Fish —
    Fish Meal —
    Other FUEL OIL 4,409 M.T.
18. Cargo Space Number / Name: SEE THE ATTACHED PAPER (3)
    Freezer
    Dry Hold
    Tanks 1,2,3,4
    Other
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHMENT (1)

IA-77-2002

448 KC

VHF 1—28 CHANNEL (EXCLUDING 15 & 17 CHANNEL)

PAPER (2) IA-77-2002

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS	2100-2300, 0300-0600 (G.M.T.)
GULF OF ALASKA	2100-2300, 0300-0600 (G.M.T.)
CENTRAL PACIFIC	2100-2300, 0300-0600 (G.M.T.)
ATLANTIC	1700-1900, 0000-0100 (G.M.T.)
WASHINGTON OREGON AND CALIFORNIA	2100-2300, 0300-0600 (G.M.T.)

ATTACHMENT (3) IA-77-2002

No.1	PORT	353 MT
	STARBOARD	353 MT
	CENTER	827 MT
No.2	PORT	413 MT
	STARBOARD	413 MT
	CENTER	831 MT
No.3	PORT	413 MT
	STARBOARD	413 MT
	CENTER	830 MT
No.4	PORT	380 MT
	STARBOARD	380 MT
	CENTER	646 MT
TOTAL		6,402 MT

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

IA-77-2003

Permit Period MARCH 1, 1977 TO DECEMBER 31, 1977 Application No. IA-77-2003 For Use of Issuing Office

State: JAPAN

1. Name of Vessel TOYOTO MARU
2. Vessel No.: Hull No. ---- Registration No. ----
3. Name and Address of Owner / Name and Address of Charterer
   Name HAGIMOTO KOGYO CO., LTD.
   Address 1476, TAKATAKUDA-CHI,
   KOYDO-KUN, JAPAN
   Cable Address ----
4. Homeport and State of Registry: TAKATAKUDA, JAPAN
5. Type of Vessel OIL TANKER
6. Tonnage (Gross) 3430.67 M.T. (Net) 2163.14 M.T.
7. Length 97.33 M. 8. Breadth 15.00 M. 9. Draft 9.50 M.
10. Horsepower 3000 shp. 11. Maximum Speed 13.0 kt.
11. Propulsion: Diesel (x), Steam ( ), Diesel/Electric ( ).
    Other ----
13. Date Built NOVEMBER 1967
14. Number and Nationality of Personnel 25, JAPAN
    Officers 10 Crew 15 Other (Specify) ----
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (x).
    Other ----
    International Radio Call Sign JJZW
    Radio Frequencies Monitored 410 KHz
    Other Working Frequencies 4130 KHz
    Schedule (GMT) Times 01:00 TO 04:00, 09:00 TO 12:00, 07:00 TO 11:30 OPT.
    (OCEAN AREA SEE ATTACHED X)

16. Navigation Equipment: Loran C (x), Loran A (x), Omega ( ),
    Decca ( ), Navaar ( ), Radar (x), Fathometer (x),
    Other ----
17. Cargo Capacity (MT) / 18. Cargo Space Number / Name
    Salted Fish ---- Freezer
    Fresh Fish ---- Dry Hold
    Frozen Fish ---- Tanks 1 1 X V V. SEE ATTACHED X
    Fish Meal ---- Other
    Other 5650 M.T. (FISH OIL)
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

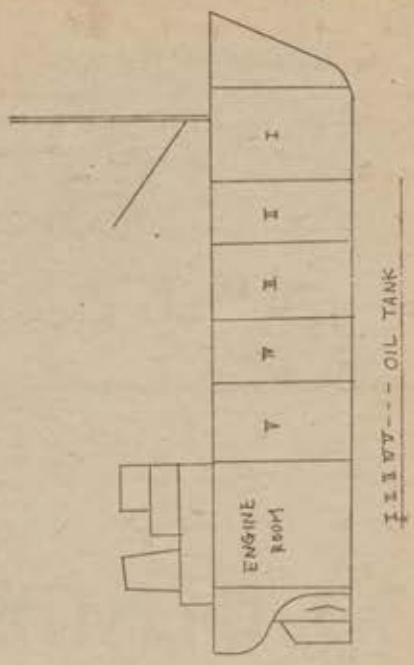
21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED I

IA-77-2003

OCEAN AREA 1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

IA-77-2003



CHRD I

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

IA-77-2004

Permit Period: MARCH 1, 1977 TO DECEMBER 31, 1977
Application Date: IA-77-2004 For Use of Issuing Office

State: JAPAN

1. Name of Vessel: KANEKOMI MARU
2. Vessel No.: Hull No. —— Registration No. ——
3. Name and Address of Owner: KANEKOMI SHOJI CO., LTD.
Address: 376, YANO-MACHI, YAIZU-SHI, SHIMI-GUN, JAPAN
Cable Address: ——
Name and Address of Charterer:
4. Homeport and State of Registry: YAIZU-SHIZUOKA, JAPAN
5. Type of Vessel: OIL TANKER
6. Tonnage (Gross) 1967.06 M.T. (Net) 1291.92 M.T.
7. Length 86.50 m. 8. Breadth 13.20 M. 9. Draft 7.00 M.
10. Horsepower 3000 shp. 11. Maximum Speed 12.5 kt.
12. Propulsion: Diesel (*), Steam ( ), Diesel/Electric ( ).
Other: ——
13. Date Built NOV.30th 1971
14. Number and Nationality of Personnel: 18, JAPAN
Officers 8 Crew 10 Other (Specify) ——
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy (*),
Other: ——
International Radio Call Sign: JPPI
Radio Frequencies Monitored: 410 KHZ
Other Working Frequencies: 4166 KHZ
Schedule WATCH TIMES: 03:00 TO 04:00, 10:00 TO 12:00, 07:00 TO 11:00 GMT.
(OCEAN AREA SEE ATTACHED I)

IA-77-2004

14. Navigation Equipment: Loran C (*), Loran A (*), Omega ( ),
Decca ( ), Sonar ( ), Radar (*), Fathometer (*),
Other: ——
17. Cargo Capacity (MT)
Salted Fish ——
Fresh Fish ——
Frozen Fish ——
Fish Meal ——
Other 3695 M.T. (FISH OIL)
18. Cargo Space Number / Name
Forepeak
Dry Hold
Tanks 1 2 3 4 5 SEE ATTACHED II
Other
19. Processing Equipment (Indicate daily capacity,MT)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

ATTACHED 1

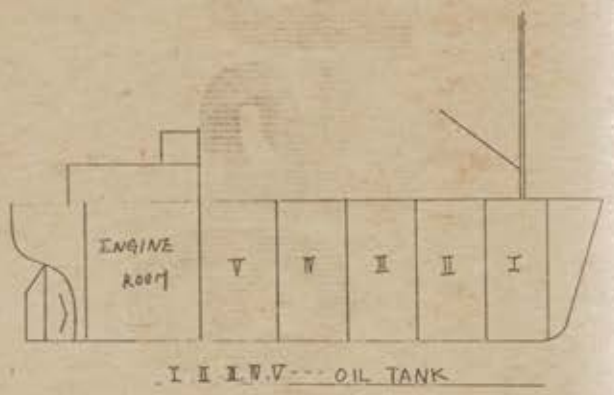
IA-77-2004

OCEAN AREA 1) BERING SEA AND ALEUTIAN ISLANDS
2) GULF OF ALASKA
3) WASHINGTON, OREGON AND CALIFORNIA

IA-77-2004

HFD 1

KANAZURU - MARU



I II III IV V --- OIL TANK

[FR Doc.77-7101 Filed 3-11-77; 8:45 am]

federal register

MONDAY, MARCH 14, 1977

PART III

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Marine Fisheries Service

■

ATLANTIC FISHERIES

Atlantic Groundfish Plan, Notice of Approval, Implementation, and Emergency Regulation

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—HADDOCK, COD, YELLOWTAIL FLOUNDER

Atlantic Fisheries: Atlantic Groundfish Plan, Notice of Approval, Implementation, and Emergency Regulations

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265, 16 U.S.C. 1801 et seq.) (The "Act"), among other things; authorizes the Secretary of Commerce (The "Secretary"), to promulgate regulations which implement a fishery management plan (FMP) prepared by a Regional Fishery Management Council, in the 200-mile fishery conservation zone (FCZ). If an emergency exists with respect to any fishery resource, the Secretary may, pursuant to the Act, promulgate emergency regulations which shall remain in effect for not more than 45 days, and which may be repromulgated for one additional period of not more than 45 days.

By delegations of authority in Department of Commerce Organization Order 25-5A, Section 3.01dd, Amendment 4 (dated September 30, 1976) and NOAA Directives Manual 05-57 (dated December 1, 1976), the Associate Administrator for Marine Resources of the National Oceanic and Atmospheric Administration (Associate Administrator) and the Director of the National Marine Fisheries Service (Director) have been delegated certain responsibilities pertaining to the administration of the Fishery Conservation and Management Act of 1976. Approving and implementing a Fishery Management Plan, and making a finding afid determination of an emergency, are within the scope of that delegation.

Pursuant to Title III of the Act, the New England Management Council, in consultation with the Mid-Atlantic Fishery Management Council, has prepared and submitted to the Secretary a FMP for selected groundfish. This FMP covers haddock, cod, and yellowtail flounder. In addition, a Draft Environmental Impact Statement (DEIS) has been prepared concerning the FMP.

The Secretary of Commerce, by authority of section 305 of the Act, wishes to advise the public of the approval of the above mentioned Atlantic Groundfish Plan for cod, haddock, and yellowtail flounder, and of the promulgation of regulations implementing the Plan. This Plan, published in its entirety below, is intended to provide the basis for the conservation and management of cod, haddock, and yellowtail flounder found in waters of the Northwest Atlantic Ocean within the Fishery Conservation Zone created by Section 101 of the Act. Regulations implementing the Atlantic Groundfish Plan are set out below in their entirety immediately following the Plan.

The FMP calls for the following regulatory measures:

1. Commercial and recreational catch quotas for haddock, cod, and yellowtail flounder (categorized according to geographic area, for cod and yellowtail flounder).
2. A minimum size restriction on haddock and cod (certain exceptions are provided in the regulations).
3. Mesh size restrictions on trawl nets in the directed fisheries for cod and yellowtail flounder (certain exceptions are provided in the regulations).
4. Closure of two spawning areas to fishing vessels using bottom gear during the months of March, April, and May. The areas are set forth in the regulations.
5. Landing restrictions on the amount of yellowtail flounder that can be caught east of 69° W. Long. and landed, per trip, in the directed fishery.

The Secretary of Commerce has found and determined that an emergency exists in the cod, haddock, and yellowtail flounder fisheries of the Northwest Atlantic Ocean because of the demonstrated fishing capability of the U.S. fleet. Notwithstanding the severe winter weather conditions of 1977, that fleet has increased landings of haddock, a severely depressed stock, by 41 percent during the month of January. The Secretary also finds and determines that an emergency exists because, as of March 1, 1977, section 4 of the Fishery Conservation Zone Transition Act of 1977, Pub. L. 95-6, repealed the Northwest Atlantic Fisheries Act of 1950, 16 U.S.C. 981 et seq., which has previously provided the authority for domestic regulation of the cod, haddock, and yellowtail flounder fisheries within the Northwest Atlantic. Those regulations appeared in 50 CFR 240.

As a consequence of that finding and determination that an emergency exists in the cod, haddock, and yellowtail flounder fisheries of the Northwest Atlantic, the Secretary of Commerce hereby invokes the emergency procedures authorized by section 305(e) of the Fishery Conservation and Management Act of 1976, and section 553(b) of the Administrative Procedures Act of 1946, 60 Stat. 237, as amended. Section 553(b) provides that an agency need not give formal notice of proposed rulemaking when the agency for good cause finds "* * * that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

The Secretary finds that formal notice of proposed rulemaking is impractical, unnecessary and contrary to the public interest for two reasons. The first, and most compelling reason, is that uncontrolled and unmanaged fishing activities in the cod, haddock and yellowtail flounder fisheries of the Northwest Atlantic Ocean by domestic fishermen would, according to virtually unanimous scientific opinion, result in further long term depletion of these already depleted stocks of highly valuable fish. The scientific basis for this conclusion is stated in detail in the Groundfish Management Plan set out below.

The second reason that the Secretary believes that formal notice of proposed rulemaking is impracticable, unnecessary and contrary to the public interest is because these regulations are not significantly different from pre-existing regulations promulgated under authority of the Northwest Atlantic Fisheries Act of 1950 which may be found in 50 CFR 240.

NOTE.—NOAA has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107, and certifies that an Economic Impact Statement has been prepared.

The regulations adopted herein are made effective at 12:01 a.m., March 15, 1977, and shall continue in effect for 45 days thereafter unless sooner amended, repealed, or extended by appropriate public notice.

Dated this eighth day of March 1977 at Washington, D.C.

ROBERT W. SCHONING,
Director.

Sec.

651.1 Purpose.
651.2 Definitions.
651.3 Catch quota.
651.4 Size restrictions.
651.5 Closed areas.
651.6 Gear restrictions.
651.7 Landing restrictions.
651.8 Closed seasons.
651.9 Reports and records.
651.10 Licensing provisions.
651.11 Special exemptions.

AUTHORITY: 16 U.S.C. 1801-1882.

§ 651.1 Purpose.

Regulations of this section shall apply to domestic fishermen that take haddock (*Melanogrammus aeglefinus*), cod—(*Gadus morhua*) and yellowtail flounder (*Limanda ferruginea*) beginning March 1, 1977, in that portion of the Atlantic Ocean in which the United States exercises exclusive fishery management authority.

§ 651.2 Definitions.

Act—Means the Fishery Conservation and Management Act of 1976, Pub. L. 94-265, 16 U.S.C. 1801-1882.

By-catch—Means any catch of fish that is not a primary species being fished for, irrespective of the amount actually caught.

Closed-season—Means that time during which species shall not be taken in quantities exceeding the amounts authorized as a by-catch.

Cod end—Means the bag-like extension attached to the after end of the belly end of the trawl net and used to retain the catch.

Commercial catch—Means fish caught by any methods other than rod and reel.

Directed fishing—Means the primary species fished for.

Director—Means the Director, National Marine Fisheries Service or his designee.

Domestic fisherman—Means a person fishing from a vessel of the United States.

Fish—Mean finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds and highly migratory species.

Fishery conservation zone (FCZ)—Means the zone contiguous to the territorial sea of the United States, the inner boundary of which is a line coterminous with the seaward boundary of each of the coastal states and the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

Fishing means—(a) The catching, taking or harvesting of fish;

(b) The attempted catching, taking or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish or;

(d) Any operations at sea in support of, or in preparation for, any activity described above.

The term "fishing" does not include any scientific research activity which is conducted by a scientific research vessel.

Fishing vessel—Means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for;

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Foreign fishing—Means fishing by a vessel other than a vessel of the United States.

Foreign fishing vessel—Means any vessel other than a vessel of the United States.

Gulf of Maine—means that portion of the fishery conservation zone north of 42°20′ North latitude.

Mesh Size—Means any part of the net, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from lacings measured when wet after use.

Open season—Means that time during which species may lawfully be harvested and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage.

Recreational catch—Means fish caught by rod and reel.

Regional director—Means the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA 01930. Telephone 617-281-3600.

Secretary—Means the Secretary of Commerce or his designee.

Trawl net—Means any large bag net dragged in the sea by a vessel or vessels for the purpose of fishing.

Trip—Means a departure from port, transit to the fishing grounds; fishing, including any by-catch fishing; and discharge of any part of the catch on board.

Vessel of the United States—Means any vessel documented under the laws of the United States or registered under the laws of any State.

§ 651.3 Catch quota.

(a) Catch quotas for 1977 for licensed vessels under the jurisdiction of the United States for haddock, cod, and yellowtail flounder are as follows:

(1) *Haddock.* Commercial and recreational catch—6,200 [1] (13,700,000) [2]. This quota is a by-catch quota which may be taken by domestic fishermen.

There will be no directed fishery for haddock.

	Gulf of Maine	Area other than Gulf of Maine
(2) *Cod:*		
Commercial catch..	5,000 (11,000,000)	20,000 (44,100,000)
Recreational catch..	2,300 (5,100,000)	10,000 (22,000,000)

This quota is a directed fishery quota.

	East of 69° W. long.	West of 69° W. long.
(3) *Yellowtail Flounder:* Commercial and recreational catch	10,000 (22,000,000)	4,000 (8,820,000)

There will be no directed fishery for yellowtail flounder west of 69°00′ W. long. The specified yellowtail flounder quota for the area west of 69°00′ W. long. is a by-catch quota that may be taken by domestic fishermen as provided in § 651.7(b). A directed fishery may be conducted for yellowtail flounder in the area east of 69°00′ W. long.

§ 651.4 Size restriction.

It shall be unlawful to take or possess haddock in a length less than 16.0 inches (406 mm) or cod in a length less than 16.0 inches (406 mm) both measured from the tip of the snout to the end of the tail. Provided, however, commercial fishing vessels may have on board up to a maximum of 10 percent by weight of each species aboard of fish that are less than the minimum size.

§ 651.5 Closed areas.

(a) It shall be unlawful to use fishing gear other than pelagic fishing gear (i.e. purse seines or true midwater trawls using midwater trawl doors incapable of being fished on the bottom) during March, April, and May in areas bounded by straight lines connecting the following coordinates in the order listed.

(1) 69°55′ W., 42°10′ N.; 69°10′ W., 41°10′ N.; 68°30′ W., 41°35′ N.; 68°45′ W., 41°50′ N.; 69°00′ W., 41°50′ N.

(2) 67°00′ W., 42°20′ N.; 67°00′ W., 41°15′ N.; 65°40′ W., 41°15′ N.; 65°40′ W., 42°00′ N.; 66°00′ W., 42°20′ N.

(b) The provisions of paragraph (a) of this section shall not apply:

(1) To vessels that fish in area (1) with hooks having a gape of not less than 1.18 inches (3 cm.);

(2) To vessels that fish in either area (1) or (2) or both with:

(i) Pot gear designed to take lobster, or

(ii) Dredges designed to take scallops.

(c) It shall be unlawful for any person fishing in the above areas to attach any protective device to pelagic fishing gear or to employing any means that would, in effect, make it possible to fish for demersal species.

§ 651.6 Gear restrictions.

(a) For directed fisheries for cod and yellowtail flounder, a mesh size restriction for trawl nets is applicable. It shall be unlawful to take these species in nets having, in any part of the net other than the cod end, meshes of dimensions less than 4½ inches (114 mm), and having, in the cod end of the nets, meshes of dimensions less than 5⅛ inches (130 mm). These mesh sizes relate to netting when measured wet after use.

(b) This mesh size regulation will not apply to vessels taking haddock, cod or yellowtail flounder as by-catch so long as such vessels do not have on board (either at sea or at the time of offloading) cod, haddock, or yellowtail flounder in amounts in excess of 5,510 pounds (2.5 metric tons) for each species or 10 percent by weight of all fish on board such vessel for each species, whichever is greater.

(c) It shall be unlawful for any person to attach any device or use any method that would diminish the effect of the mesh sizes authorized in paragraph (a) of this section.

§ 651.7 Landing restrictions.

(a) It shall be unlawful for any person or vessel to land more than 30,000 pounds (13.608 metric tons) of yellowtail flounder, per trip, from the waters east of 69°00′ W. long.

(b) It shall be unlawful for any person or vessel to land more than 5,510 pounds (2.5 metric tons) of yellowtail flounder or 10 percent by weight of all other fish on board, per trip, whichever is greater from the waters west of 69°00′ W. long.

(c) It shall be unlawful for any person or vessel to land more than 5,510 pounds (2.5 metric tons) of haddock or 10 percent by weight of all other fish on board, per trip, whichever is greater.

(d) When the accumulative and estimated by-catch of yellowtail flounder (in the area west of 69°00′ W. long.) or haddock reaches 80 percent of the allowable by-catch quota, the Secretary may reduce the authorized landing restriction of 5,510 pounds (2.5 metric tons) for that species so that the allowable by-catch quota for that species is not exceeded.

§ 651.8 Closed seasons.

(a) The Director shall announce the closure of the season for any species by publication of a notice in the FEDERAL REGISTER specifying the time and date for the termination of a directed fishery for any species. The closure is determined in the following manner:

(1) The National Marine Fisheries Service maintains records of the catches of each species during the open season by vessels participating in the fishery.

[1] Metric tons.

[2] Figures in parenthesis are quotas expressed in pounds rounded to the nearest one hundred thousandth.

(2) When the accumulative and estimated prospective catch of cod, or yellowtail flounder, making allowance for the incidental catch for the remainder of the year equals 100 percent of the quota for that species the Director shall publish a notice in the FEDERAL REGISTER terminating the directed fishery for that species.

§ 651.9 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms or corporations, at any port or place within the United States, that buy from U.S. flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, any haddock, cod, or yellowtail flounder taken by any fishing vessel, shall make and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours after buying or receiving, or upon the vessel's return to any port of the United States, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons purchasing or receiving any haddock, cod, or yellowtail flounder for transport to any port of the United States must maintain records identical to those required under paragraph (a) (1) of this section.

(3) The possession by any person, firm or corporation of haddock, cod, or yellowtail flounder which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a vessel licensed under § 651.10 and taking for any of the haddock, cod, yellowtail flounder, the owner or master of vessels of 100 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, locality fished, duration of fishing time or tow, and the estimated weight in pounds of each species taken at 12-hour intervals. Such logbooks shall be available for inspection by an authorized official. The logbook shall be presented for examination and subsequent return to the master or owner of the vessel upon proper demand by an authorized official at any time during or at the completion of a fishing trip. Such required documentation will be maintained by the owner or master of the vessel for one year subsequent to the date of the last entry in the logbook.

(2) In the case of vessels of less than 100 gross tons licensed under § 651.10 taking haddock, cod, or yellowtail flounder, the owner or master may be required to maintain the logbook for sampling purposes at the option of an appropriate official of the United States.

(c) In the case of vessels desiring to fish for species other than cod, or yellowtail flounder on a trip basis, no reports are required of the owner or master.

§ 651.10 Licensing provisions.

(a) Any person or vessel desiring to:

(1) Take any haddock, cod, or yellowtail flounder within the FCZ, or

(2) Transport, or deliver for sale, any haddock, cod, or yellowtail flounder taken within the FCZ must obtain a license for that purpose.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing on the registration form provided by the National Marine Fisheries Service information specifying the names and addresses of the vessel owner and master, the name of the vessel, official number, directed fishery or fisheries, fish hold capacity (to the nearest 100 pounds), and the homeport of the vessel. The registration form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts 01930, who shall issue the requested license, without fee, for an indefinite term, such term to include the calendar year in which the license is issued. New licenses will be issued to replace lost or mutilated licenses. A license shall expire whenever vessel ownership changes, or when the owner or the master of the vessel changes the directed fishery or fisheries of such vessel. Application for new license, because of a change in vessel ownership (which shall include the names and addresses of both the purchaser and seller and be submitted by the purchaser), a change in the directed fishery or fisheries of the vessel, or the removal of a vessel from the directed fisheries for cod or yellowtail flounder must be filed with the Regional Director no later than 10 days following the change on a form provided by the Regional Director.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the FCZ may obtain a temporary suspension of the license until such time that the vessel returns to fish within the FCZ.

(d) The temporary suspension or modification of the license shall be granted upon a written request, specifying the period of suspension or modification desired by an authorized State official or by an authorized official of the National Marine Fisheries Service. Such official shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(e) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued and such license, the vessel, its gear and equipment and catch shall be subject to inspection, at reasonable times, by authorized officials.

(f) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 651.11 Special exemptions.

Notwithstanding § 651.6(2), a person may enter into an optional settlement agreement with the Regional Director setting forth an additional method computing the amount of haddock, cod, or yellowtail flounder that can be in possession as a by-catch. A form of such agreement is attached to these regulations as Appendix A.

APPENDIX A

OPTIONAL SETTLEMENT AGREEMENT FORM

This agreement is entered into between the United States Government and _____ (hereinafter "the owner"), owner of vessel _____, official number _____ (hereinafter "the vessel"), operating in the groundfisheries in that part of the Atlantic Ocean over which the United States exercises exclusive fishery management authority (hereinafter "settlement area"). This agreement covers the following species: _____ (hereinafter "settlement fish").

The purpose of this agreement is to provide for the settlement of cases involving violations of the Fishery Conservation and Management Act of 1976, and in particular violations set forth in 50 CFR _____ regarding regulations governing the taking of settlement fish in the settlement area. The purpose of this settlement agreement is also to assure compliance with the principles of the Fishery Conservation and Management Act of 1976 to take required steps for the development, advancement, management, conservation, and protection of the fisheries resources of the United States. The parties to this agreement agree as follows:

1. This agreement shall cover the period commencing on _____ and continuing for a period of ____ days and terminating on _____. Settlement under the provisions of _____ shall take place within ten (10) days of the conclusion of each quarter or period if otherwise stated.

2. The owner agrees that the master or other person in charge of the vessel shall maintain an accurate log of the fishing operations of the vessel, showing the date, type and size of gear used, locality fished, duration of fishing, time of tow, and the estimated weight of each species taken at 12-hour intervals. For the purpose of providing information useful in the implementation of the agreement, the log book shall be made available for inspection and copying by an authorized official of the National Marine Fisheries Service within 48 hours of completion of each fishing voyage conducted by the vessel during the period set forth in paragraph 1.

3. The owner shall also notify the Regional Director in writing, within 48 hours of the sale of the catch of the vessel, of the total quantity of fish landed and the gross sales price and the quantity of settlement fish landed and the total price received for such settlement sheet which accurately reflects the selling price of the catch and each species (to the extent species are separately sold) and the distribution thereof.

4. (a) In the event that the quantity of settlement fish taken on a trip exceeds 10 percent (the quantity permitted), the owner shall deposit with the Regional Director a sum representing 20 percent of the value to the owner of the excess settlement fish over that amount permitted.

(b) The value to the owner of excess settlement fish on each voyage during the period shall be computed by determining the value of the _____ taken in excess of the amount permitted by paragraph 4 on the basis of the average price received for all settlement fish on the trip.

5. The Regional Director shall maintain a record of the quantity of all fish including settlement fish taken by the vessel, and the maximum amount of settlement fish permitted by the regulations for each trip completed during the period set forth in paragraph 1. At the end of such period, the Regional Director shall compute the total quantity of settlement fish taken during the

period and the total amount of settlement fish permitted by regulation during that period, which is the sum of the maximum quantities of settlement fish permitted by paragraph 4 for each trip during the period.

6. If the total quantity of settlement fish taken during the period is equal to or less than the total amount permitted, the entire amount deposited shall be returned to the owner.

7. (a) If the total quantity of settlement fish taken during the period exceeds the total amount permitted during the period, the Regional Director shall retain from the amounts deposited during the period a sum representing the net value to the owner of the total net quantity of excess settlement fish for the period and shall return the remainder to the owner.

(b) The amount retained by the Regional Director shall be determined by:

(1) Subtracting the total quantity of settlement fish permitted during the period from the total quantity of settlement fish actually taken during the period.

(2) Multiplying the quantity of excess settlement fish by the average unit price actually received by the vessel for settlement fish on a trip for which a deposit was made pursuant to paragraph 4(a).

8. (a) Fishing voyages of a duration of four days or less shall be excluded from the computations provided herein unless the Regional Director determines that the trip is a bona fide fishing trip.

(b) A fishing voyage in respect of which the settlement fish on board exceeds ____ percent by weight of all fish on board caught in the settlement area shall not be included in the calculations as provided in paragraphs 6 and 7 of this agreement, but the owner agrees to forfeit to the Regional Director the value to the owner of the excess quantity of settlement fish with respect to that vessel. The amount of the forfeiture shall be computed as in paragraph 4.

9. If this Agreement relates to yellowtail flounder, the following is applicable.

Notwithstanding any by-catch limitations a vessel may possess and land up to 11,000 pounds of yellowtail flounder taken as a by-catch in the settlement area, provided, that no more than 11,000 pounds of such yellowtail flounder may be landed during any 14-day period.

(Vessel owner)

(Date)

UNITED STATES OF AMERICA, SECRETARY OF COMMERCE, ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

By ----------

Regional Director, Northeast Region, National Marine Fisheries Service.

Date

FISHERY MANAGEMENT PLAN FOR ATLANTIC GROUNDFISH

HADDOCK (Melanogrammus aeglefinus)

COD (Gadus morhua)

YELLOWTAIL FLOUNDER (Limanda ferruginea)

Prepared by

THE NEW ENGLAND REGIONAL FISHERIES MANAGEMENT COUNCIL

in consultation with

THE MID-ATLANTIC REGIONAL FISHERIES MANAGEMENT COUNCIL

February 1977

FISHERY MANAGEMENT PLAN FOR ATLANTIC GROUNDFISH

HADDOCK, COD, AND YELLOWTAIL FLOUNDER

Domestic harvesting of haddock (Melanogrammus aeglefinus), cod (Gadus morhua), and yellowtail flounder (Limanda ferruginea) off the Northeastern United States was regulated under terms of the 18-member International Commission for the Northwest Atlantic Fisheries (ICNAF), as amended, until December 31, 1976, when the United States formally withdrew from the Convention. The Fishery Conservation and Management Act of 1976 (P.L. 94-265), enacted and signed into law April 13, 1976, provides for exclusive U.S. regulation of a 200-mile fishery conservation zone and for anadromous and Continental Shelf fishery resources beyond the 200-mile zone, effective March 1, 1977. United States management in the former ICNAF Subarea 5 and Statistical Area 6 will be formulated to attain optimum yield from the various species through specific management plans prepared by the New England Regional Fisheries Management Council, a regulatory body also provided for by P.L. 94-265.

This management plan proposes regulatory measures, for the species indicated, which take into account optimum yield relative to the present status of the stocks.

