It is further ordered, That a copy of this agreement shall be served upon the American Association of Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire arrangements under the terms of that agreement. Discussions were held in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD, Secretary.

[FR Doc.75-32834 Filed 12-4-75; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—MARINE MAMMALS

Incidental Taking in the Course of Commercial Fishing Operations

On September 8, 1975, a notice was published in the Federal Register (40 FR 41351-41353) announcing, among other things, that the NMFS proposed to allow commercial fishermen to take marine mammals incidental to commercial fishing operations and, in connection with the general permit for "Encircling Gear; Yellowfin Tuna Purse Seining", to establish a quota on incidental porpoise mortality. The announced purpose of the quota was to give some reasonable assurance that the principal stocks of porpoise involved in the fishery will increase in size. This would allow the NMFS to continue its efforts to reduce the rate of porpoise mortality, and provide a statistical basis for future decisions. The NMFS believes that this approach conforms to the recommendations of the Marine Mammal Commission, by letter dated November 6, 1975, rejected a 100% observer program as not "necessary, feasible, or worth the expenditure of time, effort, and money." The Commission indicated that while obtaining data is essential, it could be obtained on something less than a 100% observer program. Furthermore, implicit in its recommendation was the need for a cooperative effort between Government and industry in order to address and ultimately solve the problem. Lastly, the Commission could not, on the basis of the information available, arrive at a figure of permissible incidental mortality which could with reasonable assurance, enable the principal stocks of porpoise to increase in size and therefore to carry out its original proposals.

The industry, through its Counsel, stated, inter alia, that (i) the record does not support the need for a quota; (ii) a quota would be contrary to the intent of the law; (iii) a quota would be economically disastrous to the industry; and (iv) a quota would be counterproductive. It is the industry's position that the assessment of how best to solve the problem is not inconsistent with and should not be a substitute for an effective enforcement program, including a comprehensive observer program and the establishment of an upper limit for the number of marine mammals killed. "Implicit in its position was the support of the Government's legal right to carry out its original proposals.

After reviewing all material submitted and considering all arguments made in connection with the position of the NMFS that it will modify its original proposals. It will not, at this time, impose a quota on the industry with respect to porpoise mortality. However, the industry members may kill incidental to commercial fishing operations. The NMFS will impose a quota for the entire fishing season, if during the first part of the fishing season, porpoise mortality exceeds certain levels defined below. A decision on this matter will be made during May 1976. NMFS is planning to place observers on at least approximately 10 percent of the trips of vessels it selects which are engaged in the fishery. NMFS believes that a scientific sampling of 10 percent of the trips will be statistically sound and that the data compiled therefrom can be extrapolated to project the estimated porpoise mortality for the year at large.

NMFS believes that this approach represents, at this time, the most reasonable way that it can meet its responsibility to reduce porpoise mortality incidental to commercial tuna fishing and its responsibility not to shut down or significantly curtail the activities of the tuna fleet as set forth in the Marine Mammal Protection Act and its legislative history. For success of this approach, cooperation is required. The NMFS expects this cooperation. If there is not significant progress, as detailed in paragraph (f), below, then a quota will be imposed and once a quota has been reached, it will be continued. Cooperation is the key to success. NMFS believes this approach (i) will reduce porpoise mortality; (ii) will not shut down or significantly curtail the activities of the tuna fleet; (iii) will meet the recommendations of the Marine Mammal Commission; (iv) deals with the problem in light of existing statutory funding limitations.

In lieu of the imposition at this time of a formal quota for 1976, the number of porpoises allowed to be killed incidentally to purse seining for yellowfin tuna and use of an observer on every tuna seiner
throughout the year, the Director has
determined that the following course of
action will be pursued for the 1976 fishing
season:

a. Prior to January 1, 1976, the Na-
tional Marine Fisheries Service will a-
vise industry representatives on the
specific requirements for data collection
and reporting by the observers and es-
tablish appropriate procedures imple-
menting fleetwide reporting. As a result,
the Director has decided that the full agreement
will be reached as to what data are to be col-
lected aboard vessels. This will include
reporting of biological and mortality data
as well as shown at (6), which can be used to
determine the effectiveness of the regulations.

b. Industry representatives will be
request by NMFS to establish, on a fleet-
wide basis, a significantly improved sys-
tem of reporting data by vessels of the
industry to “maximum cooperation in the
setting of scientific research observ-
ers on U.S. tuna boats as recommended
by the National Marine Fisheries Service
sampling program.”

c. The reports of all observers on ves-
sels which have returned to port by April 15,
1976, will be analyzed by the Service in
order to assess fleet performance. Spe-
cific attention will be given to projecting
total porpoise deaths for 1976 on the basis
of data such as:

(1) kill per set,
(2) kill per ton of tuna caught via setting
on porpoise,
(3) cumulative kill of porpoises,
(4) size of porpoise schools,
(5) composition of porpoise schools,
(6) numbers of non-porpoise sets, and
(7) abundance of tuna.