The species under consideration are presently at critically low levels, though some recent improvement has resulted from recent regulatory measures under ICNAF. The regulatory measures recommended in this plan, which are based upon the best scientific evidence available, would lead to rebuilding the stocks within 3 to 7 years, if applied yearly. Alternately, the absence of conservation controls would lead to continued severe overfishing, perhaps to an irreversible degree, in time. Thus, the measures proposed are totally beneficial in effect.

The recommended U.S. catch levels of cod in ICNAF areas 5Z and 5A6 and of haddock in area 5Z are larger than in recent years and could result in gross revenue increases for the affected vessels. The recommended levels of Gulf of Main cod were set somewhat higher for 1977 than MSY in order to ameliorate short-term adverse impacts in that inshore fishery.

The catch levels for yellowtail flounder in the inshore fishery is based on the projected incidental harvest of yellowtail flounder in fisheries directed at other species i.e., blackback, grey sole, incidental harvest of fisheries directed at tilefish. Stock rebuilding could offset short-term losses through ensured stock stability and long-term increased future benefits.

The recommended catch levels for recreational fishermen are similar to the catches in recent years and thus should cause no adverse impacts. Stricter conservation measures could be implemented, but would cause severe hardships to the industry. For the most part, the proposed action is similar to controls imposed upon U.S. fishermen under ICNAF.

TABLE OF CONTENTS

I. Introduction 1

II. Description of the Proposed Action 2

A. Fisheries Management Under Extended Jurisdiction 2

B. Environmental Setting 2

1. Geophysical Setting 2

2. Biological Systems 43

a. Introduction 43

b. Annual Cycle of the Plankton Community 4

c. Nekton 65

d. Benthos 6

e. The Biology of Cod 7

f. The Biology of Yellowtail Flounder 9

g. The Biology of Haddock 10

3. Social and Economic Setting 12

C. The Fishery Management Plan 29

1. Description of the Fishery 29

a. Cod 29

b. Yellowtail Flounder 37

c. Haddock 40

d. Significance of the Historic Domestic Fisheries 45

(1) Introduction 45

(2) The Industry - 1950-1962 45

(a) Overview 45

(b) Return to the Factors of Production 46

(c) Prices, Productivity, and Costs 47

(d) Selected Data for Haddock, Cod, and Yellowtail flounder, 1950-1962 54

(3) The Industry during the Early 1960-1970's with Particular Emphasis on Massachusetts 60

(a) Overview 60

(b) Vessel Earnings 65

(c) Fishermen's Earnings 65

(d) Catch and Price Trends 71

(e) Prices 77

(f) Summary 77

(4) Recent Trends, 1971-1975 79

(a) Overview 79

(b) Catch and Price Trends by Species 81

(5) Processes Section 85

e. Types and number of vessels employed 88

(1) Cod 88

(2) Yellowtail flounder 91

(3) Haddock 93

f. Types of Gear 95

g. Historical Impacts of Foreign Fishing on Domestic Fishery 95

(1) Cod 95

(2) Yellowtail Flounder 97

(3) Haddock 97

2. Status of the fishery stocks 100

a. Cod 100

b. Yellowtail flounder 104

c. Haddock 114

Optimum Yield and U.S. Capacity 119

a. Cod 126

b. Yellowtail flounder 131

c. Haddock 132

4. Suggested Management Measures 133

a. Quotas 133

b. Mesh size regulation 135

c. Area and season restrictions 136

D. Minimum Size Limits 137

Suggested regulations 137

III. Summary and Alternatives 139

I. Introduction

The Fishery Conservation and Management Act of 1976 (P.L. 94-265) provides for the conservation and management of fishery resources of the United States by establishing a fishery conservation zone of 200 nautical miles, within which the United States has exclusive management authority over all fishery resources except highly migratory species. The Act calls for the preparation and implementation of fishery management plans to meet the objectives of a National Fishery Management Program.

This fishery management plan, prepared under authority of the Fishery Conservation and Management Act of 1976 (FCMA), addresses only haddock, cod, and yellowtail flounder. Other demersal species will be evaluated in the future.

Harvesting of haddock, cod, and yellowtail flounder off the Northeastern United States was, until December 31, 1976, regulated under terms of the International Commission for the Northwest Atlantic Fisheries (ICNAF), and subsequent agreements between the 18 signatory nations. The FCMA, enacted and signed into law on April 13, 1976, is effective March 1, 1977. Management of seriously depleted New England stocks, such as are addressed in this plan, is not provided for in the interim. Management plans for offshore New England waters are to be formulated by the New England Regional Fisheries Management Council, one of eight such Councils provided for by the FCMA.

The management plan proposes management measures for the groundfish fisheries for haddock, cod, and yellowtail flounder. Since the stocks in question have substantially declined as a result of overfishing and other factors, quotas, areas, mesh size restrictions, and minimum size regulations are recommended for implementation.

II. Description of the Proposed Action

A. Fisheries Management Under Extended Jurisdiction

A fishery management plan must describe the fishery, provide an estimate of the maximum sustainable yield (MSY), optimum yield (OY) the needs of U.S. interests, and determine the total allowable level of foreign fishing, if any. In addition, the plan should identify those measures that would be applicable to U.S. and foreign nationals so that the ultimate benefits to the United States are maximized.

II.B. Environmental Setting

II.B.1. Geophysical Setting

Climatic, physiographic, and hydrographic differences distinguish the region from the Gulf of Maine to Cape Hatteras into two areas with the dividing line at Nantucket Shoals off Cape Cod. At Cape Hatteras the Continental Shelf extends seaward only 20 miles, but it widens to about 70 miles off New Jersey and 100 miles off Cape Cod. The Gulf of Maine is a cold water bight with a deep central basin nearly sealed off from the open Atlantic by Georges and Brown Banks. The bank boundaries fall off sharply into the continental slope.

From Nantucket Shoals to Cape Hatteras, the bottom out to about 200 meters in depth, is chiefly sand interspersed with large pockets of sand-gravel and sand-shell. From 200 to 2000 meters in depth the bottom is a mixture of silt, silty-sand, and clay. Beyond this depth range, clay predominates over silt as the chief substrate. Surface circulation is generally southwesterly during all seasons, interrupted by coastal indrafting and some reversal of flow at the northern and southern extremities of the area. Water temperatures range from less than 2°C to over 24°C depending upon season and depth. Salinities close to the coast are about 32°/oo, increase to 34-35°/oo near the edge of the Shelf, and exceed 36.5°/oo along the main flow lines of the Gulf Stream.

Bottom sediments in the northern portion of this region (Nantucket Shoals to the Gulf of Maine and its boundary banks) vary from rock to silt.

Sediments of the inner coast from Cape Ann to southeastern Nova Scotia are typically rock or rock-gravel. Most of the deeper central Gulf of Maine sediments are some form of silt, and those of Georges and Browns Banks are chiefly sand and sand-gravel, respectively. Circulation within the Gulf of Maine is generally counterclockwise. Cold Nova Scotian waters enter through the Eastern Channel and move across Browns Bank and slope waters enter through the Northeast (Fundian) Channel. Gulf of Maine waters spill out over Georges Bank and through the Great South Channel onto Nantucket Shoals. The anticyclonic eddy over Georges Bank that develops in the spring breaks down into a westerly and southerly drift by autumn. Water temperatures in this area range from 2 to 17°C at the surface and over the banks, and 4 to 9°C at 200 meters in the inner Gulf of Maine. Both the southern boundary of Georges Bank and the deep basins of the inner Gulf of Maine are influenced by intrusion of slope water. Average salinities vary from about 32 to 35°/oo. The lower salinity values are close to shore, but they vary with depth depending upon the influence of slope water intrustion.

II.B.2. Biological Systems

II.B.2. a. Introduction

The ecosystem can be divided into the following fundamental groups which are necessary for the system to continue indefinitely: abiotic (nonliving) substances; autotrophic organisms (primary producers) which are able to use abiotic material to store solar energy in the form of organic matter; and decomposers, which break down organic matter, using its stored energy to create inorganic constitutents. Most ecosystems also have consumers which convert organic material to another form, using some of the stored energy of the organic material for maintenance. The rate of transfer of material and energy between parts of the ecosystems is affected by the amount, type, or condition of biotic and abiotic material (factors) in the system.

II.B.2.b. Annual Cycle of the Plankton Community

The annual cycle of the plankton community of the region is typical of the temperate zone. During the winter, phytoplankton and zooplankton abundances are low. Nutrients are availabe, but production is suppressed by low levels of solar radiation and temperature. As spring approaches and the level of solar radiation increases, an intense diatom bloom occurs. As the bloom progresses, concentrations of inorganic nutrients decrease.

As water temperatures increase during late spring and summer, phytoplankton, zooplankton, and neroplankton become increasingly abundant because of the more rapid development of early life stages, the spawning of fish and benthos, and the abundant food supply. Zooplankton feeds predominantly, but not exclusively, on phytoplankton. Fish larvae commonly feed on copepods (Sherman and Honey 1971; Sherman and Perkins 1971; Marak 1960; Marak 1974; all cited by Cohen 1975). Some zooplankters, particularly Sagitta and ctenophores, prey upon fish larvae (Lillelund and Lasker 1971; Theilacker and Lasker 1974; Bigelow 1926; all cited by Cohen 1975).

During summer, zooplankton reaches maximum abundance while phytoplankton declines to nearly as low a level as during the winter minimum. Dinoflagellates and other forms apparently better suited than diatoms to warm, nutrient-poor waters become more abundant during summer. Bacteria in the sediment actively regenerate nutrients, but because of vertical temperature and salinity gradients, the water column is stable and nutrients are not returned to the euphotic zone (where solar radiation and nutriens are "fixed" into organic matter). On Georges Bank, nutrients regenerated by sedimentary bacteria are immediately available to phytoplankton because of mixing. Thus, diatoms dominate throughout the year on Georges Bank (Cohen 1975).

During autumn, as water temperatures decrease, the water column becomes unstable and nutrients are removed to the euphotic zone. This stimulates another phytoplankton bloom which is cut short by low levels of solar radiation. Phytoplankton and zooplankton levels then decline to their winter minimum while nutrient levels increase to their winter maximum.

Anomalous conditions within the generalized annual cycles described above are probably common. The stability of the water column which affects nutrient availability may be disrupted by severe storms. Anomalies in temperature may disturb the timing between the annual cycles of interacting species.

II.B.2.c. Nekton

The nekton (swimming organisms as opposed to plankton which are drifting organisms) is predominantly fish, although there are nektonic mammals (whales and porpoises) and cephalopods (squids).

The feeding habits of nekton vary by species, the size of the individual, and probably with season and food availability. Small fish, including the young of some large species, often feed on plankton. There are also some large species (various whales, basking sharks, and ocean sunfish) which are plankton feeders throughout life. Other fish, squid, and small benthic invertebrates, are also common food of nektonic species. Maurer's (1975) work indicates that many commercially important species of the Northwest Atlantic Continental Shelf of the United States can be classified as either fish or invertebrate feeders, but such a classification is not likely to be valid for younger individuals of the species.

Nektonic organisms are distinguished from other biotic components of the ecosystem by their ability to distribute themselves over the Continental Shelf independent of the circulation of the region (although some species may use currents for transportation or orientation). This ability to migrate between

locations or to maintain a desired location allows groups of individuals of a particular species to obtain a desired breeding location with some consistency year after year. Such groups are called stocks, and although they mix with other stocks some of the time, they are generally isolated from other members of their species during the breeding season (usually once each year).

II.B.2.d. Benthos

Benthic organisms are those living on the bottom or within the bottom sediment. They are distinguished from demersal nekton by the latter's ability to move from one location to another by freely swimming in the water column.

Numerous factors determine the distribution and abundance of benthic species. Among the most important factors are the composition of the sediment and the stability of the physical environment (associated with water depth).

Except in shallow water where autotrophic macroalgae are common, the primary source of food for benthos is sinking organic matter (phytoplankton, detritus). Among the deposit feeders are polychaetes and some amphipods. There are also benthic predators and scavengers including shrimp, crabs, lobsters, and snails. Ultimately, most of the energy and nutrients stored in organic material is released by the bacteria of the sediments. There are marine bacteria in the water column also, but these are of lesser importance in the recycling process (Russell-Hunter 1970).

While benthos is dependent on sinking organic matter for food, many benthic species interact with the plankton and nekton in the water column. These benthic species (lobsters, sea scallops, surf clams) have planktonic larvae and therefore the abundance of their benthic stages depends upon the interaction of their larvae with planktonic and nektonic predators and prey, and upon the transport of their larvae by currents to a suitable benthic environment.

...... the biology of the Regulated Species - Atlantic Cod (Gadus morhua)

II.B.2.e.(1). Distribution and Seasonal Movement

The range of Atlantic cod extends northward along the American coast from North Carolina to Baffin Island, southern Greenland and Iceland, continuing on to the northern Barents Sea, Bay of Biscay and the coastal European waters including the Baltic. Throughout its range, the cod can be divided into subpopulations or stocks associated with geographically separated habitats. Off New England and the Mid-Atlantic coasts the cod stocks are proposed to be managed as two distinct units: (1) Gulf of Maine north of Race Point, Massachusetts and (2) Georges Bank and areas to the south and west.

Favoring water temperatures between 0-10°C, a component of the Mid-Atlantic stock migrates to the north and east in summer and fall months, reaching Nantucket Shoals when the shoal waters of the New York Bight exceed 20°C, then ranges back southwestward to the coastal New York, New Jersey, and Chesapeake Bay regions during the winter and spring months where some spawning is believed to occur. This seasonal movement can be partially seen in the distribution of catches in spring and fall surveys. Migrational patterns are much less pronounced for the Gulf of Maine stock. Throughout their range of habitats cod can be found from depths exceeding 200 fathoms to the nearshore surf areas. The full implications of the relationship of cod to the nearshore waters is not yet understood.

II.B.2.e.(2). Reproduction - Cod prefer the more shoal areas for spawning and seve major spawning grounds are known to exist in the Gulf of Maine and on Georges Bank.

region, both eggs and larvae have been observed throughout the entire area from Block Island to Cape Hatteras.

Optimum spawning and hatching temperatures for cod are in the range of 5-7°C spawning takes place near the bottom, the eggs and larvae are pelagic and may be greatly affected by hydrographic conditions (Wise, 1961). Hatching occurs withi two to four weeks and larvae grow to a length of 40 mm in 120 days. Cod are extremely fecund with a single female producing anywhere from 3 to more than 9 million eggs (Wise, 1961).

II.B.2.e.(3). Food Habits - The feeding habits of cod are extremely variable depending upon their age, the time of year, and their geographic distribution. The pelagic larvae feed entirely on plankton but as they reach a size of 7-10 cm they actively seek a bottom habitat where their diet gradually switches to invertebrates (clams, crabs, mussels, molluscs) and fish (Wise, 1961; Bowman, 197 Largely an opportunistic omnivore, adult cod may change their patterns of distribution in relation to food availability. At times, fish may provide the major food source, but cod frequently feed on benthic invertebrates (Maurer, 1975

The most serious predators of adult cod are large sharks, spiny dogfish, and larger adult cod, while smaller juveniles fall prey to a host of predatory fish species (e.g. pollock).

II.B.2.e.(4). Age and Growth - Growth rates have been estimated for the Georges Bank and Gulf of Maine areas (Penttila and Gifford, 1975). While the rates are somewhat different with Georges Bank growing faster than the Gulf of Maine, growth occurs in steady increments to ages in excess of 15 years. Individuals may reach weights greater than 90 kg; however, the average sized fish would fall in the 5-10 kg range.

II.B.2.f. Biology of Yellowtail Flounder

The yellowtail flounder (Limanda ferruginea) is a relatively broad flounder with its width nearly half its body length. It is named for the yellowish tinge of its caudal fin. Yellowtail flounder feed chiefly on small crustaceans such as amphipods, shrimp and mysids. They prefer a sandy bottom at a depth of 30 to 70 m. They spawn in New England waters from March through June with peak spawning occurring during May. Both sexes begin to mature at age II and by age IV all fish are mature. Yellowtail flounder do not appear to feed during the spawning season (Bigelow and Schroeder, 1953; Royce et al., 1959).

The fecundity of yellowtail flounder from New England waters has not been reported, but Pitt (1971) reported length and age-fecundity functions for the species on the Grand Bank, Newfoundland. Fecundity of these northern yellowtail flounder is very variable ranging from 350,000 to 4,750,000 eggs per female.

Yellowtail flounder eggs, which average about 0.9 mm in diameter, hatch in about five days at 10-11°C. Both eggs and larvae are pelagic. The larvae metamorphose and take to the bottom at 12-19 mm in length (Bigelow and Schroeder, 1953).

Lux and Nichy (1969) applied the von Bertalanffy growth equation to data for the New England yellowtail flounder. These fish grow to about 30 cm total length in 2-3 years, and reach a maximum length of about 50 cm. Their life span is about 10-12 years. Mature female yellowtail flounder are generally larger

than mature males. Like most fish, yellowtail flounder growth slows during the coldest part of the year, except for age I individuals which grow rapidly throughout the year. No extensive seasonal migrations of the yellowtail flounder have been documented, although the possibility of some eastward movement was indicated by tagging studies.

The plan proposes that the yellowtail flounder be managed as two distinct units within the U.S. zone: (1) East of 69°W, and (2) West of 69°W.

II.B.2.g. The Biology of Haddock

Adult haddock are demersal in habit and appear to be rather localized in their distribution (Bigelow and Schroeder, 1953) although Schroeder (1947) did find evidence for some coastwise movement to the northward for specimens tagged from Nantucket Shoals to Boothbay Harbor. Most of the wanderings of haddock in the Gulf of Maine, however, appear to be of short extent (Bigelow and Schroeder, 1953); furthermore, haddock tagged on Georges Bank have tended to remain there as a resident population (Grosslein 1962). There is evidence that adult haddock make seasonal movements in response to changes in bottom temperature and tend to avoid water temperatures as cold as 0°C or as warm as 11°C.

In the Georges Bank-Gulf of Maine area, haddock spawning grounds have been identified both on the northeast portion of Georges Bank and east of Nantucket Shoals with the former area being of primary importance.

Results of recent fecundity studies for Subarea 5, haddock (Livingston and Berry, unpublished) have been similar to results of earlier studies reported by Hodder (1963) from Grand Banks haddock indicating a range of 0.1 - 3.0 x 10^6 eggs per female for females ranging from 36-79 cm in length and from 3-12 years of age. Spawning occurs from January to June with peak activity in late March through April (Bigelow and Schroeder 1953). The eggs are planktonic and appear to drift near the surface; incubation requires 13-15 days and larvae are 4 mm in length at hatching. After metamorphosis, the pelagic phase continues for 3-4 months (Bigelow and Schroeder 1953) after which the juvenile haddock settle to the bottom for the remainder of their lives.

Haddock year-class strength has fluctuated widely in recent years, but the reasons for this variation are not well understood. Studies by Colton and Temple (1961) suggest that annual variations in water current patterns may be, at least, partially responsible; these authors noted that the prevailing current patterns are generally unfavorable for haddock and should sweep developing eggs and larvae away from shelf areas. More recently, Lawrence and Rogers (1976) have found that haddock embryos and newly hatched larvae appear to be less tolerant of variations in temperature and salinity than cod, with temperature being somewhat more critical. Accordingly, temperature conditions during spawning could also be of significance in determining year-class strength. Whatever the reason, the problem is a critical one, considering the present status of the Subarea 5 haddock stock.

Growth is rapid during the first few years of life. Georges Bank haddock currently attain an average length of 36-49 cm at 2-3 years of age (when sexual maturity occurs) but subsequently growth tapers off sharply. Very old individuals seldom exceed 80 cm in length (Clark and Palmer, unpublished). Haddock recruit to the groundfish fishery as "scrod" at 2-3 years of age; the maximum age observed in recent studies conducted at Woods Hole (Livingstone, unpublished) has been 18 years.

during the pelagic stages of their life history, young haddock feed primarily on copepods (Blacker, 1971). After becoming demersal in distribution, haddock feed primarily on invertebrates, notably crustaceans, annelids, mollusks, and echinoderms (Bigelow and Schroeder 1953; Wigley and Theroux 1965).

II.B.3 SOCIAL AND ECONOMIC SETTING

II.B.3.a. Principal Ports

The principal ports where these species are landed include Eastport, Rockland, Portland, and other ports in Maine; Gloucester, Boston, and New Bedford, Massachusetts; Newport and Point Judith, Rhode Island; Greenport and Montague, New York; and Atlantic City and Cape May, New Jersey. In addition these species support fisheries (commercial and recreational) from the various small harbors and inlets throughout the area. Descriptions for some of these ports are below. Descr of the other ports will be added in Part B, as the data become available. In general sociologic information on the fishermen themselves is very limited and such data should be generated in the near future.

Eastport is located at the extreme eastern end of Maine in Washington Co This county (fifth largest in Maine) contains 1.7 million acres of land of which 1.5 million acres are forested. Most of the county's population is concentrated in coastal areas which include the communities of Calais, Eastport, Lubec, and Machias.

As recorded in the 1970 census, the county's population declined 9.3% between 1960 and 1970, primarily due to out-migration of high school graduates and younger workers. Limited jobs and wages below average as compared to other New England states have encouraged people to leave. Because of a limited number of employers and little prospect for industrial development, this trend is not

likely to reverse itself for any extended period unless new industry is attracted to the area. However, an interim population estimate developed by the US Bureau of Census for Washington County showed a population increase of 4.5% to 31,200 in July 1973. During this period the states' population increased by 3.5%.

Washington County's median family income was $6,137, or the lowest median family income for all 16 counties in the State. The per capita income for Washington County was $2,059, which is considerably below the Statewide figure of $2,559. According to the 1970 census, 19%, or 1,481 families, were below poverty level compared with 10.3% Statewide. Mean public welfare income in Washington County was $1,198 compared with a Statewide average of $1,189.

According to the Census of persons age 25 and older, Washington County had 5,700 high school graduates and 777 college graduates. Approximately 42% of the males and 49.4% of the females 25 years of age and older graduated from high school. The median school years completed for all persons 25 years of age and older was 11 years for males and 11.9 years for females.

During calendar year 1975, Washington County's civilian labor force averaged 12,880. Based on 1970 census ratios, males accounted for 65.2% of the total labor force, while females accounted for 34.8%. Using 1970 census ratios, it is estimated that during 1975 the civilian labor force was composed of 8,400 males and 4,450 females.

Unemployment increased sharply from 5% to 13% in 1975, averaging 1,680 individuals in 1975 versus 1,180 in 1974. Unemployment generally follows normal seasonal patterns with the rate of unemployment reaching a high in the first quarter of the

year, and dropping to a low usually in August or September. The seasonal employment patterns were expected to hold true in 1977. Table 1 contains data on employment by industrial sector.

The port of Rockland, Maine, is located in Knox County, 41 miles east of Augusta, Maine.

The population increased 1.6% from 1950 to 1960. The 1960 population of 29,375 increased 1.5% to 29,813 in 1970.

According to the 1970 census, one half of the families in the area had an annual income under $7,321. Approximately 11% of all families received less than the poverty level income, while 8.4% received more than $15,000. Median family income equaled $7,372, while families below poverty level received a mean income of $1,899.

Preliminary figures for 1975 indicate that unemployment increased substantially in Knox County from an annual mean of 6.2% in 1974, to 10.2% in this last year. In January and February 1976, unemployment reached levels of 12.9% and 13.3% of the labor force, respectively. Table 2 contains data on employment by industrial sector.

The fishing port of Portland is located in Cumberland County, Maine. The county is the focal point of rail, highway, and ocean transportation, and is also the homesite of many of the State's major banking and financial institutions.

Cumberland has the highest percentages of males and females 25 years of age and older who are high school graduates with males at 61.8% and females at 66.1%. The median school years

Table 1. Employment by Industry in Washington County, Maine, First Quarter, 1974-1975.[1]

Industry	Number of Firms First Quarter 1975	Average Monthly Employment for First Quarter		Net Change
		1975	1974	
Manufacturing	72	2,171	2,618	-446
Food and Kindred Products	47	290	374	-84
Textile Mill Products	3	81	210	-127
Lumber and Wood Products, except Furniture	27	372	473	-101
Printing, Publishing, and Allied Industries	6	29	18	+ 2
Chemicals and Allied Products	3	75	121	- 45
Transportation Equipment	2	4	8	- 4
Other Manufacturing[2]	6	1,242	1,217	+ 25
Non-Manufacturing	565	2,665	2,655	+10
Contract Construction	43	434	434	+ 0
Transportation, Communication, Electric, Gas, and Sanitary Services	46	276	255	+ 21
Wholesale Trade	41	249	242	+ 29
Building Materials, Hardware, and Farm Equipment Dealers	18	64	67	- 3
Retail Trade - General Merchandise	25	165	160	+ 5
Food Stores	49	241	279	- 38
Automotive Dealers and Gasoline Service Stations	65	198	166	+ 32
Apparel and Accessory Stores	9	30	36	- 6
Furniture, Home Furnishings, and Equipment Stores	13	32	32	+ 2
Eating and Drinking Places	34	184	120	+ 66
Miscellaneous Retail Stores	40	155	151	+ 4
Banking	8	59	57	+ 2
Insurance Agents, Brokers, and Service	7	41	28	+ 13
Real Estate	17	15	14	+ 1
Hotels, Rooming Houses, Camps, and Other Lodging Places	25	34	26	+ 8
Personal Services	9	24	35	- 11
Automobile Repair, Automobile Services, and Garages	12	19	23	- 4
Miscellaneous Repair Services	3	3	2	+ 1
Amusement and Recreation Services, except Motion Pictures	4	9	7	+ 2
Medical and Other Health Services	37	309	558	+ 46
Legal Services	11	35	24	+ 12
Nonprofit Membership Organizations	9	112	62	+ 50
Other Non-Manufacturing[3]	11	49	56	- 7

[1] Data relate to payroll periods which include the 12th of the month, and to private establishments in industries covered by the Maine Employment Security Law.

[2] Other Manufacturing consists of Apparel and other Finished Products; Paper and Allied Products; Fabricated Metal Products; and Miscellaneous Manufacturing Industries.

[3] Other Non-manufacturing consists of Mining; Credit Agencies Other than Banks; Combinations of Real Estate, Insurance, Loans, Law Offices; Holding and other Investment Companies; Miscellaneous Business Services; Motion Pictures; and Miscellaneous Services.

15

Table 2. [illegible] by Industry in [illegible] County, Maine, First Quarter, 1974-1975.[1]

Industry	Number of Firms First Quarter 1975	Average Monthly Employment for First Quarter		Net Change
		1975	1974	
Manufacturing	73	2,163	2,444	-281
Food and Kindred Products	22	407	447	-40
Textile Mill Products and Apparel and Other Finished Products	6	552	567	- 15
Printing, Publishing, and Allied Industries	10	222	146	+ 76
Machinery, except Electrical	6	122	128	- 6
Transportation Equipment	12	153	173	- 20
Other Manufacturing[2]	26	699	784	- 85
Non-Manufacturing	747	2,675	2,677	- 2
Building Construction - General Contractors and Construction other than Building Construction - General Contractors	45	212	261	- 49
Construction - Special Trade Contractors	62	163	208	- 45
Water Transportation	14	87	65	+ 22
Communication and Electric, Gas, and Sanitary Services	9	203	210	- 7
Other Transportation and Transportation Services	11	72	71	+ 1
Wholesale Trade	46	230	204	+ 26
Building Materials, Hardware, and Farm Equipment Dealers	22	138	132	+ 6
Retail Trade - General Merchandise	17	207	233	- 26
Food Stores	56	341	324	+ 17
Automotive Dealers and Gasoline Service Stations	44	241	248	- 7
Apparel and Accessory Stores	13	90	76	+ 14
Furniture, Home Furnishings, and Equipment Stores	18	50	54	- 4
Eating and Drinking Places	31	153	160	- 7
Miscellaneous Retail Stores	48	201	208	- 7
Banking	5	141	139	+ 2
Other Finance, Insurance, and Real Estate	35	121	122	- 1
Agriculture, Forestry, Fisheries, and Mining[3]	45	87	147	- 60
Hotels, Rooming Houses, Camps, and Other Lodging Places	36	208	170	+ 38
Personal Services	24	85	87	- 2
Business, Repair, and Amusement Services	51	123	124	- 1
Medical and Other Health Services[4]	67	647	553	+ 94
Nonprofit Membership Organizations	13	69	109	- 40
Legal, Educational, and Miscellaneous Services, Museums, and Private Households	36	181	139	+ 22

[1] Data relate to payroll periods which include the 12th of the month, and to private establishments in industries covered by the Maine Employment Security Law.

[2] Other Manufacturing consists of: Lumber and Wood Products; Furniture and Fixtures; Chemicals and Allied Products; Rubber and Miscellaneous Plastics Products; Leather and Leather Products; Stone, Clay, Glass, and Concrete Products; Fabricated Metal Products; Transportation Equipment; Professional, Scientific, and Controlling Instruments; and Miscellaneous Manufacturing Industries.

[3] Fisheries employed about two-thirds of the total employment in these industries in 1974 and a half of it in 1975.

[4] Hospitals accounted for practically all the increase in employment [illegible]

16

Table 3. Estimate of non-farm employment in the Portland, Maine Standard Metropolitan Statistical Area in 1976[a]

Compiled by the Maine Department of Manpower Affairs in cooperation with the United States Bureau of Labor Statistics

Industry	Annual Average	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Total	75.6	76.2	74.7	74.8	75.9	75.6	75.9	77.0	76.7	75.9	76.6	77.1	78.1
Total Manufacturing	15.4	15.0	15.4	15.1	15.3	15.1	15.1	15.1	15.3	15.8	15.8	15.5	15.7
Durable Goods	6.2	5.4	6.2	6.1	6.1	6.0	6.1	5.9	6.1	6.4	6.4	6.1	6.1
Lumber and Furniture	0.6	0.6	0.5	0.6	0.6	0.6	0.6	0.5	0.7	0.6	0.7	0.6	0.7
Materials and Machinery	4.0	4.2	4.1	4.0	4.0	3.9	3.9	3.8	4.0	4.1	4.1	4.1	4.1
Other Durable Goods	1.6	1.6	1.6	1.5	1.5	1.5	1.7	1.5	1.7	1.7	1.6	1.6	1.6
Nondurable Goods	9.2	9.4	9.2	9.0	9.1	9.1	9.1	9.6	9.1	9.4	9.4	9.3	9.4
Food and Kindred Products	2.0	3.0	2.0	2.0	2.0	2.1	2.0	2.1	2.1	2.0	2.0	2.0	2.0
Leather and Leather Products	2.7	2.6	2.6	2.6	2.6	2.7	2.7	3.0	2.9	2.9	2.9	2.8	2.9
Other Nondurable Goods	4.5	4.8	4.6	4.4	4.5	4.4	4.4	4.6	4.5	4.5	4.5	4.7	4.6
Total Nonmanufacturing	60.2	60.4	59.3	59.7	59.7	60.5	60.8	59.4	59.5	60.1	60.8	61.6	62.4
Contract Construction	3.0	3.0	2.7	2.7	3.2	3.1	3.1	3.2	3.2	3.2	3.1	3.1	3.1
Transportation and Public Utilities	4.9	4.7	4.7	4.7	4.6	4.7	4.7	4.8	4.9	4.9	4.7	4.7	4.6
Wholesale and Retail Trade	19.3	19.4	19.0	19.0	19.0	19.1	19.4	19.9	19.9	19.5	19.4	19.3	19.3
Finance, Insurance, and Real Estate	6.0	6.1	6.0	6.0	6.0	6.0	6.1	6.1	6.1	6.0	6.0	6.0	6.0
Services and Other Nonmanufacturing	11.5	11.4	11.1	11.3	11.5	11.6	11.7	11.5	11.6	11.4	11.5	11.5	11.4
Government	12.7	12.8	12.8	13.0	13.0	12.9	12.6	12.0	11.8	13.2	13.0	13.1	13.1
Federal	1.4	1.4	1.4	1.4	1.4	1.4	1.4	1.5	1.5	1.4	1.4	1.4	1.4
State and Local	11.3	11.4	11.4	11.6	11.6	11.5	11.2	10.5	10.3	10.8	11.6	11.7	11.7

[a] Data presented exclude domestics in private households, proprietors, self-employed and unpaid family workers. Employment figures relate to full- and part-time wage and salary workers in pay periods including the 12th of the month. Figures are rounded to the nearest hundred.

[b] Regular teachers are included in the summer months whether or not specifically paid in these months.

Note: The Portland, Maine Standard Metropolitan Statistical Area includes Portland, Westbrook, Cape Elizabeth, Falmouth, Cumberland, Gorham, Scarborough, South Portland, Yarmouth, Windham, Freeport, Naco, and Old Orchard Beach. Estimates [illegible] in this table, [illegible] those previously issued, are based upon

[illegible] for all persons age 25 and older is also the highest in the State, 12.4 years, with 12.3 years for males and 12.4 for females.

Cumberland County's annual average civilian labor force in 1975 was 87,600. Based on 1970 census ratios it is estimated that of this total, 52,052 were male and 35,578 were female. Census data indicate that the labor force participation rates (the labor force participation rate is the percent of males and females 16 years of age and older in the labor force, divided by the total number of males and females 16 years of age and older) for persons in all age groups, with the exception of males aged 25 through 34 years, were higher in Cumberland County than Statewide. For males, the labor force participation rate was highest (95.6%) in the age 25 through 34 category, while the highest participation rate for females was in the age 20 through 21 category. The current estimated rate of unemployment is 7.5%. Table 3 contains data on employment by industrial sector.

The City of Gloucester is located in Essex County in northeastern Massachusetts (31 miles northeast of Boston) on Cape Ann. It is bordered by Manchester and Essex on the west, the Atlantic Ocean on the north, Rockport on the east, and the Atlantic Ocean on the south. Gloucester was established as a town in 1642 and incorporated as a city in 1873. The population in 1970 was 27,941. Table 4 contains information on racial composition, age and educational background of the inhabitants.

Gloucester is an industrial city, with fishing as one of its important industries. The most important industry as measured by

Table 4. Racial and age composition and educational background of residents of Gloucester and Essex County in 1970.

Category	Number	Percent of total	
		Gloucester	Essex County
Racial composition			
White	27,650	99.0	99.0
Negro	19	0.1	0.7
Other	42	0.1	0.3
Foreign stock	9,325	33.4	32.6
Foreign born	2,164	7.7	7.9
Age composition			
0-5	2,144	7.7	8.2
5-14	5,390	19.3	19.7
15-19	2,382	8.5	8.6
20-64	14,332	51.3	51.6
65+	3,693	13.2	11.9
0-18	9,127	32.7	33.4
21+	17,651	63.2	62.1
Median age		31.8	30.6
Educational background (persons 25 years old and over)			
Median number of school years completed		12.0	12.3
Percent completing less than five grades		5.0	3.7
Percent completing high school		34.2	36.3
Percent completing college		8.0	11.3

19

employment is manufacturing, dominated by fish processing (Table 5). Second in importance is wholesale and retail trade which caters to the large number of tourists who visit Cape Ann annually, and this is followed by services and then fishing. The port of Gloucester handled 260,206 tons of cargo in 1971, consisting mostly of fish and petroleum products.

Due to the seasonal nature of the tourist and fishing industries and an absence of any significant year-round industry, unemployment has been a persistent problem. The most recent estimate of the unemployment rate is about 11%.

The New Bedford, Massachusetts, Standard Metropolitan Statistical Area (SMSA) includes the City of New Bedford; the Towns of Acushnet, Dartmouth, and Fairhaven in Bristol County, Massachusetts; and the Towns of Marion and Mattapoisett in Plymouth County, Massachusetts.

The New Bedford SMSA is located in the southeastern section of Massachusetts. Its southern border is Buzzards Bay. The City of New Bedford is 53 mi. south of Boston, 36 mi. south-by-southwest of Plymouth, and 33 mi. south-by-southeast of Providence, Rhode Island.

Table 6 indicates the population change that has occurred within the SMSA from 1960 to 1970. Current information, which is incomplete, suggests that the population of the City of New Bedford has decreased slightly. However, the balance of the SMSA is still rapidly increasing in population. In 1970, the total population of the SMSA was 152,642.

20

Table 5. Employment by industry in Gloucester during 1975.

Item	Number of workers				Net change to September 1975		
	September 1975	August 1975	March 1975	September 1974	August 1975	March 1975	September 1974
Nonagricultural wage & salary[a]	11,170	11,640	9,980	11,430	-470	+1,190	-260
Percent change		-4.0	+11.9	-2.3			
Manufacturing - Total	2,960	3,010	3,060	3,270	-50	-100	-310
Percent change		-1.7	- 3.3	-9.5			
Food & kindred products	1,260	1,250	1,260	1,270	+10	0	-10
Apparel & finished products	190	210	200	240	-20	-10	-50
Paper & allied products	130	140	140	150	-10	-10	-20
Printing & publishing	220	230	240	240	-10	-20	-20
Primary metal products	210	210	250	240	0	-40	-30
Transportation equipment	150	150	130	160	0	+20	-10
All other manufacturing	800	820	840	970	-20	-40	-170
Nonmanufacturing - Total	8,210	8,630	6,920	8,160	-420	+1,290	+50
Fishing	620	680	590	650	-60	+30	-30
Contract Construction	370	380	360	440	-10	+10	-70
Transportation, communications & utilities	380	370	280	380	+10	+100	0
Wholesale & retail trade	3,300	3,510	2,440	3,270	-210	+860	+30
Finance, insurance & real estate	300	310	300	300	-10	0	0
Service (excluding domestic) & miscellaneous	1,910	1,990	1,550	1,890	-80	+360	+20
Government	1,330	1,390	1,400	1,230	-60	-70	+100
Persons involved in labor disputes	0	0	0	0	0	0	0

[a]Source: Establishment data, Joint Federal-State Current Employment Series.

Table 6. 1960-1970 population movements of New Bedford, Massachusetts, SMSA

SMSA[1] components	Population 1970	Population 1960	Change	Percent change	Balance of births to deaths	Net in-or out-migration
SMSA[1]	152,642	143,176	+ 9,466	+ 6.6	+6,675	+2,791
New Bedford City	101,777	102,477	- 700	- 0.7	+4,242	-4,942
Balance of SMSA	50,865	40,699	+10,166	+25.0	+2,433	+7,733
Acushnet	7,767	5,755	+ 2,012	+35.0	+ 587	+1,425
Dartmouth	18,800	14,607	+ 4,193	+28.7	+ 666	+3,527
Fairhaven	16,332	14,339	+ 1,993	+13.9	+ 708	+1,285
Marion	3,466	2,891	+ 585	+20.3	+ 102	+ 483
Mattapoisett	4,500	3,117	+ 1,383	+44.4	+ 370	+1,013

[1]Standard Metropolitan Statistical Area.

Table 7 contains information on the employment in New Bedford by industry. Manufacturing is the most important industrial sector in terms of total employment. Employment in the fishing industry is contained in the "agriculture, forestry, and fisheries" and "food and kindred products" categories, which are within the general manufacturing sectors.

In mid-September 1975, there were approximately 9,100 residents of the labor area filing claims for total unemployment under all programs. In mid-August 1975, there were about 8,800; and in mid-September 1974, nearly 4,400. The peak was reached in mid-March 1975 when 13,100 residents were filing claims for total unemployment. There is no information available on unemployment of those previously involved in the fishing industry.

Table 8 presents characteristics of residents of the New Bedford Labor Area who are in need of employment-related assistance. During 1975, one of the most noticeable changes was in the number who were economically disadvantaged. The increase was not due to larger numbers of disadvantaged workers becoming unemployed. Rather, it was due to more unemployed workers becoming classified as disadvantaged because their income was below poverty level.

The port of Pt. Judith (Town of Narragansett) is located about 30 mi. south of Providence, Rhode Island. It is bounded by Narragansett Bay and the Atlantic Ocean on the east, by the Atlantic Ocean on the south, by the Town of South Kingston on the west, and by the Town of North Kingston on the north. Data are currently available only on the entire Town of Narragansett.

Table 7 Industry of employed persons in New Bedford 16 years of age and older.

Category	Number of persons
Total	41,[illegible]
Agriculture, forestry, and fisheries	617
Mining	43
Construction	2,[illegible]
Manufacturing	18,[illegible]
Furniture and lumber and wood products	[illegible]
Primary metal industries	457
Fabricated metal industries (including not specified metal)	1,[illegible]
Machinery, except electrical	317
Electrical machinery, equipment, and supplies	2,[illegible]
Motor vehicles and other transportation equipment	303
Other durable goods	1,[illegible]
Food and kindred products	[illegible]
Textile mill and other fabricated textile products	7,[illegible]
Printing, publishing, and allied industries	[illegible]
Chemical and allied products	93
Other nondurable goods (incl. not specified mfg. indus.)	3,[illegible]
Railroads and railway express service	42
Trucking service and warehousing	[illegible]
Other transportation	439
Communications	443
Utilities and sanitary services	559
Wholesale trade	1,[illegible]
Food, bakery, and dairy stores	1,[illegible]
Eating and drinking places	1,[illegible]
General merchandise retailing	[illegible]
Motor vehicles retailing and service stations	418
Other retail trade	2,[illegible]
Banking and credit agencies	[illegible]
Insurance, real estate, and other finance	490
Business services	347
Repair services	332
Private households	252
Other personal services	578
Entertainment and recreation services	159
Hospitals	107
Health services, except hospitals	833
Elementary and secondary schools and colleges	831
Government	394
Private	337
Other education and kindred services	77
Welfare, religious, and nonprofit membership organizations	511
Legal, engineering, and miscellaneous professional services	945
Public administration	615

Table A. Characteristics of residents in need of employment-related assistance in the New Bedford, Massachusetts labor area during September 1975.

Characteristics	September[a] 1975	August 1975	September 1974
Sex			
Male	7,295	7,986	3,979
Female	4,029	4,515	1,862
Minority status			
Black	833	957	711
Other nonwhite	389	371	283
Spanish American	300	376	217
Handicapped	689	738	992
Economically disadvantaged	5,156	5,712	1,642
Veterans	3,194	3,009	1,393
Vietnam era	1,864	1,750	872
Years of age			
0-20	1,341	1,932	
20-21	1,373	1,543	1,937[b]
22-24	1,779	1,855	
25-29	2,142	2,224	
30-39	1,852	1,965	
40-44	673	698	3,035[c]
45-54	1,247	1,272	
55-64	804	813	
65+	98	99	869[d]
Residence			
Urban	10,116	11,167	5,219
Rural	1,208	1,334	623
Total	11,324	12,501	5,843

[a]Preliminary.
[b]Includes those under 22 years of age.
[c]Includes those 22 to 44 years of age.
[d]Includes those 45 years of age or more.

Established in 1670 and incorporated in 1901, the town occupies 183 square miles of which 46 square miles are inland waters. Town government consists of a town manager and a five-member town council.

The 1970 population was 7,183, up 52% since 1960. The 1975 population estimate was 9,300. The 1970 population was 48% female and 52% male. The major portion of the population in 1970 was under 35 years of age.

According to the 1970 U.S. Census, Narragansett had a total resident civilian labor force of 2,954, an increase of 1,714, or 138.4%, since 1960. In 1970, employed male residents totaled 1,843 and employed female residents totaled 1,111. Of the employed civilian labor force in 1970, 5.8% were operatives and kindred workers, 20.4% were sales and clerical workers, 10.9% were craftsmen and foremen, and 28.3% were professional and technical workers.

In 1975, the Rhode Island Department of Economic Development estimated the Narragansett civilian labor force at 4,000, consisting of 2,500 male workers and 1,500 female workers. The current estimated unemployment rate in Narragansett is 11.5%. According to the U.S. Census, the median family income for Narragansett was $9,919 in 1969, as compared to $5,442 in 1959.

II.B.3.b. The Fisherman's Setting and Some Socioeconomic Characteristics

New England fishing port communities, notably Eastport and Rockland, Maine, and Gloucester and New Bedford, Massachusetts, have had persistent or substantially persistent unemployment

problems for at least 9 to 12 years in the period 1960-71 (Table 9). Employment in the fishing industry has declined since 1956, but only on fishing vessels. Age composition and educational background data for fishermen located in Boston, New Bedford, Pt. Judith, and in Maine is presented in Table 10. As can be seen in this table, the majority of fishermen in the New Bedford, Boston, and Maine areas have attained less than a high school education. In Boston and New Bedford, the majority of fishermen are over 46 years old. In Maine, the age distribution mimics more closely the general population, but the average age is still high and the educational levels are low. These factors tend to make the fishermen less mobile and more bound to market conditions than other participants in the labor force. These facts, combined with high unemployment rates in fishing communities, create obvious problems in terms of alternative employment possibilities and alternative training possibilities.

Table 9. Current unemployment levels for selected New England fishing ports.

Maine	Massachusetts	Rhode Island
Eastport - 13%	Gloucester - 11%	Pt. Judith - 11.5%
Rockland - 13%	Boston - 7.8%	(Narragansett)
Portland - 7.5%	New Bedford - 12.3%	

While all available sociological data has been included, it is recognized that much more sociological work on the affected fishing communities need to be done in the future to estimate the impacts of management actions.

Table 10 Age composition and educational background data for fishermen in selected New England ports.

Category	Pt. Judith	Maine	New Bedford	Boston	Overall Boston Male Labor Force
	Percent Age Distribution				
Age group					
0-25	10.3	19.6	2	2	20
26-35	31.3	16.6	11	10	21
36-45	24.1	16.7	20	9	22
46-55	27.8	19.6	39	17	20
56-65	3.4	12.3	28	41	13
65+	3.4	15.2	—	21	4
Total	100.0	100.0	100	100	100
	Percent Educational Achievement				
Years of schooling					
1-6			15		
4-8	10.3	31.2		57	
7-9			47		
9-11	20.6	25.4		18	
10-11			16		
12	48.3	33.3	20	19	
13-15	13.7	8.0	2	6	
16	3.4	1.4			
17+	3.4	.7	—	—	
Total	100.0	100.0	100	100	

28

II.C.1. [illegible] Fishery

Fishing for recreation has been carried on along the shore of the Northeast Atlantic coast ever since its settlement nearly four centuries ago. Even though necessity compelled the early settlers to work long hours, many fished for recreation as well as food when they found the time. Then, most fishing was from shore, though some was carried on from boats in bays and sounds along protected areas of the coast. This remained the general situation until about the late 1800's. At that time there was a dramatic rise in recreational fishing caused in part by the mass movement of people from the interior rural areas to coastal cities; the increase in affluence as well as in leisure time with the consequent growing demand for recreational opportunities; and improved transportation, especially the expansion of our highway system affording greater access to coastal resort areas.

During the next 20 years recreational fishing continued to grow rapidly. As technology improved in the manufacture of fishing tackle and of small boats and motors, more and more people took up angling, and they ventured farther offshore seeking better fishing opportunities. Still, until the beginning of the 1950's, recreational fishing was almost exclusively confined to within 25 miles of shore, even for bluefin tuna and swordfish. Encouraged by reports of large numbers of tunas and billfishes far offshore, a few recreational anglers undertook extensive, up to 200 mile round trips, to the offshore grounds. Increasing numbers of large boats now make these offshore trips each year.

II.C.2. Preliminary Description of the Fishery

II.C.2.a. Cod

II.C.2.a.(1) Areas and Stocks Involved

Wise (1955, 1962) proposed three or possibly four separate groups of cod in the waters off the eastern U.S. coast. The areas inhabited by these groups were defined as (1) Georges Bank, east of the 66th meridian; (2) the Gulf of Maine, north of Provincetown, Massachusetts; (3) southern New England, south and west of Nantucket Shoals, and (4) the New Jersey coast (this group spends part of the year mingled with a group in the southern New England area). For management purposes the cod stocks have been grouped as the Gulf of Maine ICNAF Div. 5Y and Georges Bank and southward ICNAF Div. 5Z and Statistical Area 6 (see. Fig. 1). Historically, the majority of the commercial landings have come from Georges Bank.

Similar groupings can be identified in waters east of Georges Bank but the degree of interchange between these areas and Subarea 5 appears to be minimal.

II.C.2.a.(2) Statistical History of Exploitation

Cod have been exploited off the eastern U.S. seaboard since the 17th Century. They have been fished both commercially and for recreation throughout their range.

In the Middle Atlantic-New York Bight area the commercial fishery has been seasonal, with peak catches taken from December through February. The fishery at one time extended as far south as the Chesapeake Bay region, with pound nets, longlines, and trawls being used, but catches were never large in comparison with the more northerly stocks; i.e., in the New York Bight area, peak catches in 1930 approached 5,000 metric tons (m.t.) and the Chesapeake Bay region yielded a maximum catch of only 450 m.t. (1962). In contrast, cod landings from New England waters have exceeded 50,000 m.t. several times since 1900.

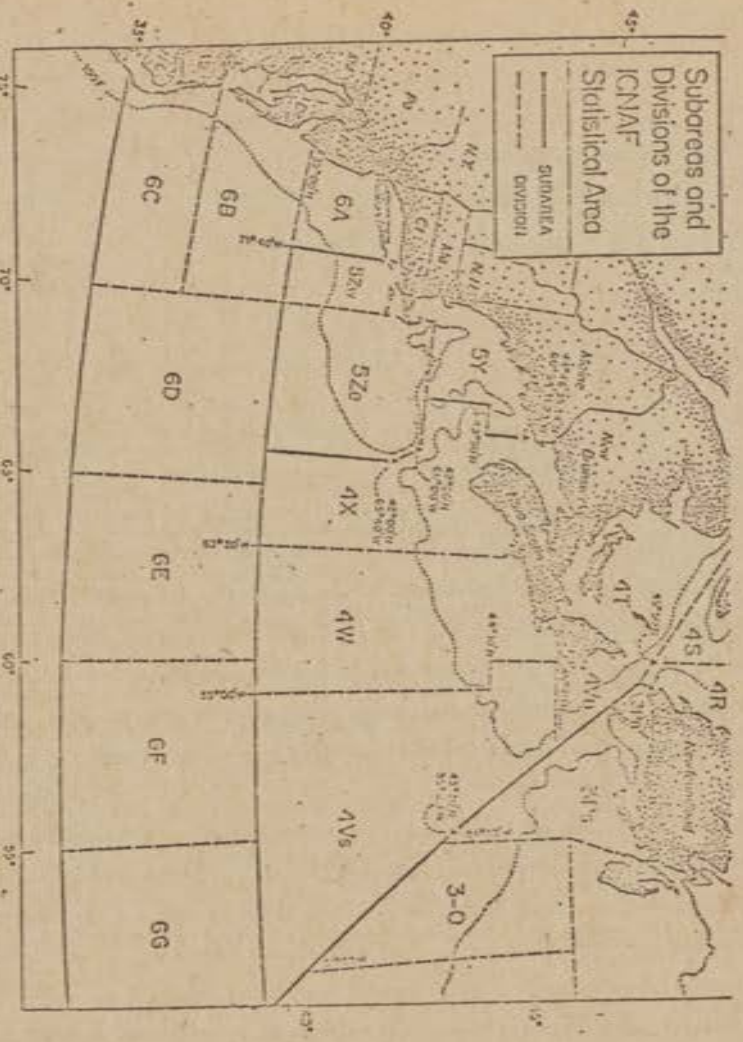


Figure 1. Northwest Atlantic from Cape Hatteras to Newfoundland, showing ICNAF Areas referred to in the Management Plan.

Shifts in fishing practices have resulted in the current harvest of cod from southern states mainly as an incidental catch in other groundfish fisheries. Commercial landings from the New York Bight area in 1970 approximated only 260 m.t. However, with the increasing trend in the number of saltwater anglers and the growing popularity of winter sportfishing in recent years, the cod has taken on a new importance, particularly in the New York area.

Marine recreational surveys conducted in 1960, 1965, 1970, and 1974 estimated the recreational catches of cod from New Jersey to Maine to be 14,016, 13,503, 16,281, and 12,581 m.t., respectively. The U.S. commercial landings of cod in 1970 for this same area, totalled 22,347 m.t. with the greatest share of the catch coming from offshore waters not generally fished by the recreational fishermen.

Landings statistics for the major offshore commercial fisheries for cod are available since 1893. Up until 1960, the stocks were exploited almost exclusively by U.S. fishing vessels, but following 1960, exploitation by foreign nations increased the total landings of cod two-to-three fold. Historically, the cod fishery may be separated into three periods: (1) an early period from 1893-1910 in which years of record high landings in 1895 and 1907 were followed by much reduced catches; (2) a middle period from 1910-1950 during which landings remained fairly steady; and (3) the latest period from 1950-1975 when landings rose to near record high levels and then returned to the long-term average levels (fig. 2, table 11). The mean annual catch for the total fishery since 1893 is 32,000 m.t. Approximately 80 percent of the catch comes from Georges Bank.

Nominal catches for the Gulf of Maine have fluctuated between 2,700 and 14,500 m.t. since 1932 and have averaged 7,100 m.t. over the past 10 years (1966-1975); almost all of this catch has been taken by the U.S. In 1975, the total nominal catch approximated 9,400 m.t. (table 11). In addition, this stock has supported undetermined, but apparently increasing, levels of

recreational fishing for some time.

During the period 1932-1959, nominal U.S. commercial catches for the Georges Bank stock complex fluctuated between 8,100 and 32,300 m.t. (table 11). With increased Canadian fishing and the advent of distant water fleets, landings rose sharply to 52,900 m.t. in 1966. Landings declined sharply thereafter and then stabilized around 26,000 m.t. annually during 1970-75. In 1975, nominal catch approximated 24,000 m.t.

Table 11. Historical cod landings (MT x 10^{-3}) in the US Zone

	Gulf of Maine (SA)		Georges Bank & Southward (SB)
	US	Others	US
1932	5.9		25.1
1933	7.0		25.2
1934	11.6		16.0
1935	9.7		21.2
1936	7.4		23.3
1937	7.4		32.3
1938	7.5		24.9
1939	5.5		22.0
1940	5.8		18.4
1941	6.1		25.5
1942	6.7		18.3
1943	9.4		17.3
1944	10.5		17.6
1945	14.5		14.3
1946	9.2		20.9
1947	7.9		16.6
1948	7.5		17.6
1949	7.2		17.7
1950	5.1		15.4
1951	3.6		14.8
1952	3.0		10.9
1953	3.1		8.1
1954	3.4		8.8
1955	3.2		9.3
1956	2.7	*	10.5
1957	2.6	*	10.4
1958	4.7	*	11.1
1959	3.8	0.1	12.1

*Less than 100 metric tons.

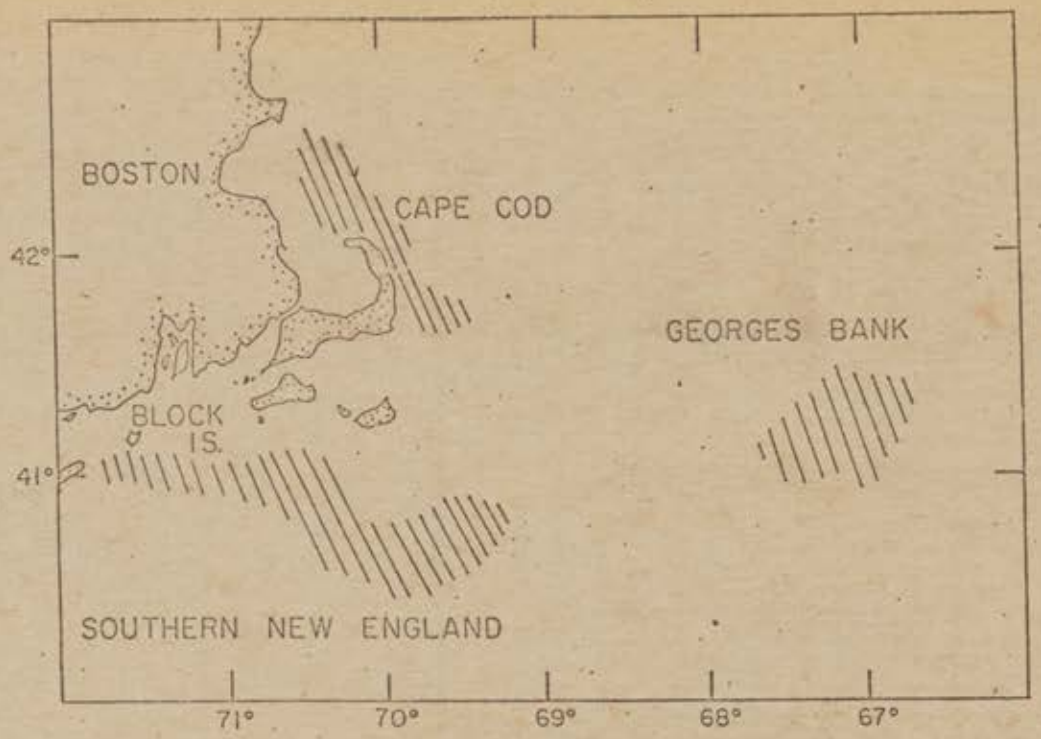


Figure 3. Yellowtail Flounder Fishing Grounds.

Table II (continued)

Year		US		Canada		Spain		USSR		Poland		Other		Total	
		S1	S2	S1	S2	S1	S2	S1	S2	S1	S2	S1	S2	S1	S2
1969		3.4	10.0	0.1	-	-	-	-	-	-	-	-	-	3.6	10.4
1970		3.2	11.0	-	0.2	-	-	-	-	-	-	-	-	3.2	14.3
1971		3.0	15.2	-	2.6	-	-	-	5.3	-	0.1	-	-	3.1	23.1
1972		2.6	11.3	-	3.8	-	-	0.1	5.2	-	-	-	-	2.7	27.0
1973		3.7	12.1	-	7.1	-	-	-	5.4	-	-	-	0.2	3.7	25.2
1974		3.0	11.1	0.1	10.6	-	-	-	14.4	-	1.9	-	-	3.9	38.0
1975		4.0	11.8	0.4	15.6	-	8.4	-	16.8	-	0.3	-	0.1	4.4	52.9
1976		5.7	17.7	0.3	8.7	-	11.7	-	0.5	-	-	-	-	6.0	38.3
1977		6.4	11.9	0.1	9.1	-	14.6	-	1.5	-	2.6	-	-	6.6	42.8
	(S2e)		(11.5)		(9.1)		(11.5)		(1.4)		(2.3)		(-)		(55.9)
	(S2w)		(1.1)		(-)		(0.1)		(0.1)		(0.3)		(-)		(1.9)
1978		6.2	14.1	0.1	6.0	0.2	13.6	-	0.7	-	0.7	-	0.1	6.5	37.3
	(S2e)		(11.0)		(6.0)		(13.6)		(0.1)		(0.4)		(0.1)		(35.2)
	(S2w)		(1.5)		(-)		(-)		(0.4)		(0.3)		(-)		(2.0)
1979		7.0	11.6	-	2.6	0.4	8.0	-	0.1	-	0.7	-	0.1	8.2	35.1
	(S2e)		(11.1)		(2.6)		(8.0)		(0.2)		(0.6)		(0.1)		(33.3)
	(S2w)		(1.7)		(-)		(-)		(0.1)		(0.1)		(-)		(1.4)
1971		7.4	11.5	0.1	3.0	0.2	7.5	-	1.2	-	0.1	-	-	7.7	27.3
	(S2e)		(10.3)		(3.0)		(6.4)		(1.1)		(0.1)		(-)		(25.0)
	(S2w)		(0.2)		(-)		(1.1)		(0.1)		(-)		(-)		(1.5)
1972		6.0	14.7	0.1	2.5	-	6.7	-	1.9	-	0.2	0.1	0.2	6.9	31.5
	(S2e)		(12.5)		(2.5)		(5.7)		(1.8)		(0.2)		(0.2)		(22.8)
	(S2w)		(0.2)		(-)		(1.0)		(0.1)		(-)		(-)		(1.6)
1973		6.1	10.9	0.1	3.2	-	5.9		2.9	-	0.4	-	0.1	6.2	29.5
	(S2e)		(11.0)		(3.2)		(5.5)		(2.8)		(-)		(0.1)		(25.7)
	(S2w)		(1.1)		(-)		(0.4)		(0.9)		(0.4)		(-)		(2.8)
1974		7.8	17.8	0.1	1.1	-	6.4		0.5	-	0.5	-	0.1	7.9	26.6
	(S2e)		(11.6)				(6.4)		(0.1)		(0.3)				(14.2)
	(S2w)		(1.2)						(0.4)		(0.2)				(1.8)
1975			15.2	0.1	1.8	-	3.4	-	2.3	-	0.3	-	-	9.4	31.0
	(S2e)	9.3	(11.0)		(1.8)		(3.4)		(2.3)		(0.1)				(27.4)
	(S2w)		(3.8)												(0.6)

II.C.1.b. Yellowtail

II.C.1.b.(1) Area and Stocks Involved

Prior to the 1970's, yellowtail flounder were primarily sought on three fishing grounds along the Atlantic coast of the United States. They are the Southern New England, Georges Bank and Cape Cod grounds (Figure 3). Tagging experiments and parasite studies performed by Lux (1963) indicate that there is relatively little mixing between yellowtail flounder from the three New England grounds. In general, the Southern New England ground has been the most productive although in recent years, catches from the Georges Bank ground have been higher than from Southern New England. During the 1970's significant catches of yellowtail flounder have been reported from Subarea 6 south of the Southern New England ground. The degree of intermixing between this most recent fishing area and the population of the Southern New England ground is unknown. In practice, the yellowtail flounder west of 69°W and Subarea 6 (including the Cape Cod and Southern New England grounds) have been managed as a unit. Yellowtail flounder east of 69°W (including Georges Bank) are also managed as a unit.

II.C.1.b.(2) Statistical History of Exploitation

The yellowtail flounder, Limanda ferruginea, is an important food fish. It is sought primarily by Massachusetts and Rhode Island otter trawlers from the ports of New Bedford, Provincetown, and Point Judith. The species is also landed in Connecticut,

37

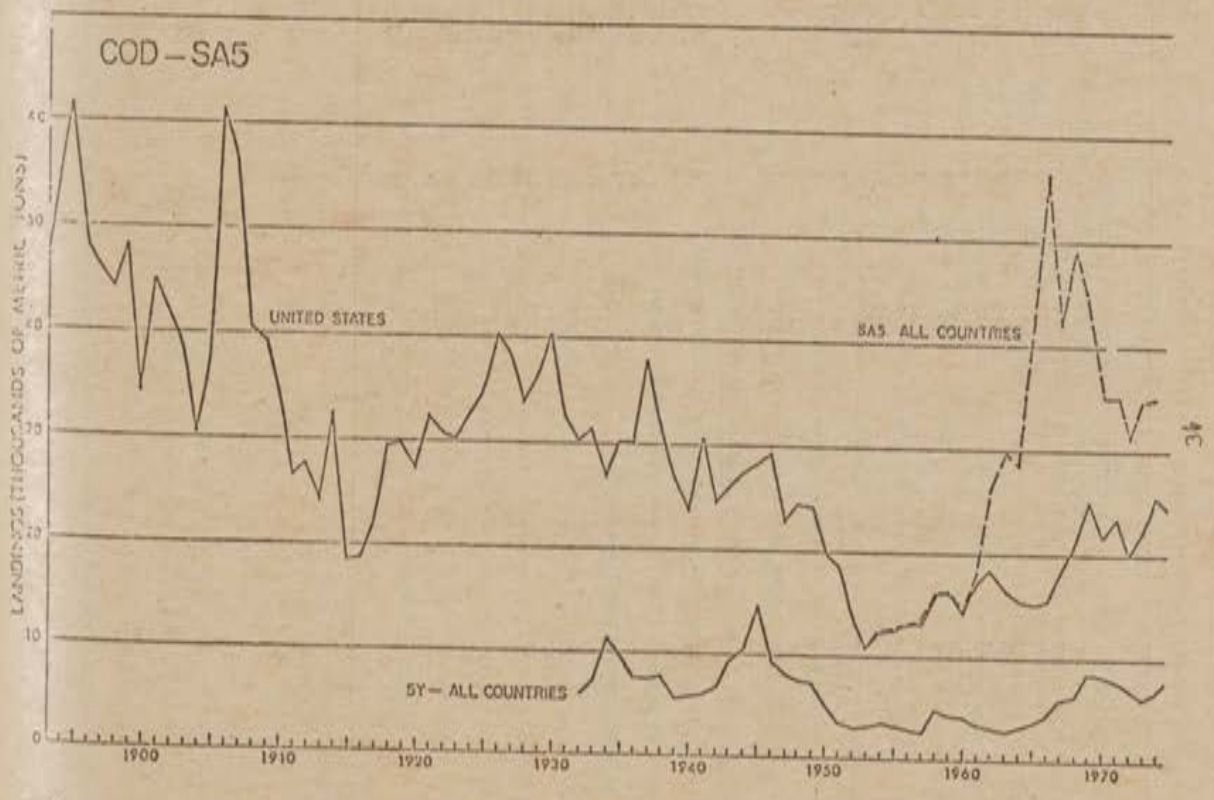


Figure 2. Landings of cod since 1893 for Subarea 5, US and all countries, and for Division 5Y, all countries. Prior to 1956 US landings represented all landings in Division 5Y.

New York, and in the past by foreign fishing fleets.

Yellowtail flounder were unexploited prior to 1935. With the decline in abundance of the thicker-bodied winter flounder, the yellowtail flounder fishery in Subarea 5 west of 69°W developed rapidly. The fishery prospered through the 1940's, declined during the 1950's, then recovered during the 1960's and has once again declined in the 1970's. The fishery for yellowtail flounder in Georges Bank (east of 69°W) developed more slowly than the Southern New England fishery. The Georges Bank fishery did not yield more than 10,000 m.t. prior to the 1960's while the yield from the Southern New England fishery exceeded this level during the 1930's. The annual catch of yellowtail flounder for each area from 1935 to the present is given in Table 12. Catch data include discard estimates of small fish by domestic vessels. These are based on samples taken at sea and on interviews with vessel captains. In the past, discards have comprised as much as 1/3 of the total catch, although the percentage of discards appears much lower at present. Few, if any, yellowtail flounder are taken by marine recreational fishermen.

Table 12. Yellowtail flounder catch and effort data, 1935-1975. Catches for [illegible] west of 69°W) including discards.

	West of 69°W			SAS		East of 69°W		
	Domestic Catch m.t.x10-3	Total Days Fished	Foreign Catch m.t.x10-3	Domestic Catch m.t.x10-3	Foreign Catch m.t.x10-3	Domestic Catch m.t.x10-3	Total Days Fished	Foreign Catch m.t.x10-3
1935	8.9					0.4		
6	10.0					0.4		
7	11.3					0.4		
8	11.5					0.4		
9	14.1					0.5		
40	21.1					0.8		
1	28.7					1.2		
2	40.3					2.1		
3	27.0	6280				1.7	20[illegible]	
4	16.9	5140				2.2	21[illegible]	
5	16.2	3470				1.9	20[illegible]	
6	16.8	4260				1.2	23[illegible]	
7	18.4	5340				3.1	40[illegible]	
8	14.8	5510				7.7	3122	
9	8.4	4080				9.8	2460	
50	8.5	4180				5.3	1640	
1	5.0	2790				5.8	3610	
2	5.4	3200				5.0	3000	
3	4.1	2410				3.9	1240	
4	3.7	2240				3.9	1300	
5	5.1	2700				3.9	1230	
6	7.3	3950				2.1	790	
7	11.5	4060				3.1	820	
8	15.2	4770				6.1	1400	
9	13.3	5690				5.5	1975	
60	13.5	5720				5.9	2020	
1	19.4	5760				5.7	1820	
2	21.1	5050				10.3	2350	
3	32.3	6470	0.2			16.5	2420	0.1
4	31.4	5800	---	1.8		19.8	3530	---
5	28.4	7310	1.4	2.1		18.4	4680	0.[illegible]
6	25.0	9790	0.7	2.2		13.4	5710	0.[illegible]
7	25.3	8200	2.8	5.3		13.9	4130	1.[illegible]
8	26.7	7650	3.5	3.3		16.4	4460	1.[illegible]
9	19.6	11460	17.6	3.9	0.7	18.5	6710	2.[illegible]
70	21.6	6913	2.5	4.1	0.1	21.0	5275	0.[illegible]
1	14.5	4558	0.3	6.9	0.9	15.0	6142	0.[illegible]
2	11.9	5458	3.0	8.8	0.1	15.3	8099	2.[illegible]
3	9.3	4954	0.2	1.8	---	16.5	5833	0.[illegible]
4	9.3	5325	0.1	4.9	0.2	15.8	8584	1.[illegible]
5	5.5	3769	---	0.7	---	14.5	8570	0.[illegible]

II.C.1.c. Haddock

II.C.1.c.(1) Areas and Stocks Involved

Biological data and tagging studies indicate that haddock on Georges Bank east of the Great South Channel constitute a relatively localized and distinct population. This population is largely separated from stocks in ICNAF Subarea 4 by the Fundian Channel and the Gulf of Maine, although some interchange has been documented between this area and areas to the west (Grosslein, 1962). In addition, two small inshore populations appear to exist; a southern group resident to the Nantucket Shoals and Jeffreys ledge area, and a more northerly group which spawns along the Maine coast and migrates north and as far as Passamaquoddy Bay in summertime. Movements of haddock tagged in the Nantucket Shoals and Jeffreys ledge areas on to Georges Bank have also been documented but do not appear to be extensive. In view of the relatively small size of these coastal groups and the uncertainty relative to the interchange between these groups and the population on Georges Bank, haddock in Subarea 5 have been managed as a unit since 1940, recognizing that the bulk of the population is concentrated on Georges Bank (ICNAF Sub Division 5Ze).

II.C.1.c.(1) Statistical History of Exploitation

The decline in market for salt fish early in the century coupled with increased demand for fresh (iced) fish and technological innovations (otter trawling, and adoption of diesel engines) contributed to rapid growth of the Georges Bank (ICNAF Div. 5Z) haddock fishery during the 1920's. Landings rose steadily to a peak of 115,500 m.t. in 1929, dropped to 59,500 m.t. in 1931, and subsequently fluctuated around 47,000 m.t. annually from 1935-1960 (Kennemuth, 1969). During this period, this was almost exclusively a U.S. fishery, although small catches were taken by Canada in the 1950's. In the 1960's, however, foreign nationals (primarily the USSR and Canada) intensified their fishing effort upon this stock. Recruitment of the outstanding 1963 year-class in 1965 attracted greatly increased effort by these two countries (while U.S. effort remained relatively constant) and as a result landings from this stock rose dramatically to an all-time high of 150,000 m.t. in that year. Landings have since declined drastically and in 1969 totalled 22,100 m.t. (the final year of unrestricted fishing). Since 1970, annual landings for Division 5Z have averaged 7,100 m.t. under quota management.

Historical statistics for the New England fishery are given in table 13; landings by nation since 1960 are given in table 14. It can be seen that the USSR, Canada, and Spain have accounted for most of the catch by foreign nationals in recent years.

Recreational catches for Subarea 5 appear to have been significant only during the mid-1960's; salt water anlging surveys indicated catches of 800, 9,700, 1,100, and 200 m.t. for 1960, 1965, 1970, and 1974, respectively. Almost all of the above catches were taken in Subarea 5. The bulk of the recreational catch of haddock appears to have been taken in ICNAF Division 5Y.

Table 13 Historical catch data (thousands of metric tons) for the New England haddock fishery, 1917-1959.

Year	Georges Bank (ICNAF Division 5Z)	Total[2]
1917	14.1	-[3]
1918	24.8	-[3]
1919	39.4	40.8
1920	40.6	-[3]
1921	29.7	-[3]
1922	30.8	-[3]
1923	32.9	-[3]
1924	36.9	42.4
1925	41.4	-[3]
1926	51.3	-[3]
1927	73.9	-[3]
1928	98.6	107.8
1929	115.5	116.0
1930	95.0	120.0
1931	59.5	82.1
1932	54.5	68.2
1933	42.2	72.6
1934	25.8	-[3]
1935	41.0	88.3
1936	43.4	-[3]
1937	49.4	76.9
1938	47.8	71.6
1939	54.0	71.6
1940	47.9	64.0
1941	62.9	-[3]
1942	55.4	62.3
1943	46.3	53.2
1944	49.6	60.3
1945	40.5	66.8
1946	53.7	66.8
1947	54.4	73.5
1948	48.3	70.1
1949	42.2	60.7
1950	41.3	71.6
1951	47.3	69.5
1952	43.2	73.2
1953	35.9	63.2
1954	46.4	70.3
1955	40.8	61.2
1956	48.9	69.0
1957	46.2	60.5
1958	35.5	54.2
1959	35.9	51.1

1. Source: ICNAF Res. Doc. 69/90.
2. Total New England Fisheries (including Subarea 4) as reported in Fishery Statistics of the U.S. (historical summary for 1965).
3. Not reported.

43

Table 14 Commercial landings of haddock (metric tons) from Subarea 5 and Statistical Area 6 by country, 1960-1975.

Year	Country								
	Canada	Poland	Romania	Spain	UK	USSR	USA	Other[4]	Total
	Div. 5Y[2]								
1960	213	-	-	-	-	-	4,741	-	4,954
1961	55	--	-	-	-	-	6,287	-	6,342
1962	137	--	-	-	-	-	5,003	-	5,140
1963	3	--	-	-	-	44	4,742	-	4,789
1964	70	--	-	-	-	-	5,383	-	5,453
1965	159	-	-	-	-	-	4,204	-	4,363
1966	1,125	-	-	-	-	-	4,579	-	5,704
1967	909	-	-	-	-	-	4,597	-	5,506
1968	111	-	-	-	-	-	3,457	-	3,568
1969	59	-	-	230	-	-	2,423	-	2,712
1970	38	-	-	63	-	-	1,457	-	1,558
1971	65	-	-	26	-	-	1,194	1	1,306
1972	23	-	-	-	-	4	909	-	936
1973	49	-	-	-	-	-	509	-	558
1974	198	-	-	-	9	-	622	-	829
1975[4]	78	-	-	-	-	-	1,183	-	1,261
	Div. 5Z								
60[3]	77	-	-	-	-	-	40,800[5]	-	40,877
61[3]	135	-	-	-	-	-	46,382[5]	-	46,517
62[3]	3,461	-	-	-	-	1,134	49,409[5]	-	54,004
63[3]	6,379	-	-	-	-	2,317	44,150[5]	-	54,846
64[3]	11,625	-	-	2	464	5,483	46,512	-	64,086
65[3]	14,889	23	-	10	-	81,852	52,823	720	150,342
66[3]	18,292	29	-	1,111	29	48,408	52,918	486	121,274
67[3]	13,040	-	12	1,355	3	2,316	34,728	4	51,458
68	9,282	1,145	-	2,845	-	1,308	25,197	29	39,816
69	3,990	458	-	1,201	-	51	16,443	4	22,147
70	1,978	15	-	782	-	98	8,400	1	11,274
71	1,630	1	225	1,240	-	292	7,301	16	10,705
72	609	1	14	1,098	-	126	3,866	5	5,719
73	1,553	-	-	386	-	574	2,776	3	5,302
74	462	-	-	764	426	97	2,396	-	4,145
75[4]	1,353	-	-	-	-	8	3,985	-	5,346

43

Table 4E (Cont'd) Commercial landings of haddock (MT, live) from Subarea 5 and Statistical Area 6 by country, 1960-1975

	COUNTRY								
	Canada	Poland	Romania	Spain	UK	USSR	USA	Other[1]	Total
	(Total Subarea 5 and Statistical Area 6)								
1960[6]	450	-	-	-	-	-	45841	-	46291
1961[6]	182	-	-	-	-	-	51681	-	51870
1962[6]	3958	-	-	-	-	1134	54412	-	59114
1963[6]	8882	-	-	-	-	2351	47033	-	58266
1964[6]	11856	-	-	2	464	5483	61035	-	78840
1965[6]	15043	28	-	10	-	81082	57027	730	153920
1966	19417	29	-	1111	29	48516	57510	486	127098
1967	13019	-	12	1355	3	2315	39659	15	56379
1968	9443	1327	402	3014	-	1397	28914	33	44530
1969	4049	458	66	1431	-	65	18892	16	24977
1970	2016	15	-	845	-	103	9674	11	12664
1971	1715	1	225	1336	-	374	8508	17	12176
1972	632	1	14	1098	-	141	4779	5	6670
1973	1612	-	-	386	-	602	3289	3	5892
1974[4]	660	-	-	764	568	111	3018	-	5121
1975[4]	1431	-	-	-	-	8	5168	-	6607

1. Includes data for Bulgaria, France, FRG, GDR, Japan and non-members.

2. From ICNAF Statistical Bulletins 10-24.

3. Division 5Ze only.

4. From provisional ICNAF Statistics for 1976 (incomplete).

5. Includes Subarea 5 NK landings for USA.

6. No statistical area 6 landings data available prior to 1966.

44

II.C.1.d. Significance of the Historical Domestic Fisheries*

II.C.1.d.(1) Introduction

The FMP is designed to address haddock, cod, and yellowtail flounder. However, other species are also landed by the same vessels that land the subject species. Since the available performance data relate to the groundfish fishery in general, the discussion below also relates to the entire groundfish sector, with particular reference to the subject species. Further, the bulk of the catch of these species is landed in New England ports. Therefore, the discussion below is focused essentially on the New England groundfish industry (harvesting level). The following sections discuss the industry chronologically, with particular reference to trends in the commercial harvesting sectors. The significance of the recreational fisheries is not addressed due to lack of adequate data. Assessments of the recreational fisheries will be included in future plans as the necessary studies are completed.

II.C.1.d.(2) The Industry 1950-1962

II.C.1.d.(2)(a) Overview

The New England groundfish fleet (mostly otter trawlers) is usually considered a separate segment of the entire New England fishing industry. These vessels land haddock, ocean perch, flounder, cod, whiting, pollock, hake and cusk. The groundfish fleet reached its peak of 795 vessels in 1951. By 1962 this fleet had dwindled to 592 vessels, a decline of 25.5%. During the same period, the number of fishermen employed on these vessels dropped from 5,298 to 3,189. This represented a considerable attrition of both capital and labor from one of the largest segments of the New England fishing industry. With this loss of factors of production, the groundfish catch declined from 681.3 million pounds in 1951

*Portions of this section are based on Bell (1966) and Vondruska (1972). Historical published information on the fresh fish processing sector for these species with respect to a series of performance indicators (output, employment, earnings, etc.) is very limited. Therefore, this section deals principally with the harvesting sector

45

to 515.8 million pounds in 1962 - a decline of 24.3%. It should be pointed out that although the groundfish segment comprised 81.4% of the capital in the industry (using the number of vessels as a rough indicator) it employed only 14.8% of the industry's fishermen. This is due presumably to the high capital/labor ratio in groundfishing compared to lobstering and shell fishing. In addition, employment in fisheries other than groundfish is somewhat overstated since it includes more part-time workers. The movement of both capital and labor from the industry prompted investigations by the United States Tariff Commission which revealed that under the competitive pressure of increased imports of groundfish fillets, the size of the New England groundfish fleet had been reduced significantly. The Tariff Commission's recommendation to increase import duties in each case was turned down because it was felt that such an increase might lead to retaliation and thus jeopardize our relations with Canada and Iceland. Although not leading to any specific action, the Tariff Commission studies did provide a great deal of data useful in assessing the financial returns in the groundfish industry at that time. It should be pointed out that the increased imports were partially the results of the rebuilding of foreign fishing fleets under the Marshall Plan and other subsidies that were made by foreign governments to their fleets. Such benefits were not made available to the domestic fisheries.

II.C.1.d.(2)(b) Returns to the Factors of Production

From the Tariff Commission's investigations, other studies of the groundfish industry and the government sources, series on returns to capital and labor were constructed. In 1951, data from a sample of groundfish vessels revealed that profits (before taxes) per trawler in New England averaged $13,069.46. By 1953, another sample of vessels revealed that the average New England trawler was experiencing an operating loss (before taxes) which continued throughout the 1953-57 period. With this decline in vessel earnings, it is no wonder that the groundfish fleet dwindled from its peak of 795 vessels in 1951.

In 1951, the average share (or annual earnings) per groundfisherman was 5% above those in all U.S. industry. By 1953, however, groundfishermen's earnings were 22% below those received in all U.S. industry. Table 15 indicates the slow but steady deterioration of the earnings position of both capital and labor in the groundfish segment of the New England industry during this period.

II.C.1.d.(2)(c) Prices, Productivity, and Costs

Although New England groundfish prices fluctuated from year to year, during the 1952-60 period they exhibited no pronounced secular trend over the postwar period. Because of the withdrawal of factors or production, the decline in groundfish landings would lead (cet. par.) to higher ex-vessel prices (i.e. prices received by fishermen for their landed catch). However, the industry would experience lower total revenue since the demand curve for most groundfish species is highly elastic at the primary market level.* This highly elastic nature of the demand curve is due to the existence of foreign substitutes and competing products such as meat and poultry. On the other hand, increases in consumer demand (i.e. expansion in population, etc.) will result in a shift in the demand curve, a rise in ex-vessel prices, and consequently total revenue. Even though U.S. population or consumer demand expanded rapidly in the postwar period there was no secular increase in ex-vessel prices as foreign imports supplied an increasing share of the market for groundfish. In fact, both revenue and output in the New England groundfish industry declined by the same percentage over the 1951-62 period, thereby resulting in constant prices during that decade. It may be concluded that the secularly constant New England ex-vessel price was partially produced by the increased pressure of foreign imports even though consumer demand increased and domestic landings fell.

*Bell estimated that elasticity for haddock, cod, and yellowtail to be -3.22, -3.30, and -2.283, respectively.

The productivity industry had apparently experienced some technological advance which raised labor productivity (hence money vessel). The data revealed that output and revenue declined by 24% while employment dropped 40% over the 1951-62 period. However, fishermen's wages failed to keep pace with the rest of the economy and this deterioration resulted in an attrition of labor from the industry. Figure 4 shows the course of groundfish output per fisherman on an annual basis over the 1950-62 period. From 1950-55 labor productivity actually declined and did not re-establish its 1950 level until 1955. The slow growth of labor productivity is certainly not surprising since groundfish vessels and their equipment had not changed greatly over the postwar period. The side trawling fishing technique has been used for years in the industry.

Figure 5 shows the change in labor productivity, average ex-vessel prices for groundfish and fishermen's money wages. Upward movements in labor productivity seem to have produced a rising wage in the fishing industry. However, labor left the fishing industry due to the steadily deteriorating relative wage levels and because of the flight of capital (or decline in the fleet).

Profits in the groundfish industry were greatly influenced by rising fixed costs. Landings per vessel (or firm) changed little over the postwar period. Over the 1951-62 period, the number of groundfish vessels and pounds landed decreased by approximately the same percentage. As indicated before, ex-vessel prices failed to increase; therefore, revenue per vessel did not

Table 15

Returns to Capital and Labor in New England Fisheries

	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942
Earnings:													
Vessels (number)	673	703	709	776	739	681	675	665	657	679	661	651	592
Average Profit per Vessel[1] (in dollars before taxes)	+3,000	+12,069	+ 9,693	- 1,706	- 2,598	+ 2,631	- 2,325	- 3,300	n.a.	n.a.	n.a.	n.a.	n.a.
Labor:													
Fishermen (number)	4,511	3,259	4,731	4,716	4,555	4,009	3,901	3,539	3,618	3,717	3,618	3,561	3,139
Average Share per Fisherman (in dollars)	1,161	2,206	1,142	1,541	1,245	1,818	2,062	1,335	1,875	2,772	2,157	2,373	2,748
Days Fished	6.71	6.66	6.33	6.07	6.01	5.84	5.71	5.57	5.51	5.91	5.84	5.55	5.59
Average Annual Earnings per Man and Boat in Fishing[2]	3,048	3,731	3,414	3,388	3,410	3,857	4,013	4,231	4,314	4,310	4,312	4,537	4,714
Ratio of Fisherman's Earnings (a) to Manufacturing Earnings (b)													
(a) to Agricultural Earnings	1.01	0.99	0.92	0.71	0.75	0.75	0.77	0.71	0.71	0.81	0.85	0.73	0.77

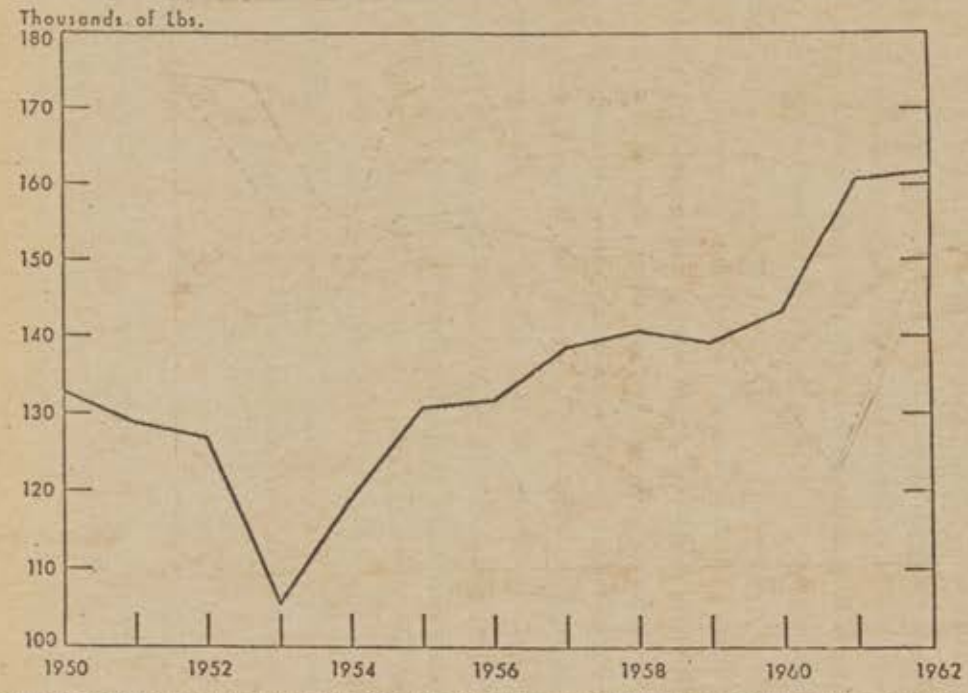
Sources:

[1] (1930-38): U. S. Tariff Commission, Groundfish Fillets (1934 and 1941); Report to the President on Foreign Climate Investigation, May 15, 42.
(1939-42): K. J. Lovell, F. H. Schultz, and C. F. Bickerts, The Groundfish Industries of New England and Canada, (U. S. Fish and Wildlife Service, Circular 121, Washington, D. C., 1961).

[2] U. S. Department of Commerce, Survey of Current Business, 1930-62.

Figure 4

GROUNDFISH OUTPUT PER FISHERMAN IN NEW ENGLAND, 1950 – 1962

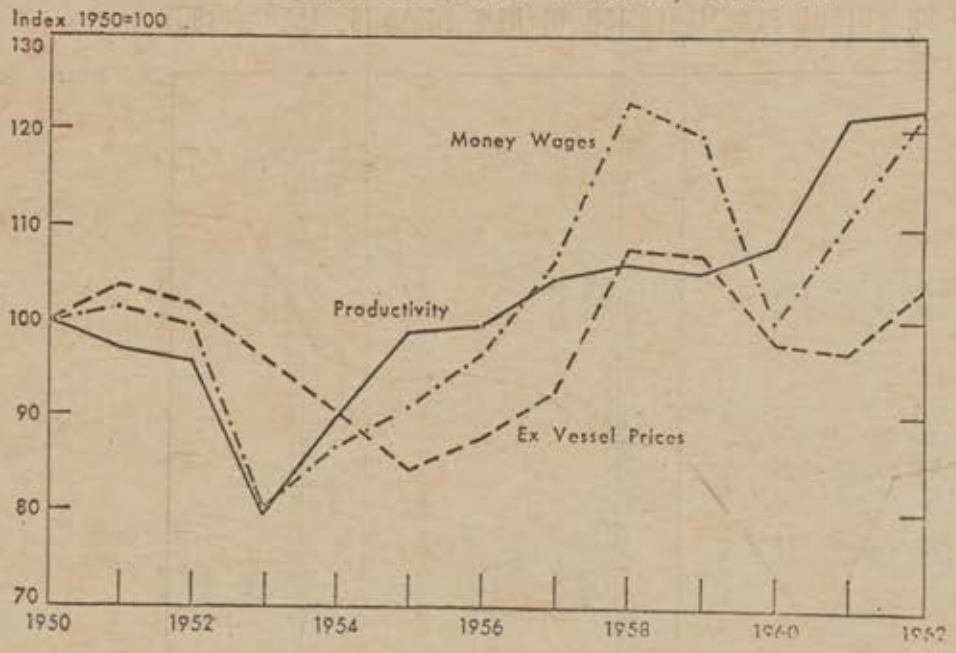


Source: Fishery Statistics of the United States and special report by the Bureau of Commercial Fisheries.

increase from 1951-62. On the other hand, such fixed costs as repair and maintenance, insurance, and administrative expenses increased over this period. A rough fixed cost index was constructed from these components. Results show that the index increased much more rapidly than value of the landings per vessel (or firm) (Figure 6). As a result, return on capital declined as did new investment in the industry.

Figure 5

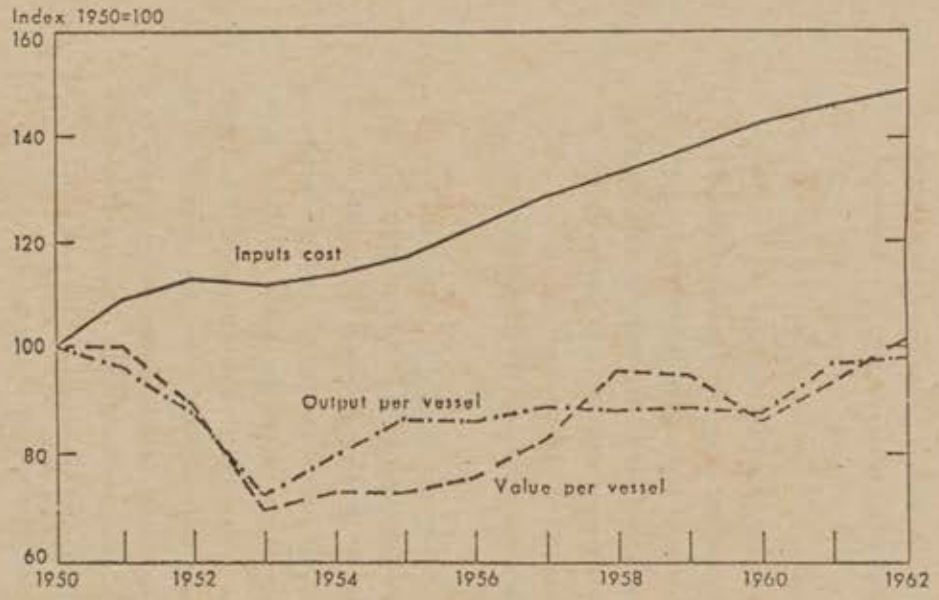
AVERAGE EX VESSEL PRICES, LABOR PRODUCTIVIVITY, AND MONEY WAGES IN THE NEW ENGLAND GROUNDFISH INDUSTRY, 1950–1962



Source: Fishery Statistics of the United States and special report from the Bureau of Commercial Fisheries.

Figure 6

LANDINGS AND REVENUE PER VESSEL AND COST INDEX OF INSURANCE, REPAIR, AND MAINTENANCE IN THE NEW ENGLAND GROUNDFISH INDUSTRY, 1950 — 1962



Source: (I) Cost Index - Shipbuilding, Construction and Repair—U.S. Maritime Administration; Miscellaneous Textile Products-Fish Gear—Bureau of Labor Statistics; Insurance and Administration Expense—Prices and Costs in American Industries, C.E.D. Publication; (II) Output and Value Indices—Fishery Statistics of the United States.

The basic conclusion is that ex-vessel prices were an important factor in the postwar decline of groundfishing in New England. The secular constancy of ex-vessel prices resulted partly from an increasing supply of foreign imports which offset rising demand for groundfish products. The secularly constant ex-vessel prices coupled with rising costs for repair, insurance and maintenance produced a pressure on profits as revenue per vessel remained the same throughout the period. The adverse profit position created disinvestment (a decline in the fleet). Money wages in groundfishing increased slowly, presumably due to rising labor productivity. The deterioration of relative wages and the attrition of capital resulted in a contraction in employment. Again the increase in imports was partially the results of subsidies being made available to foreign vessels that were not made available to U.S. fishermen.

II.C.1.d.(2)(d) Selected Data for Haddock, Cod and Yellowtail Flounder, 1950-62

Haddock

Table 16 contains data on total U.S. haddock landings in thousands of pounds and thousands of dollars for the 1950-62 period. Tables 17 and 18 contain data on New England landings of haddock for selected years during the 1952-62 period. Clearly, New England landings constitute essentially all of the U.S. haddock landings, and Massachusetts landings account for almost all of the New England landings. While landings declined during the 1950's, there was an upturn during the early 1960's. The actual value of the haddock landings in 1962 was essentially the same as in the

Table 16 -- U. S. Landings and Ex-Vessel Value of Haddock 1950 - 1962

	Haddock	
	Quantity	Value
	Thousand pounds	Thousand dollars
1950	158,359	11,834
1951	134,113	11,618
1952	111,167	12,301
1953	129,439	11,371
1954	134,934	10,810
1955	115,693	8,231
1956	151,248	9,587
1957	133,171	10,315
1958	113,335	11,713
1959	112,619	10,920
1960	122,173	9,316
1961	123,553	9,537
1962	134,256	10,913

Table 17 --New England haddock landings.

Year	Maine	New Hampshire	Massachusetts	Rhode Island	Connecticut
	Thousands of pounds				
1950	7,662	1	150,025	242	54
1955	4,565	--	130,093	320	50
1960	3,834	20	118,643	98	20
1961	2,940	35	130,478	64	19
1962	2,545	30	131,558	29	7

Table 18 --Value of New England haddock landings.

Year	Maine	New Hampshire	Massachusetts	Rhode Island	Connecticut
	Thousands of Dollars				
1950	524	nil	11,228	15	4
1955	276	--	7,805	17	2
1960	290	2	9,091	7	1
1961	227	3	9,655	4	1
1962	196	3	10,701	2	1

early 1950's. Thus, the deflated value (while not presented here) was less in 1962 than in the early 1950's.

Yellowtail

Table 19 contains data on U.S. landings of yellowtail flounder during the 1950-62 period. Landings during this period more than doubled between 1950 and 1962. Massachusetts again was the dominant state for yellowtail landings. Within Massachusetts, New Bedford was the dominant port.

Cod

Table 20 contains data on U.S. landings of cod in thousands of pounds and thousands of dollars. Table 21 contains data on cod landings by state in New England. Again, New England accounted for essentially all of the U.S. landings and Massachusetts accounted for essentially all of New England landings. Cod landings declined by 30% between 1950 and 1960, however, there was some increase during the 1961 and 1962. Here too, with the actual value of the catch in 1962 and 1952 being equal, the value in real terms had declined.

Prices

Table 22 presents the actual ex-vessel prices for cod, haddock, and flounders during the 1950-62 period in Massachusetts. As stated previously, prices for all groundfish were essentially constant despite the decline in landings and increases in consumer demand (yellowtail landings increased, however, during this period). These data reflect the overall trend. The role of foreign supply and its impact on prices was discussed previously.

Table 19 Annual U.S. Landings of Yellowtail Flounder in New England States, New York & New Jersey; 1950-1962

(in 000 pounds)

Year	Maine	Mass.	R. I.	Conn.	Total New England	New York & New Jersey	Total
1950	145	21399	1029	302	22875	1241	24116
1951	82	16735	723	100	17640	774	18414
1952	55	15500	1324	49	16744	234	16978
1953	58	12227	1014	24	13323	50	13373
1954	24	10872	1601	50	12707	58	12765
1955	30	12661	1448	60	14199	174	14373
1956	52	11756	2444	161	14413	250	14663
1957	41	19910	2230	91	22272	179	22451
1958	64	28519	2934	226	32793	532	33325
1959	115	25932	3022	139	29196	615	29811
1960	65	27701	2110	160	30036	1171	31207
1961	34	34667	2537	107	37146	2082	39228
1962	17	50835	5730	79	56661	5929	62590

Table 20 U. S. Landings and Ex-Value of Cod 1950-1962

Year	Cod	
	Quantity	Value
	Thousand pounds	Thousand dollars
1950	57,490	3,423
1951	50,023	3,435
1952	43,686	3,158
1953	37,640	3,206
1954	36,824	2,183
1955	35,562	2,356
1956	35,127	2,225
1957	34,068	2,178
1958	41,362	3,042
1959	46,481	3,222
1960	40,301	2,696
1961	44,581	2,985
1962	44,929	3,294

Table 21. New England Landings of Cod, 1950-1962

[Thousands of pounds]

Year	Maine	New Hampshire	Massachusetts	Rhode Island	Connecticut	Total
1950	6,603	4	45,808	1,227	336	53,978
1951	4,793	12	40,911	1,368	392	47,476
1952	4,614	16	34,478	838	178	40,124
1953	3,788	"	27,810	828	98	32,524
1954	3,819	"	29,203	1,280	155	34,457
1955	3,838	"	30,178	784	155	34,955
1956	2,748	"	29,159	1,009	185	33,101
1957	2,352	"	27,709	1,209	185	31,455
1958	2,705	"	30,283	1,276	174	34,438
1959	2,804	"	36,238	1,248	178	40,468
1960	2,857	"	35,256	878	165	39,156
1961	2,473	20	30,186	1,046	160	33,885
1962	2,260	10	42,647	88	96	45,101

56

Table 22 Actual Ex-Vessel Price Data for Cod, Haddock and Flounder (c/lb.)

MASSACHUSETTS

Year	Cod	Haddock	Flounder*
1950	6.2	7.3	11.1
1951	7.0	7.7	13.8
1952	7.2	7.6	13.6
1953	6.7	7.5	12.4
1954	5.9	6.4	12.0
1955	5.8	6.0	12.6
1956	6.1	6.3	12.8
1957	6.0	7.3	13.0
1958	7.5	9.8	11.8
1959	7.0	9.7	12.8
1960	6.5	7.9	12.2
1961	6.2	7.4	10.6
1962	6.8	8.2	9.7

Source: Prices Received by Fishermen, 1939-1974, Current Fishery Statistics, No. 6600, 1975

*These are the prices for all flounder

59

II.C.1.d.(5) The Industry During the Early 1960's-70's with Massachusetts

II.C.1.d.(5)(a) Overview

Declines continued to occur in the New England landings of several major fish species between 1960 and 1971, namely: herring, ocean perch, sea scallops, haddock, and whiting.

Despite the decline in landings, the total number of fishermen in New England was virtually the same in 1960 and 1970, although the number of fishermen on vessels followed a downward trend, from 5,927 in 1959 to 3,236 in 1970 (table 23).

Data is not available to determine the alternative occupations that fishermen entered upon leaving the fisheries, their earnings, unemployment rates, etc. Such information needs to be developed in the future.

The New England fishing fleet declined by 56 vessels, 1960-70. At least 92 vessels were added to the fleet and at least 125 were lost at sea. Scrapping, retirement, and shifts to other regions or to nonfishing activities account for other parts of the decline.

Table 23--New England Fishermen and Fishing Craft, 1950-70.

Year	Fishermen: On vessels	Fishermen: On docks and other: Regular	Fishermen: On docks and other: Casual	Fishermen: Total	Power vessels: Number	Power vessels: Gross tonnage[1]	Boats: Number	Boats: Other[2]
1950	5,927	8,724	8,783	23,434	865	28,827	8,478	4,366
1951	6,580	7,388	9,651	23,620	874	29,525	8,792	4,249
1952	6,124	7,484	9,668	23,457	915	30,957	9,092	3,717
1953	7,020	7,777	11,614	26,392	1,091	34,748	10,493	3,938
1954	5,544	6,032	9,772	23,348	883	30,338	11,711	3,905
1955	5,774	7,267	10,672	23,504	894	29,161	11,549	3,674
1956	5,378	7,554	8,322	21,254	832	28,550	11,211	3,373
1957	4,914	7,531	5,403	18,248	790	27,150	10,974	372
1958	4,517	7,112	10,343	21,972	772	26,479	10,858	311
1959	4,591	7,284	9,345	21,220	758	26,241	10,745	674
1960	4,349	7,538	10,341	22,228	742	44,514	11,256	372
1961	4,221	7,844	10,662	22,727	738	44,242	11,182	708
1962	4,169	6,640	10,727	21,536	727	45,476	10,454	698
1963	4,202	5,746	11,440	21,428	733	47,131	10,470	478
1964	4,058	8,599	10,537	23,194	721	47,664	11,258	485
1965	3,952	7,709	10,864	22,525	703	48,829	10,411	405
1966	3,824	7,027	9,547	20,398	704	48,436	9,910	344
1967	3,847	8,918	9,777	22,542	714	48,357	9,214	314
1968	3,689	7,164	9,227	20,080	693	46,423	8,423	297
1969	3,337	8,920	10,911	19,549	685	48,655	10,543	253
1970	3,236	6,425	12,057	22,718	676	45,758	11,771	332

1/Net tonnage, 1950-58.
2/Excludes accessory boats.

Source: BCF (now NMFS) Fishery Statistics of the U.S., annual editions, and NMFS Statistics and Market News Division.

Massachusetts fish otter trawling operations account for about 50-60% of the number of New England vessel fishermen, vessels and vessel tons, and largely explain declines in the numbers. Haddock was the leading species caught by Massachusetts otter trawl fishermen, and haddock landings declined from 114 million pounds, valued at $9 million in 1960 to 25 million pounds in 1970, valued at $6 million. The deflated average ex-vessel price of Massachusetts otter trawl landings of haddock increased from 8.9 cents to 19.4 cents per pound between 1960 and 1970.

Despite the decline in fishermen and vessels, the deflated value of catch was higher in 1970 than in 1960, although not as high as in 1965. Also, the average tonnage of vessels increased, and the total tonnage decreased far less than is suggested by the decline in vessel numbers, comparing 1960 and 1970.

Expressed in 1967 dollars, the value of output per full-time equivalent fisherman was $12,413 in 1970, compared to $9,894 in 1960, but below that in 1965.

Data presented in Table 24 are for all Massachusetts fish otter trawlers and do not reveal the species emphasized by vessels operating out of different ports. Boston vessels have emphasized cod and haddock landings; New Bedford, flounder, especially yellowtail; and Gloucester, whiting and haddock. The weight of landings of these species declined since 1960, but ex-vessel prices increased. Among these species, foreign landings surpassed U.S. landings in 1965-66 for haddock in ICNAF Subarea 5. Canada, U.S.S.R. and Spain were the leading countries besides the United States. A similar story applies to cod. For yellowtail flounder, however, the United States has been the leading harvests in all years, with substantial secondary harvests by U.S.S.R. vessels only in 1969.

Table 24.--Massachusetts fish other trawl vessel and boat fishery.

	1960	1965	1970
Catch quantity, pounds			
haddock	112,440,870	128,568,600	23,517,500
other catch	283,961,540	303,582,100	203,893,800
total	396,402,410	432,150,700	227,410,300
Catch value, current dollars			
haddock	8,875,943	13,007,680	5,317,550
other catch	14,126,945	16,743,674	22,124,785
total	23,002,888	29,751,354	27,442,335
Fishermen			
on vessels	2,609	2,486	1,887
on boats & shore			
regular	12	-	14
casual	-	7	-
total	2,621	2,493	1,901
Vessels			
number	422	399	343
tonnage	28,664	30,556	26,686
average tonnage	68	77	78
Boats, motor	7	6	7
Gear (trawls)	429	405	350
Productivity (pounds)			
catch per man	151,241	157,522	119,627
catch per craft	924,015	968,273	649,744
catch per trawl	924,015	968,273	649,744
Deleted value of catch, dollars			
per man	9,894	12,646	12,413
per craft	60,451	77,736	67,418

Source: Fishery Statistics of the U.S., annual editions, and NMFS Statistics and Market News Division.

Note: Catch and deflated value of catch per man are for full-time fisherman equivalents (the sum of vessel fisherman, regular boat and shore fisherman, and one-half casual boat and shore fisherman).

II.C.1.d.(3)(b) Vessel Earnings

Table 25 contains data on the vessel earnings in the Boston fleet during the mid-1960's and Table 26 presents data on the New Bedford vessel earnings during the mid-1960's. For both ports, the net return on sales was extremely low, and even negative for the New Bedford vessels in 1967. However, this represented a considerable improvement as compared to the performance during the 1950's. The performance of the Boston based vessels was considerably better than the New Bedford vessels in terms of net return (although the years are not exactly comparable). In general, the Boston vessels were larger, spent more days at sea, had larger crews, and had greater landings.

II.C.1.d.(3)(c) Fisherman's Earnings

Tables 27 and 28 presents data on fishermen's earnings during the mid-1960's in Boston and New Bedford. In both ports, earnings of the fishermen were above the real wage in Massachusetts manufacturing. Again this was a considerable improvement over the 1950's performance.

Table [illegible].—Average costs and earnings of Boston large trawlers, 1964-66

Item	Unit	1964	1965	1966
Vessels	Number	23	23	15
Length of vessels	Feet	100	103	114
Trips	Number	37.0	36.1	40.6
Average length of trip	Days	6.3	6.1	5.6
Crew size	Number	10.7	10.7	10.3
Man days at sea	Days	253	238	258
Landings	Pounds	2,534,777	2,348,000	2,515,000
Average price	Cents per pound	9.5	10.8	11.5
Gross receipts	Dollars	239,734	253,279	294,522
Trip expenditures				
Food	do	14,671	13,897	15,317
Fuel & lube	do	21,241	19,653	22,939
Ice & icing	do	6,159	6,409	6,827
Other	do	9,253	8,810	8,245
Subtotal	do	51,360	48,979	53,328
Repair & maintenance				
Gear	do	13,965	13,965	14,653
Hull & engine	do	17,518	17,518	18,100
Subtotal	do	31,483	31,483	32,753
Fixed charges				
Interest	do	—	—	—
Insurance	do	15,403	15,403	16,351
Taxes (employee)	do	7,446	7,446	7,804
Administrative	do	8,915	8,915	9,284
Subtotal	do	31,764	31,764	33,439
TOTAL CASH EXPENDITURES	do	114,747	112,226	119,920
Share to labor & capital				
Wages	do	100,329	111,180	130,466
Captain's commission	do	9,100	9,624	11,240
Owner's share (before depreciation)	do	15,708	20,249	32,876
TOTAL SHARE EXPENDITURE	do	125,137	141,053	174,582
Depreciation	do	11,354	11,354	12,280
Net return before taxes	do	4,344	8,885	20,596

Table [illegible].—Average costs and earnings of New Bedford trawlers, 1967-68

Item	Unit	1967	1968
Vessels	Number	21	23
Length of vessels	Feet	89.3	89.7
Trips	Number	23.7	24.6
Average length of trip	Days	6.2	6.2
Crew size	Number	9.8	9.9
Man days at sea	Days	211	221
Landings	Pounds	710,843	[illegible]
Average price	Cents per pound	12.69	[illegible]
Gross receipts	Dollars (40)	90,206	105,[illegible]
Trip expenditures			
Food	do	5,582	[illegible]
Fuel & lube	do	7,441	[illegible]
Ice & icing	do	2,875	[illegible]
Other	do	1,018	[illegible]
Subtotal	do	16,916	18,599
Repair & maintenance			
Gear	do	4,077	4,269
Hull & engine	do	8,595	[illegible]
Subtotal	do	12,672	12,951
Fixed charges			
Interest	do	1,213	[illegible]
Insurance	do	5,349	[illegible]
Taxes (employee)	do	3,607	3,977
Administrative	do	1,071	[illegible]
Subtotal	do	11,260	13,333
TOTAL CASH EXPENDITURES	do	40,848	44,883
Share to Labor & capital			
Wages	do	44,901	52,251
Captain's commission	do	2,889	3,434
Owner's share (before depreciation)	do	1,568	5,214
TOTAL SHARE EXPENDITURES	dd	49,358	60,900
Depreciation	do	4,437	4,834
Net return before taxes	do	(-3,049)	380

Table 46.—Average costs and earnings of Boston large trawlers, 1964-66

Item	Unit	1964	1965	1966
Vessels	Number	23	23	23
Length of vessels	Feet	109	109	110
Trips	Number	27.8	31.1	34.6
Average length of trip	Days	9.3	9.2	9.0
Crew size	Number	15.7	15.7	16.3
Man days at sea	Days	253	285	291
Landings	Pounds	2,524,000	2,540,000	2,550,000
Average price	Cents per pound	9.5	10.8	11.5
Gross receipts	Dollars (000)	239,804	253,879	294,302
Trip expenditures				
Food	do	14 605	13,877	15,747
Fuel & lube	do	21,141	19,793	22,979
Ice & icing	do	6,493	6,[illegible]	6,427
Other	do	9,292	8,810	8,245
Subtotal	do	51,590	48,979	53,728
Repair & maintenance				
Gear	do	13,065	13,565	14,611
Hull & engine	do	17,518	17,518	18,103
Subtotal	do	31,483	31,483	32,753
Fixed charges				
Interest	do	—	—	—
Insurance	do	15,403	15,403	16,751
Taxes (employee)	do	7,446	7,446	7,[illegible]
Administrative	do	8,915	8,915	9,[illegible]
Subtotal	do	31,764	31,764	33,439
TOTAL CASH EXPENDITURES	do	114,747	112,226	119,920
Share to labor & capital				
Wages	do	100,329	111,189	130,465
Captain's commission	do	9,200	9,624	11,240
Owner's share (before depreciation)	do	15,708	20,249	32,806
TOTAL SHARE EXPENDITURES	do	125,237	141,053	174,512
Depreciation	do	11,354	11,354	12,283
Net return before taxes	do	4,344	8,885	20,586

Table 47.—Earnings of fishermen in the Boston trawler fleet, 1964-66

Item	1964	1965	1966
		Number	
Vessels	23	23	23
Average crew size	15.7	15.7	16.3
		Dollars	
Gross receipts per vessel	239,804	253,879	294,302
Share to labor per vessel	109,429	120,604	141,708
Average share per man	6,970	7,694	8,694
Food expenditures per man	934	885	964
Average share per man including food	7,904	8,579	9,658
Real average share per man including food1/	8,508	9,078	9,936
Wage in Massachusetts manufacturing	5,741	5,913	6,235
Real wage in Massachusetts manufacturing1/	6,180	6,257	6,415

1/ Divided by consumer price index, 1967=100.

Table 28 —Earnings of fishermen in the New Bedford trawler fleet, 1967-68

Item	1967	1968
	Number	
Vessels	31	33
Average crew size	5.8	5.9
	Dollars	
Gross receipts per vessel	90,206	105,121
Share to labor per vessel	47,790	55,686
Average share per man	8,240	9,438
Food expenditures per man	962	1,009
Average share per man including food	9,202	10,447
Real average share per man including food1/	9,202	10,026
Wage in Massachusetts manufacturing	6,514	6,944
Real wage in Massachusetts manufacturing1/	6,514	6,664

1/ Divided by consumer price index, 1967=100.

II.C.1.d.(3)(d) Catch and Price Trends by Species

Haddock

Tables 29 and 30 show the weight and value of haddock landings during the 1963-1970 period. A drastic decline in haddock landings occurred during the period with the 1970 catch being only about 25% of the 1963 catch. The value of the haddock landings also declined to about 50% of the 1963 level.

Yellowtail

Tables 31 and 32 contain data on the weight and value of yellowtail flounder landings. The decline in the catches of this species was not nearly as severe as the decline in the haddock catch during the 1963-1970 period. The drastic decline in yellowtail flounder landings occured during the 1970's. Yet, the smaller catch had a greater value than in 1963.

Cod

Table 33 presents data on the weight and value of cod landings during the 1963-71 period. Overall, cod landings increased both in weight and value during this period.

Table 29. --New England haddock landings.

Year	Maine	New Hampshire	Massachusetts	Rhode Island	Connecticut	Total
	Thousands of Pounds					
1963	2,877	40	120,940	21	3	123,881
1964	2,948	55	130,373	68	6	133,450
1965	1,881	60	131,863	74	--	133,878
1966	1,773	55	130,182	252	2	132,264
1967	2,351	60	95,840	187	--	98,438
1968	1,790	12	68,478	348	--	70,628
1969	983	9	44,421	396	--	45,809
1970	1,013	7	25,308	553	--	26,881
1971						

Source: Fishery Statistics of the U.S., annual editions. BCF (now NMFS).

Table 30 --Value of New England haddock landings.

Year	Maine	New Hampshire	Massachusetts	Rhode Island	Connecticut	Total
	Thousands of Dollars					
1963	245	4	11,444	2	nil	11,695
1964	260	6	11,568	5	nil	11,839
1965	184	7	13,430	7	--	13,628
1966	174	7	13,735	24	nil	13,940
1967	215	6	10,855	16	--	11,092
1968	190	2	9,061	37	--	9,290
1969	139	2	7,561	61	--	7,763
1970	184	2	5,745	113	--	6,044
1971						

Source: Fishery Statistics of the U.S., annual editions. BCF (now NMFS)

Table 31.--New England Yellowtail Flounder Landings.

Year	Maine	New Hampshire	Massachusetts	Rhode Island	Connecticut	Total
	----------Thousands of Pounds----------					
1963	-		68,875	8,998	136	78,009
1964	5		70,974	8,249	49	79,277
1965	7	n.a.	70,920	5,602	38	76,567
1966	22		57,471	5,855	51	63,401
1967	78		46,449	5,724	67	52,357
1968	13		57,761	6,533	31	64,338
1969	76	8	56,282	8,345	66	64,807
1970	155	48	57,462	8,925	747	67,337
1971						54,274

Source: Fishery Statistics of the U.S., annual editions. BCF (now NMFS).

Table 32.--Value of New England Yellowtail Flounder Landings.

Year	Maine	New Hampshire	Massachusetts	Rhode Island	Connecticut	Total
	----------Thousands of Dollars----------					
1963	-		4,576	472	7	5,055
1964	1		4,879	471	3	5,353
1965	1	n.a.	6,716	412	3	7,132
1966	2		7,157	607	5	7,771
1967	6		4,961	487	6	5,460
1968	1		5,977	574	3	6,577
1969	8	1	7,581	954	8	8,552
1970	13	5	8,659	1,115	93	9,885
1971						8,403

Source: Fishery Statistics of the U.S., annual editions. BCF (now NMFS).

Table 33 . U.S. Landings of Cod during the 1963-1971 Period

Year	Weight (1,000 lbs)	Value ($1,000)
1963	42,177	3,106
1964	38,746	2,669-
1965	36,048	2,877
1966	37,756	3,196
1967	44,400	3,578
1968	49,217	3,463
1969	57,501	4,838
1970	53,22>	5,742
1971	52,824	6,345

II.C.1.c.(3)(e) Prices, 1963-71

Table 34 presents data on prices during the 1963 to 1971 period. As can be seen, the decline in landings for haddock and yellowtail coupled with increasing consumer demand during this period led to almost tripling the price of haddock and a doubling the price of yellowtail. The price of cod also increased, in spite of increased supplies. Clearly, the demand situation for cod improved during the period.

II.C.1.c.(3)(f) Summary

While the number of vessels and fishermen continued to decline during the 1960's, the average profit and the average real earnings of the vessels and fishermen that remained in the fishery improved in the mid-1960's compared to mid-1950's. The productivity of these vessels was higher in 1965 than in 1960 but declined by 1970. In spite of increasing imports throughout the decade, the ex-vessel prices of the principal groundfish species (haddock, cod, and yellowtail flounder) increased considerably, reflecting apparent increases in demand (and also domestic supply conditions). By 1970, the production of the remaining vessels and crew decreased, but the rising prices resulted in increases in the real value of the catch per vessel and per fisherman. No information on the net revenue of the vessels in 1970 is available. No information on the success of those fishermen who left the fishery for alternative occupations is available either.

Finally, while haddock landings underwent a tremendous decline during the 1960's, the decline in yellowtail flounder landings was moderate; cod landings even increased.

Table 34. Ex-vessel Prices for Cod, Haddock and Flounders in Massachusetts (¢/lb)

Year	Cod	Haddock	Flounder*
1963	7.1	9.5	5.4
1964	7.6	8.9	6.0
1965	8.0	8.9	5.5
1966	9.0	9.2	12.7
1967	8.2	11.3	11.5
1968	7.3	13.2	11.4
1969	8.6	17.0	13.7
1970	11.2	22.7	15.3
1971	12.4	26.1	16.7

*This is for all flounders

II.C.1.6.(4) Recent Trends--1971-75

II.C.1.6.(4)(a) Overview

The decline in the number of vessels and fishermen in the New England groundfish fishery continued during the 1971-1975 period. In Massachusetts, the number of otter trawls (vessels) declined 8% from 343 in 1970 to 315 in 1975 (Table 35). The number of fishermen on these vessels declined by 15% from 1887 to 1533.

Total landings of all fish species by these vessels declined by 24% from 227 to 172 million pounds. However the prices of the principal species increased considerably during the period. The ex-vessel value of this reduced level of landings was approximately $43 million in 1975 compared to $27 million in 1970, an increase of about 60%.

While the productivity of the remaining units declined, the increase in prices resulted in the deflated value of the catch per fisherman increasing by 39% and the deflated value of the catch per vessel increasing by 20% compared to 1970. Regretably there are no data available to determine the performance of these units in terms of profits, return on sales, return on assets, fishermen's real earnings, etc.

Table 35- Massachusetts fish otter trawl vessel and boat fishery [illegible]

Catch quantity, pounds	
haddock	14,219,600
other catch	158,256,400
total	172,476,000
Catch value, current dollars	
haddock	4,591,267
other catch	[illegible]
total	[illegible]
Fishermen	
on vessels	1,533
on boats & shore	
regular	32
casual	—
total	1,565
Vessels	
numbers	315
tonnage	23,395
average tonnage	74
Boats, motor	17
Gear (trawls)	332
Productivity (pounds)	
catch per man	110,208
catch per craft	519,506
catch per trawl	519,506
Deflated value of catch, dollars	
per man	17,214
per craft	81,146

Source: NMFS Statistics and Market News Division

Note: Catch and deflated value of catch per man are for full-time fishermen equivalents (the sum of vessel fisherman, regular boat and shore fishermen, and one-half casual boat and shore fisherman).

II.C.1.d.(4)(b) Catch and Price Trends by Species

Haddock

Haddock landings in New England continued to decline from 21 million pounds worth $5.6 million in 1971 to 8 million pounds worth $3.0 million in 1974 (Table 36). However, New England landings in 1975 increased to 16.2 million pounds valued at $5.3 million. Catch restrictions on haddock were in place during most of this period due to the condition of the haddock stocks.

Cod

Landings of cod in New England remained above the 50 million pound mark during most of the period (Table 37). By 1975 the value of the cod catch was approximately 2 1/2 times greater than the value of the haddock catch.

Table 30 New England haddock landings

	MAINE		NEW HAMPSHIRE		MASSACHUSETTS		RHODE ISLAND		CONNECTICUT		TOTAL	
	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000
1971	321	180	19	5	20,345	5,324	358	98	-	-	21,043	5,607
1972	491	165	15	8	10,931	4,018	314	112	-	-	11,751	4,303
1973	352	124	18	10	7,707	2,940	231	85	-	-	8,308	3,159
1974	229	87	40	15	7,684	2,838	272	83	-	-	8,225	3,023
1975	776	276	50	16	14,728	4,832	656	174	-	-	16,210	5,298

Table 31 New England cod landings

	MAINE		NEW HAMPSHIRE		MASSACHUSETTS		RHODE ISLAND		CONNECTICUT		TOTAL	
	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000
1971	4,379	335	201	30	46,554	5,729	2,309	296	180	23	53,623	6,413
1973	4,432	437	254	40	39,226	6,947	2,396	461	35	7	46,343	7,892
1973	4,035	498	472	85	42,411	7,847	2,976	491	106	18	50,000	8,939
1974	4,003	542			49,582	9,690	3,245	655			(56,830)	(10,887)
1975	5,596	911			46,385	11,188	1,889	475			(53,870)	(12,574)

Yellowtail Flounder

During the 1971 to 1975 period, yellowtail landings peaked at 14 million pounds in 1972 (Table 38). By 1973, they had declined by more than 75 percent. A significant price increase resulted in the value of this reduced catch being worth about $14.7 million, the most for the entire period and was the largest value for any fishery in New England.

While the data in Tables 36, 37, and 38 are for all catching methods and the data in Table 35 are for otter trawls alone, it is clear that cod, haddock and yellowtail flounder constitute the resource base for the groundfish fleet. In 1972 for example, the value of the catch of these three species alone comprised about two-thirds of the total value of the catch for Massachusetts otter trawls. In 1973, these species accounted for approximately 60% of the total value of the Massachusetts otter trawl catch.

Fish Processing

The domestic landings of groundfish are generally processed by the fresh fish processing sector. By and large frozen fish processors rely on imports for their fish material.

The methods, equipment, and labor used for processing fresh fish are totally different from those used for frozen fish. Fresh fish processing plants are usually small, family-run businesses while frozen fish processing plants are bigger and more automated. The variety in size and shape of fresh fish limits automation as each fish requires different cutting and handling. Frozen fish blocks are uniform as are their products, sticks and portions, so they may be processed by repetitive, automated methods.

New England Fish Processing

Fish processing, especially in Massachusetts is an active industry. Besides the traditional processors of fresh fish, New England has seen a growing number of convenience food processors.

The production of sticks and portions has been growing continuously with a recent slight reduction in fish stick production, but continued growth in the somewhat more popular fish portions.

Fresh processors have been sustained in recent years by the growing imports of fresh fish. Although many of the processors only repackage imported fillets, imports have allowed them to maintain their markets under fluctuating and diminishing domestic landings. Unfortunately, this has resulted in gradually decreasing fresh processing employment.

It can be seen in Table 38A that Massachusetts is by far the leader in New England fish processing. New Bedford's processing of fresh yellowtail and scallops, Boston's processing of haddock, and Gloucester's processing of ocean perch have each led the nation. The excellent supply of frozen fish to

MARCUS (VPH) 85

FEDERAL REGISTER, VOL. 42, NO. 49—MONDAY, MARCH 14, 1977

Table 37.- New England yellowtail flounder landings

	MAINE		NEW HAMPSHIRE		MASSACHUSETTS		RHODE ISLAND		CONNECTICUT		TOTAL	
	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000	1000 lbs	$1000
1971	87	9	53	6	41,940	6,889	11,810	1,499	474	47	54,634	8,45[illegible]
1972	276	47	65	12	43,647	8,796	19,960	2,891	--	--	63,948	11,741
1973	120	23	4	1	40,338	19,186	18,882	3,593	268	40	59,612	12,843
1974	197	45	3	1	38,935	10,215	13,936	3,144	9	2	52,971	13,407
1975	324	104	4	2	33,221	11,971	7,938	2,622	7	2	41,494	14,701

Table 38A

Processed Fishery Products, 1970

	Massachusetts		Maine		R.I. and Conn.	
	1000 lbs.	$1000	1000 lbs	$1000	1000 lbs.	$1000
Cod:						
Fillets						
Fresh and Frozen	10052	5316	157	64		
Breaded, frozen	10421	6120				
Specialties, frozen	6898	3688				
Flounder						
Fillets						
Fresh and Frozen	27675	18099	148	83	1033	590
Breaded, frozen	4007					
Specialties, frozen						
Haddock						
Fillets						
Fresh and Frozen	8241	6490	373	319		
Breaded	2589	1861				
Specialties	749	419				
Cakes	6466	2572				
Dinners	10680	7488				
Sticks, breaded						
Raw	970	421			ref.11	
Cooked	43135	21146				
Portions						
Raw						
Not breaded	1287	622				
Breaded	50981	21295				
Breaded and Cooked	18181	8416				

these ports (mostly through Gloucester) has also encouraged frozen fish processing and distribution. All in all the investment in New England fish processing is significant and due to frozen products, it is growing.

The Recreational Fisheries

The recreational fisheries for cod are important economically to the various coastal communities from the sale of fishing equipment, boats, fuel, etc. Recreational fisheries for cod are of considerable importance in some locales in that they provide a source of activity during the winter months when other coastal recreational activities is minimal. Also, the user benefits to the recreational fishermen in terms of the recreational experience are important. There are no published studies on the valuation of these recreational fisheries.

N.E.S.F. (1) Cod

Table 39 gives the number of vessels in 1965, 1970, and 1975, which landed some cod and the number whose catch for the year consisted of 50% or more cod (by weight). There has been a consistent increase in the numbers of vessels landing some cod from 1965-1975 as well as an increase in the number of vessels whose total catch for the year was 50% or more cod.

Table 40 contains data on the number of trips (by all gears), days fished, and catch per day fished for those New England trips where 50% or more of the trip catch consisted of cod for the years 1965, 1970, and 1975. These data emphasize even more the general shift toward a directed fishery for cod in the groundfish fishery. Between 1965 and 1975 the number of trips directed toward cod doubled and the number of days fished increased three-fold.

The number of recreational fishermen seeking cod in 1970 was estimated to be about 200,000. This suggests that the recreational fisheries may be of considerable importance in the total harvest of cod, particularly for those components of the cod stocks most closely related to nearshore areas and in the mid-Atlantic winter fishery. It is estimated that there are a total of 911 charter and party boats working out of ports from Maine to North Carolina which land some cod. The distribution of these boats is summarized in Table 40A.

Foreign Vessels - In 1961, Soviet fleets made their appearance on Georges Bank, 150 miles east of Boston. The maximum number of vessels observed on the grounds at any one time was around 50, but for the year the Soviet expedition included 100 individual vessels. In subsequent years, 300-400 different Soviet vessels fished seasonally on Georges Bank, primarily for herring. By 1965, during peak fishing seasons (summer and fall), 200-250 Soviet vessels were fishing for herring, red and silver hake, haddock, and cod on Georges Bank and in southern New England. Throughout that year more than 450 individual vessels were sighted. Soviet fleets were joined each year, beginning in 1966 and continuing into the early 1970's, by numbers of vessels from Poland and Romania, followed closely by vessels from East

88

Table 39 Number of vessels in the cod fishery, 1965, 1970, and 1975.

Year	Vessels landing some cod	Vessels whose total catch was 50% or more of cod
1965	432	15
1970	549	41
1975	595	47

Table 40 Performance data on vessel trips where landings consisted of 50 percent or more cod.

Year	Trips	Days fished	Catch/day fished (1,000 lb.)
1965	979	2253.5	2.96
1970	1651	4103.5	4.62
1975	1987	6272.6	3.57

Table 40 A: Number of Charter and Party Boats which Land Some Cod

State	Charter Boats	Party Boats	Total
Maine	21	24	45
New Hampshire	8	6	14
Massachusetts	101	36	137
Rhode Island	34	5	39
Connecticut	18	2	20
New York	128	56	184
New Jersey	239	106	345
Delaware	14	8	22
Maryland	30	4	34
Virginia	43	5	48
North Carolina	22	1	23
	658	253	911

Table 41 Numbers of foreign fishing vessels sighted in SA 5 and 6 by type, 1971-1975[a].

Year	Type								
1971	Stern	111	40	23	15	17	4	11	3	1
	Side	359	57	24		18	34			1
	Support	180	20	8	7			2		
	Total	650	117	60	33	35	38	13	8	2
1972	Stern	211	30	11	13	19	7	11	7	4
	Side	379	89	23		24	47			1
	Support	90	14	9	4	1		2	1	
	Total	680	123	68	22	44	54	13	8	5
1973	Stern	207	50	32	19	18	36	11	7	14
	Side	234	19	29		22	25/52			2
	Support	67	18	7		1		2	1	
	Total	508	87	68	19	41	113	13	8	16
1974	Stern	218	46	23	17	21	57	13	4	11
	Side	144	14	29		30	28/58			
	Support	81	16	7	4	2		4	2	
	Total	443	76	59	21	53	143	17	6	11
1975	Stern	252	37	22	18	15	38	16	2	8
	Side	145	12	20		6	12/70			
	Support	81	16	6	5	5	-	3		
	Total	478	65	47	23	26	120	19	2	8

[a]In addition, small numbers (<10) of stern trawlers belong to France, Cuba, South Korea, Ireland, and Greece have been observed in SA 5 and 6 in recent years.

and West Germany and Japan. Other nations followed, including Bulgaria, Spain, France, Greece, and Italy. Recently, nations such as Cuba, South Korea, and Ireland have been represented. During this period, 900-1000 foreign vessels annually fished in international waters off the U.S. east coast from the southern tip of Nova Scotia to Cape Hatteras. Depending on the season, 250-300 vessels were observed at one time or another, whether it be off North Carolina-Virginia in winter or on Georges Bank during the summer.

Between 1971 and 1975 the annual number of foreign vessels declined from 956 to under 800 (Table 41). It can be reasonably be assumed that foreign fleets have dwindled even more during 1976 in response to greatly reduced fish stocks and increasingly more stringent restrictions, such as low quotas, closed areas, etc. Despite these restrictions, at the peak seasons (winter and spring, 1975-1976), 200-250 vessels were observed at one time on the fishing grounds. However, during other times of the year activity has been at its lowest level in many years.

It is difficult to make an accurate evaluation of actual numbers and types of foreign vessels involved in the yellowtail flounder fishery, as such evaluations must be based on surveillance data collected for approximate numbers of vessels fishing a variety of species. Foreign fishing for yellowtail flounder peaked in 1969 when 33% of the total catch was taken by foreign vessels. However, since 1972, foreign fleets have caught only about 2% of the total yellowtail flounder catch in Subarea 5 and Statistical Area 6. Table 42 indicates the relative amount of fishing pressure exerted by foreign nationals and the U.S. (note that these data do not take fishing power into account) for 1974. Note that almost all of the fishing pressure exerted on flounder was by the United States.

II.C.1.e(2) Yellowtail Flounder

Domestic.- Table 43 contains data on the number of U.S. vessels which recorded some yellowtail flounder landings in 1965, 1970, and 1975, and those vessels whose yellowtail flounder catch was 50% or more of their total catch.

Foreign Vessels - See II.C.1.e.(1) Cod for details.

Table 43. Number of vessels in the yellowtail flounder fishery.

Year	Number of vessels landing some yellowtail flounder	Number of vessels whose total catch was 50% or more yellowtail flounder
1965	426	133
1970	397	152
1975	501	126

II.C.1.e.(3) Haddock

Domestic - Prior to the entrance of Canada and the U.S.S.R. to the fishery, the bulk of the U.S. catch was taken by otter trawlers ranging in size from 51-150 gross registered tons, which spent 5 to 7 days at sea. Smaller amounts were also taken by vessels of from 0-50 tons making trips of shorter duration in inshore waters (off Cape Cod, long-liners have been of local importance). In recent years, the number of larger vessels in the U.S. fishery has declined steadily.

Table 44 shows the number of U.S. vessels in 1965, 1970, and 1975 which landed some haddock and also gives the numbers for 1965 and 1970 whose catch for the year was composed of 50% or more of haddock (by weight). It can be seen that during this ten year period there was a drastic decline in the number of U.S. vessels involved in directed fisheries for this species. Performance data for vessels pursuing directed fisheries for haddock (1965 and 1970) reveal essentially the same trend (Table 45).

Foreign Vessels - See II.C.1.e.(1) Cod for details.

Table 42 1974 days fished as reported to ICNAF.

Country	Cod	Haddock	Redfish	Silver hake	Red hake	Pollock	Flounder	Ground-fish	Herring	Mackerel	Pelagic	Other fish	Squid	Total
Bulgaria				55						712				767
Canada	310	91	13			553		148	0				9	1,124
Denmark														
France	3								85					88
FRG									616					616
Iceland														
Italy[a]													0	
Japan								3	147		362		1,502	2,014
Norway														
Poland	6								1,241	3,500		5	423	5,175
Portugal														
Romania									178	345				523
Spain	419												2,378	2,797
USSR				6,804	2,412		18	304	3,012	4,815		1,317	435	19,317
UK		11												11
USA	5,898	77	770	924	106	1,145	13,365	7,051	222	511	574	1,276	1,805	33,724
GDR	2								936	1,352	0	456		2,747
Other														

[a]No reporting of effort units.

Table 4. Number of vessels in the haddock fishery.

Year	Vessels landing some haddock	Vessels whose total catch was 50% or more of haddock
1965	443	111
1970	437	11
1975	423	-[1]

[1]Under incidental catch limitation; vessels prohibited from directed fishery for haddock.

Table 5. Performance data for trips in which the total catch consisted of 50% or more of haddock.[1]

Year	Trips	Days fished	Catch/Day (000 lbs)
1965	3,676	11,387	8.69
1970	538	1,411	6.61

[1]Directed fishing was not permitted for this species in 1975.

II.C.1.f. Types of Gear

The traditional U.S. fisheries for these species were prosecuted primarily by means of otter trawls, and the bulk of the catch is still taken by otter trawling. In addition, small amounts of these species are taken in the course of line trawling, hand lining, and gillnetting.

The U.S. recreational fisheries for these species employ hook and line gear fished by anglers from shore, small boats, and chartered party boats.

II.C.1.g Historical Impacts of Foreign Fishing on Domestic Fishery

II.C.1.g(1) Cod

U.S. and foreign landings of cod for the period 1960-1975 are given in Table 46 for Division 5Y and 5Z. For the Gulf of Maine stock (Division 5Y), competition has been minimal with foreign landings exceeding five percent of the total only once (1966) since 1960. For the Division 5Z stock, however, major shifts in the distribution of the total catch are evident throughout the 16 year period. With the advent of the distant-water fleets in the early 1960's, the percentage contribution of the U.S. domestic fishery decreased steadily from virtually 100% (1960) to a low of only 22 percent (1966). Following 1966, the U.S. portion of the total landings began to increase again reaching 64 percent by 1975. During this period total landings increased from 10,400 tons (1960) to 52,900 tons (1966) and then decreased to 24,000 tons (1975). In the area south of Division 5Z the reported landings of cod are a consequence of by-catch in other directed groundfish fisheries.

95

Table 46 USA, foreign, and total landings (metric tons) for the Division 5Y and 5Z cod stocks expressed as relative percentages of the total catch, 1960-1975.

Year	USA Landings	USA Percent of total	Foreign Landings	Foreign Percent of total	Total
			Division 5Y		
1960	3,400	99	29	1	3,429
1961	3,200	99	18	1	3,218
1962	3,000	97	83	3	3,083
1963	2,600	96	103	4	2,703
1964	3,200	99	25	1	3,225
1965	3,760	96	148	4	3,908
1966	4,008	91	384	9	4,392
1967	5,676	95	297	5	5,973
1968	6,360	99	61	1	6,421
1969	8,157	96	327	4	8,484
1970	7,812	95	449	5	8,261
1971	7,380	96	282	4	7,662
1972	6,776	98	141	2	6,917
1973	6,069	99	77	1	6,146
1974	7,639	98	125	2	7,764
1975[1]	9,252	99	110	1	9,362
			Division 5Z		
1960	10,390	100	20	0	10,410
1961	13,996	98	280	2	14,276
1962	15,231	66	7,850	34	23,081
1963	13,903	52	13,050	48	26,953
1964	12,324	49	12,841	51	25,165
1965	11,410	30	26,923	70	38,333
1966	11,794	22	41,069	78	52,863
1967	12,742	35	23,592	65	36,334
1968	14,967	35	27,790	65	42,757
1969	16,356	44	21,068	56	37,424
1970	14,535	58	10,674	42	25,209
1971	15,795	57	11,900	43	27,695
1972	13,140	53	11,490	47	24,630
1973	15,933	56	12,607	44	28,540
1974	17,870	67	8,822	33	26,692
1975[1]	15,329	64	8,667	36	23,996

[1]Provisional

II.C.1.g.(2) Yellowtail flounder

U.S. and foreign landing data for yellowtail flounder in Subarea 5 and Statistical Area 6 are given in Table 12. Competition between the U.S. and foreign fishing fleets (particularly of the USSR) for yellowtail flounder was most intensive during 1969 on the southern New England ground and was reflected in the sharp increase in the percentage landed by foreign nationals for that year. Since 1969, the percentage of the total catch landed by foreign nationals has declined but the total catch of yellowtail flounder has declined as well.

II.C.1.g.(3) Haddock

U.S. and foreign landings from 1960-75 for haddock in Subarea 5 and Statistical Area 6 are given in Table 48. During the mid-1960's, the U.S. share of the total catch declined from approximately 100% in 1960 to 37% in 1965; since that year, the relative percentage harvested by the U.S. has increased although the overall volume of landings has declined.

Table 14 shows the magnitude of Canadian and USSR landings during the mid-1960's. There can be little doubt that greatly increased levels of fishing by foreign nationals at this time resulted in a significant reduction in stock abundance and in long-term productivity and yield.

Table 47. USA, foreign, and total landings (metric tons) of yellowtail in Subarea 5 and Statistical Area 6 expressed as relative percentages of the total catch, 1960-1975

Year	USA Landings	% of Total	Foreign Landings	% of Total	Grand Total
1960	19.4	100	-	0	
1961	25.1	100	-	0	
1962	31.4	100	-	0	
1963	48.9	99	0.3	1	49.2
1964	53.0	100	-	0	53.0
1965	48.9	96	2.2	4	51.0
1966	40.6	98	1.0	2	41.6
1967	44.5	91	4.2	9	48.7
1968	46.4	90	5.3	10	51.7
1969	42.0	67	20.7	33	62.7
1970	46.7	94	2.9	6	49.6
1971	36.4	96	1.7	4	38.1
1972	36.0	87	5.5	13	41.5
1973	27.6	98	0.5	2	28.1
1974	30.0	96	1.3	4	31.3
1975	20.7	99.5	0.05	0	20.8

Table 48. USA and foreign landings (metric tons) for haddock in Subarea 5 and Statistical Area 6 expressed as relative percentages of the total catch, 1960-1975

Year	USA Landings	% of Total	Foreign Landings	% of total	Grand Total
60	45341	99	460	1	45801
61	51681	100	189	0	51876
62	54412	92	4702	8	59118
63	48892	82	10743	18	59635
64	51835	75	17644	25	69539
65	57027	37	97698	63	154725
66	57510	45	69588	55	127098
67	39659	70	17330	30	56989
68	28914	65	15616	35	44530
69	18892	76	6085	24	24977
70	9874	77	2990	23	12864
71	8508	70	3668	30	12176
72	4779	72	1891	28	6670
73	3289	56	2603	44	5892
74	3018	59	2103	41	5121
75	5168	78	1439	22	6607

II.C.2. Status of the Fishery Stocks

II.C.2.a. Cod

II.C.2.a.(1) Distribution of Exploited Stocks

Cod are distributed generally throughout the entire region of their involvement off the U.S. coast showing a more southerly extension in distribution and a tendency to inhabit shoaler waters of the area during the spring months of the year. As the waters warm during the spring and summer the cod move toward deeper waters. For the stock in Division 5Z the cooler waters of the Great South Channel provide a favorable habitat while the stock in the Gulf of Maine are found between the 10 and 140 meter contours, summer or winter. Differences in growth rates between these two stocks of cod and the results of tagging studies (Wise, 1956; 1962) would suggest that the amount of intermingling is minimal. However, the extent to which these are nearshore localized cod stocks which support nearshore recreational fisheries with minimal interaction with the more offshore cod stocks is unknown.

II.C.2.a.(2) Abundance of Exploited Stocks

Equilibrium Yield Curves - Surplus production analyses has been completed for the Div. 5Z and SA6 stock with (a) commercial data only and (b) with both commercial and recreational data. Estimates of MSY range from 33,000 m.t. (based on commercial data only) to 50,000 m.t. (based on both commercial and recreational landings). While the equilibrium yield analyses are not considered wholly satisfactory, the MSY estimates do indicate the general range of yeild that can be expected from this stock. The inclusion of recreational catches in the Div. 5Z and SA6 surplus production analysis (MSY = 50,000 m.t.) differs from previous assessments where recreational mortality was combined with natural mortality and considered in total catch size changes, but was not included in the fishery catch statistics due to the poor quality of the recreational data. Hence, the present 50,000 m.t. MSY estimate is less reliable than previous estimates.

The TAC for the commercial fishery has been set at 35,000 m.t. since 1973. Nominal landings for the Gulf of Maine stock have fluctuated between 2,700 and 14,500 m.t. since 1932; on this basis, a TAC for 10,000 m.t. was established as a provisional estimate of the MSY although the nominal landings for this stock have only averaged 7,100 m.t. over the past 10-year period, 1966-1975. This TAC was reduced to 8,000 m.t. for 1976 based on (1) a decline in the relative abundance of the stock as observed in the U.S. research autumn bottom trawl surveys, (2) the average historical catch levels with the implication of an expanding recreational fishery component on this stock, and (3) estimates of current rates of fishing mortality above those considered to give maximum yield per recruit.

Yield Per Recruit (YPR) - The yield from a cohort of fish of the same age (year-class) reflects the age at first capture (t_c) and the instantaneous fishing mortality rate (F). For cod YPR values (KG) for various combinations of t_c and F (M=0.2) is given in Table 49.

Table 49

Instantaneous rate of fishing (F)	Age at first capture (years) and corresponding length (cm)							
	2.0 (39.5)	3.0 (52.0)	4.0 (62.5)	5.0 (72.5)	6.0 (81.0)	7.0 (88.5)	8.0 (95.5)	9.0 (101.5)
0.1	2.6	2.8	3.0	3.1	3.1	3.1	3.0	2.8
0.2	2.7	3.1	3.5	3.8	4.0	4.1	4.2	4.1
0.3	2.3	2.9	3.4	3.9	4.2	4.5	4.6	4.6
0.4	2.0	2.6	3.2	3.8	4.2	4.5	4.8	4.9
0.5	1.7	2.4	3.0	3.6	4.1	4.5	4.8	5.0
0.6	1.5	2.2	2.9	3.5	4.0	4.5	4.8	5.0
0.7	1.4	2.0	2.7	3.4	4.0	4.4	4.8	5.0
0.8	1.3	1.9	2.6	3.3	3.9	4.4	4.8	5.0
0.9	1.2	1.8	2.5	3.2	3.8	4.3	4.7	5.0
1.0	1.1	1.7	2.5	3.2	3.8	4.3	4.7	5.0
1.5	.9	1.5	2.2	3.0	3.6	4.2	4.6	4.9

(6)

If the age at first capture (t_c) is assumed to be 2 years (305 mm), the age at which cod begin to be captured in large amounts at present, and the present level of F in Subdivision 52 is assumed to be 0.4, then increasing the age at entry to 3 (520 mm) and reducing F to 0.3 results in a 45% gain. If F is assumed to be 0.50 for the 5Y (Gulf of Maine) cod fishery, a 71% gain is achieved by increasing the age at entry to 3 and reducing F to 0.3. The corresponding gains from a reduction in effort alone would be 35% for the Division 5Z cod stock and 55% for the 5Y cod stock. Clearly, for cod, an increase in age of first exploitation and a reduction in the level of F will result in YPR. This would also allow more fish to reach the age of fish spawning and possibly improve future recruitment. Yield per recruit increases from 8 to 47% between age 2 and 3 and F increases from 0.1 to 0.6. Maximum yield per recruit occurs at F = 0.30 (F_{max}).

McCracken (1963; ICNAF Spec. Publ. No. 5) found a mesh selection factor for cod ranging from 3.4-3.9. The 50% retention length of a net is calculated by multiplying the mesh selection factor times the mesh of the net being considered. Therefore the range of mesh sizes that are associated with various 50% retention length for cod were estimated as follows:

50% retention length	Range of mesh sizes
30 cm	77 mm - 88 mm
40 cm	103 mm - 118 mm
50 cm	128 mm - 147 mm
60 cm	154 mm - 176 mm
70 cm	180 mm - 206 mm
80 cm	205 mm - 235 mm

102

Most of the experiments reported by McCracken used nets with a mesh size of less than 130 mm; consequently, the 50% retention estimates for larger mesh sizes should be viewed with caution.

Since fishing at F_{max} ignores the need to allow an adequate spawning stock to assure future recruitment to the fishery, $F_{0.1}$ has been proposed as a level of fishing mortality more appropriate as a management goal. $F_{0.1}$ is the level of fishing mortality at which one additional unit of effort results in 10% of the increased YPR that results from the first unit of effort. $F_{0.1}$ usually results in nearly as high a YPR as F_{max} at a considerably lower level of effort with less reduction in stock size. $F_{0.1}$ for cod is 0.18.

Cohort Analysis, Stock Recruitment Relationship, and Related Studies - Detailed cohort and stock recruitment relationship analyses are not currently available for these cod stocks.

II.C.2.a.(3) Current Fishing Status

An update of the survey data for the Gulf of Maine stock suggests that the stock has stabilized since 1973. Current estimates of fishing mortality suggest that the average commercial and recreational catch of approximately 9,900 m.t. in 1970-74 generated an average F of 0.48 (assuming M = 0.2). If recruitment remains stable, fishing at F_{max} = 0.30 would result in a commercial and recreational catch of approximately 6,700 m.t. and fishing at $F_{0.1}$ = 0.18 would produce a commercial and recreational catch of about 4,300 m.t.

For the Division 5Z - Area 6 stock, catch data from U.S. autumn bottom trawl surveys indicate a stable level of abundance since 1963, with good recruitment since 1970. A strong 1971 year-class became fully recruited to the fishery by 1974 and the 1975 year-class appears to be about equal in size to that of 1971. Although an analytical assessment (virtual population analysis) has not yet been completed for the stock, preliminary analyses suggest that the very high catches in the late 1960's may have generated F-values in the range of 0.55

103

and 0.65, which are considerably above the calculated value of $F_{max} = 0.3$, with M = 0.2. The combined commercial and recreational catches which averaged about 38,000 m.t. during 1970-74 generated F-values averaging 0.36 (assuming M = 0.2).

If recruitment remains stable, fishing at a level associated with F_{max} would result in a commercial and recreational catch of about 55,000 m.t. If fishing is conducted at $F_{0.1} = 0.18$, the corresponding commercial and recreational catch would be approximately 21,000 m.t.

II.C.2.b. Yellowtail Flounder

II.C.2.b.(1) Abundance of Exploited Stocks

Yellowtail flounder in Subarea 5 (west of 69°W) and Statistical Area 6 - Three yellowtail populations are located in this management area. The Cape Cod and the Southern New England stocks have been under a collective TAC regulation since 1971 and the Statistical Area 6 stock has been included since 1975. The provisional nominal catch from all three stocks was slightly less than 6,000 m.t. in 1975.

i. Cape Cod Stock. The 1975 catch was about 2,000 m.t., which is similar to the long-term average and is also the best current estimate of MSY. However, catch rates of U.S. commercial vessels declined from 1.9 tons per day in 1974 to 1.6 tons per day in 1975, indicating a possible decrease in stock size.

ii. Southern New England Stock. Although TAC regulations greatly decreased total catches since 1970, U.S. commercial fishery catch rates continued to decline during the period. Abundance indices (Brown and Hennemuth 1971a) from autumn surveys indicate a drastic decrease (90% since 1969) in pre-recruits (age I), with the catch per tow in 1974 being among the lowest values observed during the entire series of years for which data are available (Table 50). Assuming that the 1976 pre-recruit index is equal to that for 1975, the stock size index will have decreased by about 89% between 1970 and 1977, and it is obvious that the current stock is extremely low. The catch per day fished by U.S. vessels has declined from well over 3.0 tons in each year during 1957-72 to 1.9 tons in 1974 and to 1.4 tons in 1975.

iii. Statistical Area 6 stock. Abundance indices indicate a 93% decrease in stock size between 1970 and 1975 (Table 50). If the 1976 year-class is assumed to be about the same size as that of 1975, the stock size in 1977 is projected to be extremely low in contrast to earlier levels.

Yellowtail flounder in Subarea 5 (east of 69°W) - Provisional statistics indicate a nominal catch of 14,500 m.t. in 1975, in contrast with 15,800 m.t. in 1974. Stock abundance, as measured by autumn bottom trawl surveys and by catch rates of U.S. commercial vessels, seemed to stabilize after 1971-73 with a total allowable catch of 16,000 m.t. The catch per day fished was 1.7 tons in 1975 and 2.0 tons in 1974 in contrast to an average of 2.6 tons per day in the 1970-73 period. The bottom trawl survey indices in 1974-75 averaged 8.8, compared with 14.5 for 1970-73. Abundance indices of age I fish, estimated from the autumn bottom trawl surveys in terms of the stratified mean number caught per tow, are as follows:

Table 50. Catch per tow (age 1+) of pre-recruits and associated stock abundance indices for yellowtail in southern New England and Statistical Area 6 from USA autumn surveys.

Year	Southern New England		Statistical Area 6	
	No. per tow (age 1+)	Abundance index	No. per tow (age 1+)	Abundance index
1963	16.3		11.1	
1964	18.6		5.3	
1965	11.5		19.2	
1966	35.5		14.2	
1967	20.8	102.5	12.5	64.4
1968	10.0	119.2	11.6	67.3
1969	12.8	92.6	0.6	59.0
1970	7.3	71.9	1.9	36.8
1971	6.3	53.6	11.0	11.7
1972	4.3	40.0	0.6	22.4
1973	1.9	30.8	0.7	21.6
1974	1.1	20.1	0.04	7.5
1975	1.7	11.9	0.46	2.7
1976		8.1		1.2
1977		7.8		1.6

106

Year-Class	1962	1963	1964	1965	1966	1967	1968	1969
No./tow	11.60	2.84	1.29	9.76	6.39	10.59	7.64	4.73
$\log_e$(No./tow +1)	1.774	0.760	0.586	1.344	1.492	1.451	1.322	1.074

Year-Class	1970	1971	1972	1973	1974
No./tow	3.82	2.42	2.71	3.50	4.05
$\log_e$(No./tow +1)	0.770	0.341	0.670	0.229	0.617

These data indicate that the year-classes which will support the fishery in 1976-77 are less abundant than those which supported the fishery in 1970-75. Age compositions of 1975 catches indicate a large contribution of age II fish, although survey data did not show the increased abundance of this year-class. In view of the abundance of this age-group in the catches, it can be assumed that fishing mortality on it approximately doubled. If higher yields are desired from this fishery, the fishing mortality on 2-year-old fish must be reduced because yellowtail flounder double their weight between 2 and 3 years of age.

Equilibrium Yield Curves - Equilibrium yield curves were estimated by Brown and Hennemuth (1971b) using a generalized production model (Pella and Tomlinson 1969). Although the generalized production model allows skewed equilibrium yield curves, the symmetric logistic model was found to best describe the data for yellowtail flounder of the Southern New England grounds. Both symmetric and skewed equilibrium yield curves were calculated for the Georges Bank stock. Equilibrium yield curves

107

[illegible] been estimated for the smaller Cape Cod and Subarea 6 stocks.

The maximum sustainable yield (MSY) for the Southern New England stock was estimated at about 14,000 m.t. at a fishing intensity of 5,400 standard days/year. Based on historical catch data, the MSYs for the Cape Cod and SA6 stocks have been estimated at 2,000 m.t. and 5,000 m.t., respectively. Hence, the total MSY for the entire Subarea 52 and SA6 stock (west of 69°W) is estimated to be 25,000 m.t. For Georges Bank-the estimates MSY figures were 9,200 m.t. with 3,420 standard days/year and 18,500 m.t. with 6,780 days/year fished for the symmetric and skewed curves, respectively. Data in Table 12 indicate that the catches and number of days fished exceeded these levels annually during the late 1960's and early 1970's. More recently the total MSY for Subarea 52 east of 69° has been estimated at 16,000 m.t.

There is evidence that production of yellowtail flounder on the Southern New England ground is highly correlated with annual anomalies of temperature (Sissenwine 1974). Because of environmentally-related fluctuations in yellowtail flounder production, management of this species on a year-to-year basis should not be founded on equilibrium yield considerations.

II.C.2.b.(2) Yield Per Recruit (YPR)

The yield from a cohort of fish of the same age (year-class) reflects the age at first capture (t_c) and the instantaneous fishing mortality rate (F). For the yellowtail flounder, yield per recruit (KG) for various combinations of t_c and F (and M = 0.2) is given in Table 51. By increasing the age at first capture from 2 years (265 mm) to 2.5 years (302 mm) or to 3.0 years (332 mm), the yield per recruit increases by 8 to 18% or 12 to 32%, respectively as F increases from 0.5 to 1.5. Obviously, increasing the age at first capture also increases the size of the spawning stock and may favorable affect future recruitment.

Table 51 Yield per 1000 recruits in kg for M = 0.2.

Instantaneous rate of fishing (F)	Age at first capture (years) and length (mm).					
	1.75 (245)	2.00 (265)	2.25 (284)	2.50 (302)	2.75 (318)	3.00 (332)
0.5	230	240	248	253	263	268
0.6	255	273	288	300	309	317
0.7	250	269	285	299	311	320
0.8	244	264	282	297	310	32.
0.9	238	259	278	294	308	320
1.0	232	254	274	291	306	319
1.1	227	250	270	288	304	317
1.2	222	245	267	286	302	316
1.3	218	242	263	283	300	314
1.4	214	238	260	280	298	313
1.5	210	235	258	278	296	311

If t_r is assumed to be 2 years (265 mm), the age at which yellowtail flounder begin to be captured in large amounts at present, and the present level of F is assumed to be 1.0, then raising the age at entry to 3 (332 mm) and reducing F to 0.8 results in a 26% gain. If the present F is assumed to be 1.1 the gain would be 28%; corresponding at F = 1.2 and 1.3 would be 31% and 33%, respectively. The corresponding gains from a reduction in effort alone would be 4, 6, 8, and 9% in catch.

Increasing the age of entry to 2½ years would reduce discards by about 25% under the current culling practice. An increase to age III would reduced discards by about 45%.

It is estimated from curves given by Henneouth and Lux (1970) that 129 mm synthetic mesh would retain approximately 66% of the 2.5 year-olds and 77% of the 3 year-olds relative to the presently used 114 mm mesh. The 145 mm mesh would retain 35% of the 2.5 year-olds and 50% of the 3 year-olds.

Since fishing at F_{max} ignores the need to allow an adequate spawning stock to assure future recruitment to the fishery, $F_{0.1}$ has been proposed as a level of fishing mortality more appropriate as a management goal. $F_{0.1}$ is the level of fishing mortality at which one additional unit of effort results in 10% of the increased YPR that results from the first unit of effort. $F_{0.1}$ usually results in nearly as high a YPR as F_{max} at a considerably lower level of effort with less reduction in stock size. $F_{0.1}$ for yellowtail flounder is 0.4.

Cohort Analysis - Management of yellowtail flounder in SA 5+6 has been based on stock abundance estimates from USA bottom trawl surveys. Therefore, virtual population analysis (See Cohort Analysis in Ricker 1975) is not applied routinely to yellowtail flounder data. Brown and Henneouth (1971b) report estimates of population size and fishing mortality rate based on virtual populatio analysis for the 1958-1962 year-classes.

Stock-Recruitment Relationship - The relationship between spawning stock size and recruitment for yellowtail flounder is unknown. However, it should be noted that the very low spawning stock size has consistently produced poor year-classes in recent years.

II.C.2.b.(3) Current Fishery Status and Outlook for 1977

Subarea 5 west of 69° and Statistical Area 6 - As indicated above, yellowtail flounder stocks of Subarea 5 west of 69° and Statistical Area 6 are severely depressed. At present, almost the entire catch of yellowtail flounder in Subarea 5+6 is taken by domestic fishermen. Fishing in Subarea 5 west of 69° longitude and Subarea 6 is restricted to by-catch only to minimize fishing mortality. Even with this restriction, stock abundance indices for recent years indicate that fishing mortality is higher than 1.0, whereas F_{max} is about 0.7 and $F_{0.1}$ is about 0.4. Because of the depressed conditions of yellowtail flounder stocks in Subarea 5 west of 69° and Statistical Area 6, a total allowable catch of zero is necessary for 1977 (with knowledge that the unavoidable catch may approach 4,000 m.t.) if further declines are to be avoided. Even if the by-catch is held to only 4,000 m.t. in 1977, no recovery of the stock is expected without improved recruitment. While recruitment of yellowtail flounder may be strongly related to temperature, further declines in stock could threaten recovery of the fishery when more favorable conditions do occur.

Subarea 5 east of 69° - As indicated above, indices of abundance for yellowtail flounder of Subarea 5E of 69° have declined substantially since 1970-73.

Utilizing available data on age composition and estimated mortality for 1975, catch and stock size projections were made for 1976 and 1977 (Table 54). Using F = 0.8 for fish age III and older in the 1975 fishery and F = 0.4 for age II fish (based on fishing mortality for 1963-69 as calculated by Penttila and Brown 1975 [7], stock sizes in 1975 and 1976 were estimated. Using the same F-values for 1976, a catch of 12,500 m.t. is predicted. This catch probably approximates that which will actually be taken in 1976, based on the experience of the 1975 fishery and provisional figures for the 1976 catch. Increased fishing effort directed towards younger fish in 1976 would result in higher catch. The level of recruitment assumed for 1976 and 1977 (42 million fish at age II) is equal to the lowest level since 1962, as estimated from preliminary virtual population analysis and indicated by recent trends in survey indices.

If fishing is conducted at the level of F_{max} in 1977 for a predicted yield of 12,400 m.t., the stock size will be maintained at about the relatively low level existing in 1975 and 1976. Fishing at $F_{0.1}$ = 0.4 for a projected catch of 7,000 m.t. would result in increasing the stock size by about 10%. If fishing is continued in future years at the $F_{0.1}$ level and recruitment remains at about the current level, annual yields should increase to about 12,000 m.t. in 5-6 years and the stock size (age III fish and older) should increase to about 61 million fish, a level similar to that which prevailed in the 1962-73 period.

Table 52 Yellowtail in Subarea 5 (east of 63°W): catch and stock size projections, 1975-77.

Year	Age	Stock numbers[1]	F	Catch		Residual stock[2]
				Numbers	Weight	
		(10^{-3})		(10^{-3})	(tons)	(10^{-3})
1975	2	40,100	0.4	12,030		
	3	20,900	0.8	10,450		
	4	12,198	0.8	6,099		
	5	4,150	0.8	2,125		
	6	1,060	0.8	530		
	7	542	0.8	271		
	8+	212	0.8	106		
	Total	79,162		31,611		
1976	2	42,000	0.4	12,600	3,037	
	3	21,979	0.8	10,987	4,582	
	4	7,689	0.8	3,845	2,284	
	5	4,487	0.8	2,243	1,671	
	6	1,527	0.8	763	658	
	7	392	0.8	196	188	
	8+	277	0.8	139	140	(age 3 and older)
	Total	78,341		30,773	12,558	
1977	2	42,000	0.4	12,600	3,034	-
	3	23,100	0.8	11,505	4,797	23,100
	4	8,084	0.8	4,042	2,400	8,489
	5	2,829	0.8	1,415	1,054	2,974
	6	1,660	0.8	830	716	1,040
	7	565	0.8	282	270	611
	8+	248	0.8	186	187	301
	Total	88,486		30,860	12,458	36,515
1977	2	42,000	0.2	7,140	1,721	-
	3	23,100	0.4	6,576	2,742	28,153
	4	8,084	0.4	2,425	1,440	12,678
	5	2,829	0.4	849	504	4,610
	6	1,660	0.4	498	430	1,552
	7	565	0.4	170	163	911
	8+	248	0.4	166	167	446
	Total	89,486		17,824	7,176	42,050

[1]Stock numbers refer to beginning of the indicated year.
[2]Residual stock (age 3 and older) at the start of the following year.

II.C.2.c. Haddock

II.C.2.c.(1) Distribution of Exploited Stocks

As pointed out under Biology of the Regulated Species above, haddock on Georges Bank (ICNAF Subdivision 5Ze) appear to be relatively sedentary, although some degree of interchange may occur with populations to the west. However, seasonal shifts in distribution in response to temperature changes have been documented; further, spawning aggregations also form on the northeastern portion of the Bank, and (at least in some years) in the Nantucket Shoals - Great South Channel area as well. Assessment studies have focused primarily on haddock in Div. 5Z, as groups in Division 5Y have not been of sufficient magnitude to warrent separate consideration.

II.C.2.c.(2) Abundance and Current Status

Prior to 1965, haddock groups in Division 5Z were in a relatively stable condition; surplus production model studies (Hennemuth 1969) indicate an MSY of 47,000 m.t. based on an average stock size estimate of 145 x 10^6 fish during the 1935-1960 period.

Both commercial catch/effort data and U.S. spring and autumn bottom trawl survey data, however, indicate a pronounced decline in abundance since 1967. Recruitment has been generally poor since 1963. The 1975 year-class appears to have been strongest since 1963, although the estimated strength of this year-class is based only on one research survey and additional data will be required for a more definitive estimate. Both stock size estimates (Table 53) and survey data indicate a decline in abundance in the late 1960's to an all-time low in the early 1970's, followed by a modest increase.

Projections for 1976 and 1977 (Clark, 1976) indicate that, if recruitment continues at the average level observed during 1972-75 (approximately 15 million fish), maintaining the existing TAC level of 6,000 m.t. would lead only to a stabilization of stock size in the late 1970's at about one half of the pre-1960 level, while an increased TAC could lead to a substantial reduction in abundance. Even with better than average recruitment, by-catches would be expected to increase, thereby delaying somewhat the projected improvement in stock size. The problem is further complicated by increased growth rates in recent years (Clark, 1975), thus indicating recruitment at a progressively earlier age.

Hennemuth (1969) was unable to demonstrate a relationship between stock size and recruitment for this stock, but recent studies on other gadoid stocks have demonstrated a tendency for reduced recruitment at low levels of stock abundance and the fact that almost all year-classes since 1963 have been very weak (Hennemuth 1969; Grosslein, 1969; Clark, 1976) is suggestive of a similar tendency for haddock. In any event, recruitment prospects are certainly not promising in view of declines occurring in older elements of the stock and the increased tendency for recruitment at an earlier age.

Table 53 A. Yield per recruit (g) for different rates of instantaneous fishing mortality (F) and different ages at first capture (t_c) for Div. 5Z haddock.

Value of F	Value of t_c (years) with corresponding lengths (cm) and weights (g)						
	2.0 35,0.51	3.0 48,1.10	4.0 54,1.51	5.0 58,1.83	6.0 62,2.19	7.0 65,2.49	8.0 68,2.81
0.1	528	523	490	440	380	319	259
0.2	710	740	719	664	588	504	419
0.3	763	832	833	785	708	617	522
0.4	773	871	892	855	780	688	589
0.5	762	886	925	897	827	735	635
0.6	745	880	944	926	859	769	667
0.7	725	869	955	944	882	791	691
0.8	707	854	962	958	898	809	709
0.9	690	879	966	969	911	823	722
1.0	674	873	969	975	921	835	734

Table 54. Stock abundance, removals and recruitment estimates for Georges Bank haddock, 1968-77.

	Yearly estimates in millions of fish												
	1935-60[1]	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977
Stock size (age 2+)	145	70[2]	36	21	24	16	27	55	50	43	61
Removals											
-total	63	35	16	8	9	5	8	12	12	12	14
-fishing[3]	41	25	11	5	5	2	3	3	3	4	6
-natural[3]	22	10	5	3	4	3	5	9	9	8	8
Recruits (age 2)	54	15	1	1	11	1	16	36	7	12	32

1 Average of yearly estimates during this period.

2 Estimated assuming F = 0.5 and M = 0.2 during 1968.

3 Values computed on the basis of mean weight at age in USA data.

Yield Per Recruit (YPR) - The yield from a cohort of fish of the same age (year-class) reflects that age at first capture (t_c) and the instantaneous fishing mortality rate (F). For SAS2 haddock, yield per recruit values for various combinations of F and t_c (M = 0.2) are given in Table 53A.

These figures must be considered preliminary in that the underlying growth assumptions on which calculations are based have not been completely tested. Nevertheless, substantial benefits from increasing age at first capture are indicated; for example, yield per recruit increases from 4 to 25% between age 2 and 3 as F increases from 0.2 to 0.8. When fishing is limited to fish older than 3 years of age (>48 cm), maximum yield appears to occur with F>1.0, but the increase in yield as F is increased above 0.5 is minor. The reduction in spawning stock size that would accompany high values of F would certainly threaten future recruitment.

Graham (1952; ICNAF Second Annual Report, Part 3, p. 23) reported a 50% selection length of about 39 cm for haddock using a 114 mm mesh net. Larger mesh nets will be required if fishing mortality to haddock less than 48 cm in length is to be reduced.

Clark (1963) reported the results of several mesh selection experiments for haddock (Table 53B). These results indicate that a mesh size of approximately 150 mm would be necessary to achieve a 50% selection length (l_c) of 48 cm. The l_c value for a mesh size of 130 mm (in present use in groundfish trawl cod-ends) is estimated at 42 cm (t_c = 2.5 years).

13.6.2. Optimum Yield and U.S. Capacity

P.L. 94-265 defines "optimum" yield as that: "(A) which will provide the greatest overall benefit to the nation, with particular reference to food production and recreational opportunities; and B) which is prescribed on the basis of the maximum sustainable yield from such fishery, as modified by any relevant economic, social or ecological factor" (Section 3, Para. 18). At present there are no comprehensive models of cod, haddock or yellowtail flounder fisheries that allow us to define "optimum" yields in a totally objective fashion. Rather, we must start with the best estimate of maximum sustainable yield from each fishery and then determine optimum yield by applying various social, economic and ecological factors in a somewhat subjective manner. The projected U.S. Capacity for commercial and recreational fleets has been determined from NMFS historical fleet catch data and advice from ICNAF industry advisors. Individual species capacity is not a meaningful operational concept in the New England Groundfish Fishery. There is a general (unknown) physical capacity to catch a large variety of species. The particular species that the fleet will direct its effort towards in any particular time period is largely a function of price - cost conditions for the particular fishery. Therefore, the approach that was taken in estimating the U.S. "capacity" was to examine the historic catch data and modify any conclusion drawn from the data based on advice from industry representatives. If, for example, a fishery had been operating under severe catch restrictions in a particular region, the catches in the years immediately prior to the imposition of restrictions were used as a basis for capacity estimates. Table 54 provides the results of this analysis, described in detail below. The process of determining optimum yield and its application to fishery management under P.L. 94-265, is shown in Figure 6A.

119

Table 53B. Summary of Haddock Escapement Experience.

Twine type	Experimental method	Experiment	Twine weight	Mesh size mm	50% point cm	Selection factor
Double manila	Paired tows	Pairtows I	45/4	119	29.5	3.3
" "	Cover	Michigan	50/4	91	30.0	3.3
" "	"	"	50/4	98	31.4	3.2
" "	"	"	50/4	105	32.3	3.1
" "	"	Wisconsin	50/4	109	34.1	3.1
" "	"	"		112	35.7	3.3
" "	"	"		114	36.6	3.2
" "	"	"		121	29.9	3.3
" "	" 20 min. tows	Alb. No. 49	50/4	113	33.8	3.0
" "	" 40 " "	" " "			35.2	3.2
" "	" 60 " "	" " "			37.2	3.3
" "	" 80 " "	" " "			33.6	3.4
" "	" 40 " "	" " "	45/4	123	36.8	3.0
" "	" 60 " "	" " "			39.7	3.8
" "	" 80 " "	" " "			41.2	3.3
" "	" 40 " "	" " "	75/4	73	24.8	3.4
" "	" 60 " "	" " "			25.2	3.5
" "	" 80 " "	" " "			24.8	3.4
" "	"	Alb. No. 51	45.4	107	31.8	3.0
" "	"	" " "	75/4	75	24.5	3.3
" "	"	Alb. No. 52	45/4	113	36.3	3.3
" "	"	Alb. No. 59	45/4	140	49.1	3.5
" "	"	" " "	45/4	154	52.8	3.4
" "	"	" " "	45/4	167	54.7	3.3
Single cotton	Paired tows	Pairtows I	120th	144	52.4	3.6
" "	" "	"	120th	106	37.2	3.5
" "	" "	"	120th	111	37.8	3.4
" "	Cover	"	120th	138	49.6	3.6
" "	"	"	120th	114	42.4	3.7
" "	"	"	96th	86	25.8	3.0
" "	"	Priscilla V	72th	73	29.8	2.5
Single dacron(Br.)	Cover	Alb. No. 74		127	39.8	3.1

Table 54 - Summary of harvest, yields, U.S. capacity, and foreign surplus (metric tons).

Species	Fishing Area	MSY 1/	O.Y. 2/	U.S. 2/ Capacity	Foreign Surplus (TALFF)	U.S. Recreat. 3/ Catch 1974	U.S. Commer. Harvest 1975	Foreign Harvest 1975
Haddock	ICNAF 5	47,000	6,200	20,000(a) 200(b)	0	200	5,188	1,[illegible]
Cod	ICNAF 5Y	10,000	7,300	10,000(a) 2,309(b)	0	2,300	9,250	[illegible]
	ICNAF 5Z and 6	50,000	30,000	20,000 (a) 10,000 (b)	0	10,100	15,300	8,700
Yellowtail Flounder	ICNAF 5Ze	16,000	10,000	20,000	0		14,500	[illegible]
	ICNAF 5Zw and 6	23,000	4,000	20,000	0	Trace	5,500	0

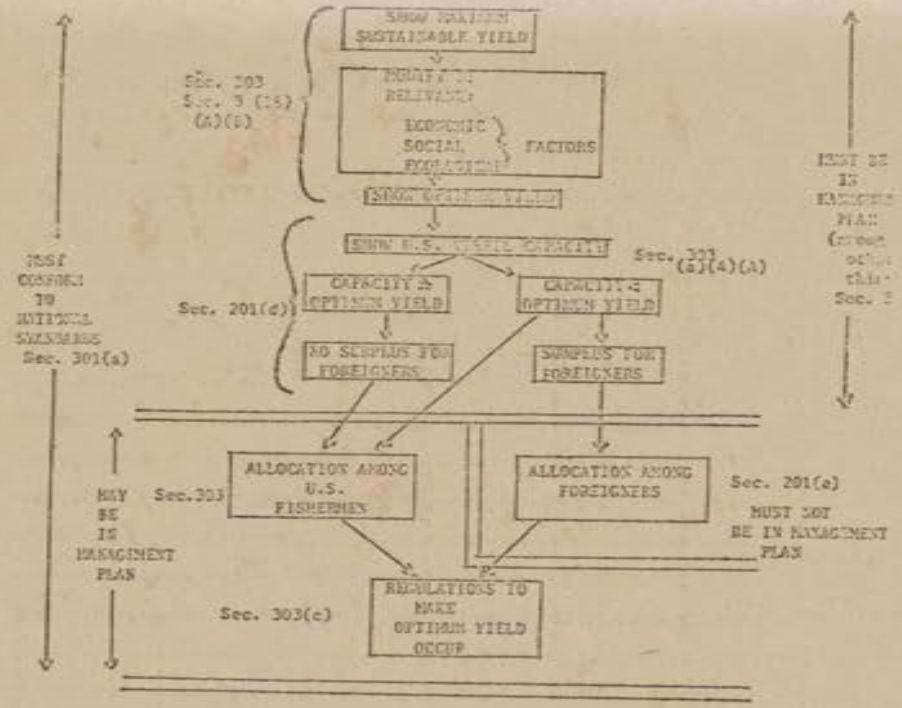
1/ Fishing mortality from commercial data only.

2/ (a) Commercial -
(b) Recreational

3/ The 1974 recreational catch is from Maine to and including New Jersey.

FEDERAL REGISTER, VOL. 42, NO. 49—MONDAY, MARCH 14, 1977

Figures 6A



122

Three measures of fishing mortality (F_{max} and F_{MSY} and $F_{0.1}$) have been identified as reference points on which to base regulations for optimizing the biological yield. F_{max} refers to the fishing mortality rate at which the average catch per recruit to a fishery is at a maximum. It is a function of the growth and natural mortality processes within the fish stock and of the size (age) at harvest, and it is therefore independent of changes in recruitment. F_{MSY}, on the other hand, refers to the fishing mortality rate at which the average long-term catch from the fish stock as a whole is highest and is therefore a function of the total production processes within the fish stock, including recruitment. Where the average level of recruitment does not change directly in response to changes in stock size, F_{max} and F_{MSY} will correspond. In the absence of detailed knowledge of the relationship between stock size and recruitment for particular stocks, this correspondence was assumed by ICNAF in the presentation of scientific advice on management.

Principal features of the F_{max} reference point are identified as follows with regard to a basis for management actions:

(a) The form of the relationship between catch per recruit and fishing mortality (F) differs markedly for the various fish stocks according to their growth and natural mortality characteristics. For some stocks, F_{max} occurs at a relatively high level of fishing mortality and it may not be clearly defined. Furthermore, its value for each stock is dependent upon the age and pattern of recruitment to the fishery.

123

(b) Although F_{max} defines the fishing mortality rate at which the greatest catch will be obtained from each recruit entering the fishery by taking no account of the relationship between the size of the spawning stock and recruitment, it does not necessarily correspond with that giving the highest average catch (MSY) for the fish stock as a whole (although, as indicated above, it does so if average recruitment does not change with changes in stock size).

(c) Because F_{max} takes no account of the stock and recruitment relationship, management measures based on this reference point do not guarantee the maintenance of an optimum average level of recruitment.

(d) The F_{max} level of fishing takes no account of possible economic objectives and factors.

This indicates that the F_{max} reference point has potential limitations which have to be recognized and evaluated in the provision of scientific advice on management action. They are obviously greatest with respect to fish stocks for which the relationship between yield per recruit and fishing mortality has no clearly defined maximum or, if present, occurs at a relatively high value of fishing mortality rate. In these situations the setting of catch quotas at the F_{max} level may lead to a severe reduction in the stock size, reduction in the number of age groups in the exploited stock, large short-term changes in catch (and hence in the magnitude of the short-term quota changes), and possible recruitment failures due to the generation of too low a spawning stock size.

of F_{max} as a basis for management action is the recruitment process, both the variability due to environmental factors and the relationship between recruitment levels and spawning stock size. At present, little is known about the latter relationship, so that the evaluation has usually been made on a generally qualitative basis using all available information on the size and composition of the stock and the observed variability in recruitment together with the relationship to other components of the exploited ecosystem. However, the relationship is taken into account empirically in some assessment models.

For fish stocks in which the relationship between catch per recruit and fishing mortality is a relatively flat-topped curve, a lower fishing mortality rate than Fmax can be set which would result in only a small loss in average catch but would achieve a substantially higher average stock biomass, greater stock stability due to the presence of a larger number of age groups in the exploited phase, higher average catch per unit of effort, and increased economic efficiency. The F0.1 level, defined as the level at which the change in yield per recruit with respect to change in mortality rate is one-tenth of that of the fishery beginning on the virgin stock, has been specified as another possible reference point below Fmax. It results in an increased catch per unit of effort, but it does not have the unique merit in necessarily achieving the desired stability of stock size and recruitment. This level of F was used as a basis for the 1977 TACs established for several stocks.

In view of the possible substantial adverse consequences of setting the fishing mortality rate too high in cases where there is doubt about its adequacy, a more restrictive management system (other than controlling the size (age) of recruitment to the fishery through mesh regulation), might comprise either, or a combination, of the following elements: (i) fixing the fishing mortality rate at a level somewhat lower than F_{max}, and (ii) setting a target spawning stock size.

Two groups of cod are considered as stocks for management purposes: (a) the Georges Bank - Southern New England stock (ICNAF areas 5Z and 6), and; (b) the Gulf of Maine stock (ICNAF area 5Y). Maximum sustainable yields for commercial and recreational fisheries in these areas are 72,000 metric tons and 10,000 metric tons, respectively. Recreational landings from both stocks were estimated as 16,300 m.t. in 1970 and 12,400 m.t. in 1974. The estimated 1974 recreational catch was 800 m.t. from Maine and New Hampshire and 3,030 m.t. from Massachusetts. Applying half of the Massachusetts landings and all of the Maine and New Hampshire landings to area 5Y, it appears that 1974 recreational catches were about 10,100 m.t. from area 5Z-6 and 2,300 m.t. from area 5Y. Assuming that the same relative amounts were taken in the two areas in 1970, recreational landings were about 13,300 m.t. from area 5Z-6 and 3,000 m.t. from area 5Y. Since U.S. and foreign commercial catches have averaged (1970-74) 26,500 m.t. and 7,400 m.t. in the two areas, it appears that combined commercial-recreational removals have been about 37,000-40,000 m.t. from the 5Z-6 stock and around 10,000 m.t. from the 5Y stock in recent years.

While catch levels have apparently been at or below the MSY levels in 5Y and 5Z-6, the levels of F have been greater than F_{max} and the stock abundance needs to increase in order to provide the MSY. ICNAF scientists recommended that the 1977 commercial catches be set at the $F_{0.1}$ levels of 5,200 m.t. for 5Y and 15,000 m.t. for 5Z-6. Considering the concern raised by the U.S. industry advisors at ICNAF, with respect to the potential adverse economic impacts on the harvesting sector if the recommended quotas were implemented, these figures were raised to 5,000 m.t. for 5Y and 20,000 m.t. for 5Z-6. Expected catches by recreational fishermen in 1977 would probably amount to no more than 2,300 m.t. in 5Y and 10,000 m.t. in 5Z-6 bringing the optimum yields for 1977 to 7,300 m.t. for 5Y and 30,000 m.t. for 5Z-6.

126

We recommend the optimum yield be set at 7,300 m.t. for 5Y and 30,000 m.t. for 5Z and 6. The projected commercial harvest for the respective areas is 5,000 m.t. and 20,000 m.t. A projected total 1977 recreational catch of 12,300 m.t. was estimated; 2,300 m.t. for 5Y and 10,000 for 5Z and 6.

127

the proposed total level of U.S. commercial and landings (27,000 m.t.) is slightly larger than in recent years. In 1975 the commercial cod catch was estimated to be about 24,600 m.t. As previously stated (Doll 1976) estimated the demand curve for cod to be elastic (-3.3). If elimination of foreign fishing and/or other factors result in U.S. fleets experiencing higher catch per unit of effort and if the cost of effort does not increase, there could be a downward shift of the supply curve with resulting price decreases, and total gross revenue increases. However, it should be pointed out that while the overall quota is higher than the catch in recent years, the geographic distribution of the quota (i.e., a reduction in the 5Y quota vis-a-vis U.S. catch but an increase in the 5Z quota vis-a-vis US catches) could result in overall increased fleet operating cost per trip. Therefore, whether or not the costs per unit of output increases or decreases depends on the relative in creases in factor costs and factor productivity.

On the other hand, there are some small vessels that fish the 5Y cod stocks that may not be able to transfer their effort to the offshore areas, and thus may experience some short-term financial difficulties if there are limited alternatives. Therefore, the OY for 1977 exceeds Fmax because estimating the extent of this adverse impact is not possible at the present time since it is not known how many of the smaller operating units can transfer their effort to the offshore areas, or the percentage of the total gross revenues which was derived from the cod fishery and FCMA requires social and economic factors be taken into account. Conceivably those vessels which cannot transfer their effort could increase their catches of alternative such as cusk and hakes in inshore areas. However, it should be pointed out that some of these vessels operate from ports in Maine and Massachusetts that currently have high unemployment rates. Since this is the case, if some of these vessels are eliminated from the fishery the affected fishermen may experience difficulty in securing alternative employment.

IQ F

mately elimination of foreign fishing from the US FCZ will have only the slightest impact on the total foreign cod supply (Table 13C), the action of Canada and others (with respect to their FCZ and potential reduced foreign allocations of cod) could have an impact on the demand in the US for cod, i.e., a shift in the demand curve to the right by foreign countries seeking imports. It is also possible that a reduction of exports to the US of foreign cod blocks could result due to changing trade patterns. These factors could conceivably result in some price increases being experienced at the vessel level.

In summary while reduced foreign fishing could result in increased factor productivity (i.e., increased catch per trip) being experienced by the US fleets, the geographic distribution of the quota could increase the factor costs (i.e., trip costs). If the supply curve does shift downward, the potential price decreases could be passed on to consumers (this depends upon the structure of the processing sector). Changing world trade patterns as a result of actions by other countries could offset the potential price decrease due to the increased domestic supply by a shift in either the demand curve for US caught cod by foreigners and/or a decrease in the export supply to the US of cod. Depending upon the relative magnitude of these factors, prices in the US could either increase or decrease. If current (March) prices are assumed to be in effect during all of 1977, the total gross revenues which would result from landing the entire quota of cod would be approximately $28 million.

Again, there may be some smaller vessels that fish the 5Y area for cod that may not be able to transfer their effort to the offshore areas. They may experience some short-term difficulties if their alternatives are limited.

While we have included all the available sociological information on these communities that we currently have available, it is recognized that more work is needed in the future on "linking up" the sociological impacts with the management plans.

Table 53

Total Northwest and Northeast Atlantic cod catches, total Area 5 & 6 catches, and the percent of total catches from 1973 Area 5 & 6

	1973* Total cod catches (1,000 m.t.)	ICNAF Area* 5 & 6 (1,000 m.t.)	1973 cod catch in Area 5 & 6 Total Atlantic catch
Belgium	14	-	-
Canada	177	5	2%
Denmark	136	-	-
Faeroe Is.	54	-	-
France	75	-	-
German Dem. Rep.	40	-	-
German Fed.	121	-	-
Greenland	19	-	-
Iceland	236	-	-
Mexico	1	-	-
Ireland	5	-	-
Norway	334	-	-
Netherlands	25	-	-
Poland	81	.40	-
Portugal	124	-	-
Romania	3	-	-
Spain	160	6	4%
Sweden	23	-	-
USSR	550	3	(1)%
UK	7	-	-
USA	23	22	99%

*Source FAO, ICNAF Documents, 1973

II.C.3.b. Yellowtail Flounder

As noted above (Section II.C.2.b) there are two groups of yellowtail flounder considered as stocks for management purposes. There are the Georges Bank stock (ICNAF area 52e) and the Southern New England and Mid-Atlantic stock (ICNAF area 52w and 6). Maximum sustainable yields have been estimated at 16,000 m.t. and 23,000 m.t., respectively. Recreational fishermen do not take appreciable amounts of yellowtail flounders. Resource surveys and catch effort statistics indicate that that abundance of the 52w-6 stocks is declining and that the 52e stock was stable is is now below the level required to produce MSY. From an ecological viewpoint catch from both stocks should be reduced as much as possible in order to increase the spawning biomass and provide a buffer against recruitment failures. However, this would cause undue economic hardship for the harvesting sector and coastal communities. Accordingly, we recommend optimum yields of 10,000 m.t. for area 52e and 4,500 m.t. (as by-catch) for areas 52w-6.

The published estimates of the elasticity of the demand curve for yellowtail flounder indicated that it is relatively elastic;* therefore, the reduction in catches due to the quota would be expected to result in decreases in total gross and, presumably net revenues from this fishery and increases in ex-vessel prices. Specifically, the 1977 recommended catch level of 14,000 m.t. represents a 16% reduction from the estimated 1976 catch of about 16,500 m.t. Using Gater's estimate of the price flexibility of -.6346, this action would be expected to result in a lesser percentage increase in prices than the percentage declines in volume, with resultant decrease in total revenues. However, in recent years, increasesin revenue at the vessel level have occurred despite declining catches. Increases in competing product prices, increasing consumer incomes, etc. have probably partially accounted for this.

*Bell (1969) estimated the elasticity to be -2.26, Gates (1974) estimated the flexibility to be -.6346.

Therefore, it is difficult to forecast if gross revenues will actually decrease as a result of the forced reduction in landings. If current prices (March) are assumed to be in effect during all of 1977, the total gross revenues resulting from landing the entire yellowtail flounder quota would be approximately $17.5 million.

If revenues did actually decline as a result of this action, the extent of the impact on the affected fleets (principally the New Bedford fleet and to a lesser extent the Pt. Judith fleet) depends upon the alternative species that these fleets have available. These alternative species include blackback, fluke, tilefish, grey sole, and offshore cod. Reduced foreign fishing in the Fisheries Conservation Zone could reduce the foreign by-catch of these species, resulting in a higher level of abundance and catch per unit of effort for domestic fishermen.

Over the long run, if this action permits higher catch levels in the yellowtail fishery, total revenue gains could offset short-term losses (although those domestic fishermen incurring the short-term losses would not necessarily be the same domestic fishermen securing the future benefits due to the time pattern of future quotas). The increased catches in future years, ceteris paribus, could conceivably lead to a reduction in consumer prices. While processors of yellowtail flounder could experience some short-term cutback in fresh raw material supplies, transfers of effort by the fleet to the other species stated above would probably mitigate this impact somewhat.

II.C.3.c. Haddock

Removals should be kept at the lowest possible level to allow for rapid recovery of the haddock stock to the MSY level. We recommend the optimum yield be set at 6,200 m.t., which would include both recreational and commercial catch as by-catch only. It is estimated there would be an unavoidable by-catch of about 6,000 m.t. in other Northwest Atlantic trawl fisheries, which may be taken only as undirected by-catch.

The proposed haddock quota would represent a slight increase vis-a-vis the US haddock catches of recent years (which have also been limited to by-catch only). The increased haddock landings should result in some increase in total gross revenues from haddock, since the demand for haddock has been estimated to be elastic. Bell (1969) estimated the elasticity to be about -3.22.

Since the importance of the haddock catches in the FCZ for other countries is minor (except for Canada), the impact of this action with regard to increased demand by foreign countries for imports would be negligible. On the other hand, the policies of other countries with respect to foreign fishery within their own respective FCZ could have an effect on world trade patterns for haddock. At this time it is unclear as to the impact of such actions on the demand and prices for haddock in the U.S. Reduced foreign exports to the U.S. as a result of these changing trade patterns (due to actions by other countries) are also a possible factor which could affect ex-vessel price and consumer price. If current prices (March) prevail during all of 1977, the total gross revenues from landing the entire quota of haddock would be approximately $6.5 million dollars.

II.C.4 Suggested Management Measures

Due to the condition of the stocks of these three species, it is recommended that the following management measures be adopted as applicable to domestic fishermen.

(A) Quotas

(1) Cod

(a) It is recommended that the landings of cod from the Gulf of Maine be limited to 5,000 m.t. commercial and 2,300 m.t. recreational.

(b) It is recommended that the landings of cod from Georges Bank be limited to 20,000 m.t. commercial and 10,000 m.t. recreational.

(2) Yellowtail Flounder

(a) It is recommended that the landings of yellowtail flounder from Georges Bank east of 69° west longitude be limited to 10,000 MT.

(b) It is recommended that the landings of yellowtail flounder from the area west of 69° west longitude, which are made up entirely of incidental catches by U.S. vessels, be limited to 4,000 mt.

134

(c) It is recommended that the landings of haddock from the Gulf of Maine and Georges Bank be limited to 6,500 MT.

(d) Mesh Size Regulation

That the taking of cod, haddock, and yellowtail flounder be prohibited from an area formally designated as ICNAF SA5 with trawl nets having in any part of the net other than the codend, meshes of dimensions less than 114 mm or 4-½ inches, and having in the codend of the nets, meshes of dimensions less than 130 mm or 5-1/8 inches. These mesh sizes relate to manila twine netting when measured wet after use or the equivalent thereof when measured dry before use. The Council may, on the basis of scientific advice as to selectivity equivalents, determine the appropriate mesh sizes when trawl nets made of materials other than manila are used or when seine nets are used.

It is expected that there will be minimal bycatches of haddock and yellowtail flounder in the directed foreign fisheries for the hakes, mackerel, squid, and herring. The "windows" were designed in such a way as to prevent such bycatches, and the actual foreign catches will be monitored by on board U.S. observers.

(1) Mesh sizes are measured by a flat wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters, inserted into the meshes under a pressure or pull of 5 kilograms. The mesh size of a net shall be taken to be the average of the measurements of any series of twenty consecutive meshes, at least ten meshes from the landings, and when measured in the codend of the net beginning at the after end and running parallel to the long axis.

(2) In order to avoid impairment of fisheries conducted primarily for other species and which take small quantities of cod, haddock, and yellowtail flounder incidentally, persons permitted to fish may take cod, haddock, and yellowtail flounder with nets having a mesh

135

size less than that specified in the preceding paragraph, so long as persons on board a vessel fishing primarily for other species do not have in possession (either at sea or at the time of offloading) cod, haddock, or yellowtail flounder in amounts in excess of 2,500 kg (5,510 lbs) for each species or 10% by weight of all fish on board such vessel for each species, whichever is greater.

(3) Any means or device is prohibited, other than those described in paragraph 4, which would obstruct the meshes of the nets or which would otherwise diminish the size of the meshes of the nets. Devices may be attached to the upper side of the codend in such a manner that they will not obstruct the meshes of the codend. Any such device must have the approval of the Council based on scientific advice that the attached devices do not obstruct the meshes or reduce significantly the selectivity of the codend.

(4) Canvas, netting, or other material may be attached to the underside only of the codend of a net to reduce and prevent damage. The mesh size restriction proposed is a continuation of current regulations, thus this action should have no substantitive adverse impact vis-a-vis current conditions.

(C) Area and Season Restrictions

(1) Commercial

It is prohibited to use fishing gear other than pelagic fishing gear (purse seines or true midwater trawls using midwater trawl doors incapable of being fished on the bottom) and to attach any protective device to pelagic fishing gear or employ any means which would in effect make it possible to fish for demersal species during March, April, and May in areas bounded by straight lines connecting the following coordinates in the order listed:

(1)	69°55'W, 42°10'N	(2)	67°00'W, 42°20'N
	69°10'W, 41°10'N		67°00'W, 41°15'N
	68°30'W, 41°35'N		65°40'W, 41°15'N
	68°45'W, 41°50'N		65°40'W, 42°00'N
	69°00'W, 41°50'N		66°00'W, 42°20'N

The provisions of this paragraph shall not apply to vessels that fish in area (1) with hooks having a gape of not less than 3 cm, or to vessels that fish in areas (1) and (2) with gear designed to fish for crustaceans and scallops (see Figure 7).

II. B. The plan recommends minimum size limits for haddock and cod be imposed.

Haddock

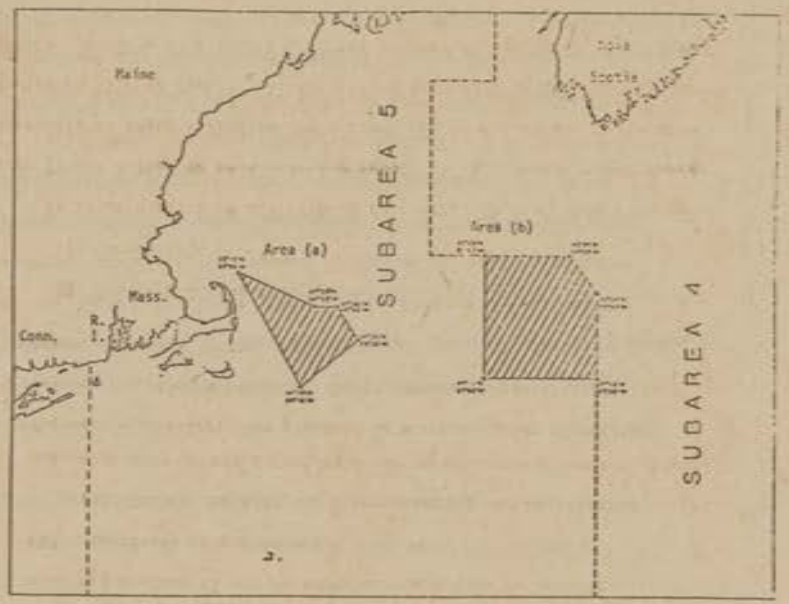
(1) Calendar Year 1977 - A minimum size of 406 mm is recommended, representing the appropriate average length of a 2½ year old fish. (The average weight of such a fish would be about 0.7 kilgram.)

Cod

(1) Calendar Year 1977 - A minimum size of 406 mm is recommended (representing the approximate average length of a 2 year old fish) for commercial fishing. (The average weight of such a fish would be about 0.6 kilogram.) Depending upon the allowable tolerance, this action could conceivably result in a short-term decrease in available legal supply of cod and haddock (although it is believed that it will not). Again over the long run this should increase the average size of the fish landed, increase processing yield, and could result in price premiums being paid to fishermen.

Figure 7

Chart illustrating the areas affected by Recommendation C for Regulation of the Fishery for Haddock in the area formerly known as Subarea 5.



III. Summary and Alternatives

Alternatives to this Plan include: (1) no action, (2) changes in allowable harvest levels, (3) changes in mesh size restrictions, (4) elimination of closure areas, and (5) elimination of minimum size restrictions.

1.) No action

The best scientific information available indicates the species under consideration are in a severely depleted state, apparently resulting from overfishing and other factors. Imposed conservation measures under the auspices of ICNAF have been responsible for measurable, positive results in terms of increases in stock abundance. In spite of possible short-term economic losses, it is essential to continue conservation measures to a point where stock abundance is maximized. To remove such controls would, in effect, represent an irresponsible action relative to the health and potential productivity of an important public resource. Furthermore, to take no action is tantamount to not complying with the intent of Congress in passing P.L. 94-265, which mandates responsible management of resources under U.S. jurisdiction relative to the concept of optimizing the yield of all species. In essence, the alternative of taking no action is unjustified.

2.) Changes in allowable harvest levels.

The management plan proposes harvest levels based upon two factors: (1) best scientific evidence currently available, and

(2) economic input to the US fishing industry. Thus, the total amounts of haddock and cod recommended for US harvest in 1977 are somewhat greater than in 1976, while that for yellowtail flounder is somewhat lower. While slight changes are possible without inducing significant damage to the stocks, substantial changes in harvest levels would negate the positive impacts indicated previously. On the other hand, lowering harvest levels substantially, while perhaps leading to quicker stock rebuilding, would impose severe economic hardship to U.S. fishermen. The harvest levels recommended represent the optimum yield for 1977, given the present state of the species under consideration. Major harvest changes are not justified.

3.) Elimination of areas closures.

The two proposed closure areas have been identified as primary haddock spawning areas. If fishing were allowed during this critical portion of the annual life cycle (when these fish are concentrated) severe damage to the spawning stock would undoubtedly result. This, in turn, could lead to poor recruitment to the fishery in future years causing substantial adverse economic and ecological impact. Elimination of closure areas is not justifiable environmentally, nor in terms of long term, sustained, economic return to U.S. fishermen.

4.) Changes in mesh size restrictions.

The mesh sizes proposed are designed to allow escapement of pre-recruits composed primarily of fishes too young to spawn. Additionally, small fishes are generally less valuable in the market place. The mesh regulations will allow rebuilding of the spawning stock, while providing for the gainful employment of groundfish fishermen.

Elimination of the mesh size restrictions would result in the harvesting of an inordinate amount of the pre-spawning stock and subsequent long-term adverse impacts on the fishery stocks and fishing community economies. In the interest of responsible fisheries management practices, mesh size regulations are necessary for the foreseeable future.

Since the U.S. fishermen have been fishing with essentially the same mesh size restriction under ICNAF, this Plan represents no change from current practices in this respect and no adverse impacts are foreseen. The minimum size restriction could have a short term adverse impact due to the limited availability of legal size fish. However, over the long run, the recommended size limits should lead to an increase in the average size of the fish landed. This could lead to increases in the processing yield per pound of fish landed which could lead to higher prices being paid to fishermen.

5.) Changing minimum size restrictions.

The minimum size restrictions, much like the mesh size restrictions, are designed to allow escapement of immature fish by discouraging their capture. Presumably fishing in areas where immature fish are concentrated would be discouraged, since their capture would be uneconomical. To increase the mesh size over that proposed would cause a severe short-term economic hardship to U.S. fishermen since the availability of large fish is limited. Alternatively, reducing minimum sizes would result in increased mortality of the pre-spawning stock, in turn reducing future reproductive potential.

Ideally, progressively larger minimum mesh sizes, phased in through annual increases, would allow recruitment and subsequent spawning stock strength to be maximized without unduly taxing the economic well being of the fishing community.

In view of the present depleted state of the fishery stocks of species under consideration, harvesting at any level could be construed as having adverse environmental effect. On the other hand, any restriction imposed upon harvesting these species could be interpreted as having adverse effect in terms of short-term economic gains to the fishing industry. This apparent conflict, however, is alleviated by the proposed conservation measures which provide for somewhat slower stock rebuilding coupled with long-term economic stability. Short-term price increases would be expected from reduced availability of yellowtail. This would result from the smaller harvests, initially due to the imposed regulations. Thus a slight short-term adverse impact on the consuming public and the industry would be expected.

It is not expected that there will be any substantial adverse impact on the recreation sector due to the fact that the recommended recreational catch is essentially unchanged over that of the last few years.

The probable relationship of the proposed action relative to recent oil spills in, and adjacent to, fishery areas treated in this document is unmeasurable at this time. All available evidence, including oil -slick trajectories, suggest that no serious impairment of the fishery will result. However, the longer-term effects of oil in the region of fishing activity are, as yet, undetermined. This is particularly true of the oil no longer visible on the surface.

At present fish are being sampled on a continuous basis by the National Marine Fisheries Service and analyses for oil contamination are being carried out by the Food and Drug Administration of the State of Massachusetts. To date there has been no evidence of any such contamination. Further, cleaning facilities for fishermen's nets have been established at Portland, Maine; Boston, Massachusetts; Yarmouth, Massachusetts; and Providence, Rhode Island in the event that fishing gear becomes fouled with oil. Also, fishermen are being interviewed on a continuous basis as to any impact of the oil spill they may have detected.

Should the oil spills adversely effect the fisheries under consideration, the harvest levels recommended in this plan may require revision. However, this will remain a topic of speculation until precise data become available.

The measures proposed herein are designed to accomplish two goals relative to long-term productivity: (1) provide for a sustained optimum yield of biomass based on increased and stable stock levels, and (2) provide long-term economic stability in the fishing community harvesting groundfish species. The process, if successful, will require short-term, local sacrifices in terms of harvesting yellowtail and the SY commercial cod catch at a level below full fishing capacity. The relationship between the short-term use of the environment and the promise of long-term viability through stock stability at higher levels is, we believe, a strong bond and a necessary one. Prudent and responsible utilization of the resource base requires no less.

The resources in question are, in fact, public resources, and therefore, belong to no one particular interest group. The concept envisioned by Congress in passing PL 94-265 is to maximize the benefits of these resources to all Americans. The species considered herein are treated much like any other natural resource of the public domain. Given these circumstances, and the fact that regulatory measures provided by ICNAF will no longer be effective in providing resource protection, the conservation measures proposed are examples of direct and responsible federal actions to ensure resource availability at adequate levels for the foreseeable future. While short-term economic losses are possible to a segment of the fishing industry (yellowtail flounder fishery,, and there vessels not capable of transferring their effort from the SY cod fishery), the overall benefits to be provided clearly favor plan implementation. In view of the long-term benefits to be derived, it is believed adverse impacts, if any, will be clearly of secondary importance.

REFERENCES

BELL, F. 1966. The economics of the New England Fishing Industry: The role of Technological Change and Government Aid, Federal Reserve Bank of Boston, Research Report No. 31.

Bell, F. and Nash, D. 1969. An Inventory of Demand Equations for Fishery Products; Working Paper No. 10, Bureau of Commercial Fisheries, Economic Research Division.

[illegible], E.L. 1933. Plankton of the offshore waters of the Gulf of Maine. Bull. U.S. Bur. Fish. 40(2):1-509.

BIGELOW, H.B. and W.C. SCHROEDER, 1953. Fishes of the Gulf of Maine. U.S. Fish & Wildlife Service, Fish. Bull. 53: 1-577.

BLACKER, R.W. 1971. Synopsis of biological data on haddock (Melanogrammus aeglefinus Linnaeus). F.A.O. Fisheries Synopsis - No. 64.

BOWMAN, R.E. 1975. Food habits of Atlantic cod, haddock, and silver hake in the Northwest Atlantic, 1969-1972. Manuscript: NMFS - Northeast Fisheries Center Laboratory 75-1, 53 pp.

BOWMAN, R.E., R.O. Maurer, Jr., and J.A. Murphy. 1976. Stomach contents of twenty-nine fish species from five regions in the Northwest Atlantic-Data Report. Northeast Fisheries Center, Lab. Reference 76-10:37 p.

BROWN, B.E. and R.C. HENNEMUTH. 1971a. Prediction of yellowtail flounder population size from pre-recruit catches. Int. Comm. Northw. Atlant. Fish. Redbook, Part III: 221-228.

BROWN B.E. and R.C. HENNEMUTH. 1971b. Assessment of the yellowtail flounder fishery in Subarea 5. In. Comm. Northw. Atlant. Fish. Res. Doc. 71/74, 57 pp.

BUMPUS, D.F., R.L. LYNDE, and D.N. SLAW. 1973. Physical oceanography in coastal and offshore environmental inventory: Cape Hatteras to Nantucket Shoals. Mar. Pub. Ser. No. 2, Univ. R.I. Kingston, R.I.

Clark, J.R. 1963. Eye selection of fish by otter trawls: Results of recent experiments in the Northeast Atlantic, p. 24-96. In The The Selectivity of Fishing Gear. Int. Com. Northeast. Atlantic. Fish Spec. Publ. No. 5.

CLARK, S. 1975. Current status of the Georges Bank (5Ze) haddock stock. Annu. Meet. Int. Comm. Northw. Atlant. Fish. Res. Doc. No. 75/48, 8 p.

CLARK, S. 1976. Georges Bank (Subdiv. 5Ze) haddock status report. Annu. Meet. Int. Comm. Northw. Atlant. Fish. Res. Doc. No. 76/VI/35, 8 p.

COHEN, E. C. 1975. An overview of the plankton community of the Gulf of Maine. Annu. Meet. Int. Comm. Northw. Atlant. Fish. Res. Doc. No. 106. Ser. No. 3599 (mimeo).

GATES, J.M. and NORTON, V., 1974. The Benefits of Fisheries Regulation: A case study of the New England Yellowtail Flounder Fishery, U.R.I., Marine Technical Report No. 21

GRAHAM, H.W. 1952. Mesh regulation to increase the yield of the Georges Bank haddock fishery. Int. Comm. Norw. Atlantic. Fish. Ann. Proc. Vol. 2 (1951-1952): 23-24.

GROSSLEIN, M.D. 1969. Haddock recruitment prediction from bottom-trawl catches of 0-group fish in Subarea 5 and Division 4X. Annu. Meet. Int. Comm. Northw. Atlant. Fish. Res. Doc. No. 69/89, 14 p.

HENNEMUTH, R.C. 1969. Status of the Georges Bank haddock fishery. Annu. Meet. Int. Comm. Northw. Atlant. Fish. Res. Doc. No. 69/90, 31 p.

HENNEMUTH, R.C. and F.E. LUX. 1970. The effects of large meshes in the yellowtail flounder fishery. Int. Comm. Northw. Atlant. Fish. Redbook, Part III: 111-115.

HOUDE, V.M. 1963. Fecundity of Great Bank haddock. J. Fish. Res. Bd. Canada 20: 1465-1487.

LAWRENCE, G.C. and C.A. ROGERS. 1976. Effects of temperature and salinity on comparative embryo development and mortality of Atlantic cod (Gadus morhua L.) and haddock (Melanogrammus aeglefinus L.). J. Conseil 36:220-228.

LILLELUND, K. and R. LASKER. 1971. Laboratory studies of predation by marine copepods on fish larvae. U.S.Fish. Bull. 69:655-667.

LUX, F.E. 1963. Identification of New England yellowtail flounder groups. U.S. Fish. Wildl. Serv., Fish. Bull. 63: 1-10.

LUX, F.E. and F.E. NICHY 1969. Growth of yellowtail flounder, Limanda ferruginea in three New England fishing grounds. Int. Comm. Northw. Atlant. Fish. Res. Bull. (6): 5-25.

MARAK, R.F. 1960. Food habits of larval cod, haddock, and coalfish in the Gulf of Maine and Georges Bank area. J. Cons. Int. Explor. Mer. 25:147-157.

MARAK, R.F. 1974. Food and feeding of larval redfish in the Gulf of Maine. In J.H.S. BLAXTER (ed.), The Early Life History of Fish. Springer-Verlag, New York, 765 pp.

MARCY, H.S., WORSLEY, J.R., MEEK, A.J., and LEE, E. Doc. 1974. Using Co-operative to aid the New England Fishery Industry, Report No. MITSG 75-7

MATHER, R. 1975. A preliminary description of some important feeding relationships. Spec. Meet. Int. Comm. Northw. Atlant. Fish. Res. Doc. No. 130, Ser. No. 3611 (mimeo).

MAYER, R. 1976. A preliminary analysis of inter-specific trophic relationships between the sea herring, Clupea harengus Linnaeus, and the Atlantic mackerel, Scomber scombrus Linnaeus. Int. Comm. Northw. Atlant. Fish. Res. Doc. 76/VI/121. Ser. No. 3967 (mimeo).

MAYO, R.O., Jr., and R.E. Bowman. 1975. Food habits of marine fishes of the Northwest Atlantic-Data Report. Northeast Fisheries Center, Lab Reference 75-3:90 p.

MCCRACKEN, R.D. 1963. Selection by codend meshes and hooks of cod, haddock, flatfish, and redfish. p. 131-135. IN The Selectivity of Fishing Gear. Int. Comm. Northw. Atlant. Fish. Spec. Pub. No. 5.

PELLA, J.J. and P.K. TOMLINSON. 1969. A generalized stock production model. Bull. Inter-Am. Trop. Tuna Comm. 13: 421-496.

PERTTILA, J.A. and B.E. BROOKS. 1973. Total mortality rates for two groups of yellowtail flounder estimated from survey cruise data from ICNAF Subarea 5. Int. Comm. Northw. Atlant. Fish. Res. Bull. 10.

PERTTILA, J.A., and V.M. Gifford, 1975. Growth and mortality rates for cod from the Georges Bank and Gulf of Maine Areas. Manuscript prepared for publication in ICNAF Research Bulletin, No. 11.

PITT, T.K. 1971. Fecundity of the yellowtail (Limanda ferruginea) from the Grand Banks, Newfoundland. J. Fish. Res. Bd. Canada Bull. 28: 456-457.

RICKER, W.E. 1975. Computation and interpretation of biological statistics of fish populations. J. Fish. Res. Bd. Canada Bull. 191: 1-382.

ROYCE, W.F., R.J. BULLER and E.D. PREMETT. 1959. Decline of the yellowtail flounder off New England. U.S. Fish. Wildl. Serv., Fish Bull. 59:169-267.

RUSSELL-HUNTER, W.D. 1970. Aquatic Productivity. MacMillian Co., London, 305 pp.

SHERMAN, K. and K.A. HONEY. 1971. Seasonal variations in the food of larval herring in coastal waters of Central Maine. Rapp. et Proces-Verbaux des Reunions. 160:121-124.

SHERMAN, K. and H.C. PERKINS. 1971. Seasonal variations in the food of juvenile herring in coastal waters of Maine. Trans. Amer. Fish. Soc. 100: 121-124.

SCHROCK, M.C. 1942. Results of haddock tagging in the Gulf of Maine from 1930-1941. J. Mar. Res. 5: 1-19.

SISSENWINE, M.P. 1974. Variability in recruitment and equilibrium catch of the Southern New England yellowtail flounder fishery. J. Cons. int. Explor. Mer 36(1): 15-26.

THEILACKER, G. and R. LASKER. 1974. Laboratory studies of predation by euphausiid shrimps on fish larvae. In J.H.S. BLAXTER (ed), The Early Life History of Fish. Springer-Verlag, New York, 765 pp.

WOODRUFF, J. 1972. Conditions and recent changes in the New England fishing industry. Unpublished-Economic Research Laboratory NMFS, NOTS.

WIGLEY, R.L., and R.B. THEROUX. 1965. Seasonal food habitats of Highlands Ground haddock. Trans. Am. Fish. Soc. 94:243-251.

WISE, J.P. 1959. The world's southernmost indigenous Cod. J. Cons. Int. Explor. Mer. 25(2): 208-212.

WISE, J.P. 1961. Synopsis of biological data on cod Gadus morhua Linnaeus 1758. FAO Fisheries Biology Synopsis No. 21, 46 pp.

WISE, J.P. 1962. Cod groups in the New England area. U.S. Fishery Bulletin 63(1): 189-203.

[FR Doc.77-7185 Filed 3-11-77;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 7—Agriculture (Parts 46–51)	$4.20	$_____
_____	Title 7—Agriculture (Parts 53–209)	5.80	_____
_____	Title 7—Agriculture (Parts 700–749)	4.10	_____
		Total Order	$_____

(A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1)

PLEASE DO NOT DETACH

MAIL ORDER FORM To:
Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons) or charge to my Deposit Account No. ..... Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name _____
Street address _____
City and State _____ ZIP Code _____

FOR USE OF SUPT. DOCS.
Enclosed
To be mailed later
Subscription
Refund
Coupon refund
Postage
Foreign Handling

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

U.S. GOVERNMENT PRINTING OFFICE
ASSISTANT PUBLIC PRINTER
(SUPERINTENDENT OF DOCUMENTS)
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE BOOK

Name _____
Street address _____
City and State _____ ZIP Code _____