In determining the success of fleet per-
formance under the regulations, certain
of the above criteria will be adjusted for
fishing conditions as necessary in order to
project total fleet performance in 1976 with previous years.

f. A quota for 1976 will be established
in May or thereafter if the total number
of porpoise deaths for 1975 is projected to exceed 70% of the final esti-

mated 1976 kill. The key element in the
decision on imposing a quota will be the com-
parison of the number of porpoise kills
achieved in the first 3-4 months of 1976 with
the kill in the same time period in 1975 as
measured by the results of observer


In summary, the NMFS has concluded
that the course of action described above will
best serve the objectives of reducing incidental porpoise mortality
without destroying the economic viability
of the U.S. tuna fleet—both of which are
involved in the yellowfin tuna fishery

1975 regarding imposition of a quota in-
vestment of tuna boat operators and
fishing agents in the tuna boat industry
reducing incidental porpoise mortality
by improving the effectiveness of the
actions of the U.S. tuna fleet—both of
which are clearly of concern to the marine
environment.

A solution to the problem of re-
duction of incidental porpoise mortality
is more likely through the channel
of cooperation rather than through confrontation. Most part-
ties have pledged that cooperation to-
ward a common goal and time must be
provided for such efforts to produce re-
sults. Methods of fishing operations are de-
veloped sufficiently to warrant use on a
fleet-wide basis, they will be phased into
the regulations as appropriate. In addi-
tion, in the event that net collapses at-
tribute to the poor judgment of cer-
tificate holders continue to be a sig-
nificant contributor to porpoise mortality,
then consideration will be given to
amending the regulations with respect to
towing of nets, to make towing manda-
tory in certain instances.

However, it is acknowledged that for a variety
of reasons the imposition of a quota for
reduction of porpoise mortality in 1975 was not accomplished.
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closely with industry in research and development, communications can be vastly improved. We believe that the record of cooperative efforts that the record of the U.S. fleet performance in 1978 will show a considerable improvement over previous years. We are aware that porpoise mortality in 1976 should show a significant reduction over 1975. As a result of the foregoing, the regulations governing the incidental taking of marine mammals when commercial fishing operations are amended as hereinafter set forth and are effective on December 19, 1975.

Summary of amendments

1. Section 216.24(b)(2) has been amended to itemize the information which must be submitted by an applicant for a general permit.

2. Section 216.24(b)(3) has been re-numbered as § 216.24(b)(4) and has been altered to clarify its meaning. A new paragraph (b)(3) has been inserted which tracks the language of former paragraph (c)(3), which for clarification.

3. Section 216.24(b)(5) has been re-numbered as § 216.24(b)(4) and has been altered to clarify its meaning. New language has been inserted indicating that the certificate holder on a vessel actually conducting fishing operations must be the person in charge of and actually conducting fishing operations. A new paragraph (b)(4) has been inserted which clarifies the language with regard to the period of validity of a general permit.

4. Section 216.24(b)(5) has been re-numbered as § 216.24(c)(1) and (c)(2) (v), and (c)(2) (vi) and (c)(2) (vii), these sections are set forth in the first paragraph of this section has been deleted. Figure 4 has been substituted indicating that the certificate holder on a vessel must be the person in charge of and actually conducting fishing operations. A new paragraph (b)(4) has been inserted which clarifies the language with regard to the period of validity of a general permit.

5. Section 216.24(b)(5) has been deleted, and (c)(6), and clarifies the intent of the regulation that an opportunity for a hearing (with respect to a general permit) should be received by the National Marine Fisheries Service not less than 180 days prior to the date upon which they are to become effective.

6. Section 216.24(b)(5) has been re-numbered as § 216.24(c)(1) (c)(2) has been re-numbered as § 216.24(c)(4) and its language clarified. A new paragraph (c)(6) has been inserted, which tracks the language of former paragraph (c)(3), with the addition of a fee schedule for applicants whose incomes fall below federal poverty guidelines.

7. Section 216.24(d)(2)(i) has been amended to prohibit the encircling of pure schools of striped dolphin, and to reflect the Director's authority to limit the taking of all other stocks or species of marine mammals.

8. Section 216.24(d)(2)(ii) has been amended to delete the requirement that log books be retained for one year.

9. Section 216.24(d)(2)(iv)(A) has been amended to clarify its meaning.

10. Section 216.24(d)(2)(iv)(B) has been amended.

11. Section 216.24(d)(2)(v) has been deleted in large part, and language reflecting the Director's authority to limit the taking of all other stocks or species of marine mammals has been substituted indicating that the corkline hangings throughout the length of the rope during which the purpose safety panel is located must be inspected by the certificate holder following each trip, and a certain degree of tightness maintained.

12. Section 216.24(d)(2)(6) has been deleted.

13. Section 216.24(d)(2)(iv)(E) Sub-paragraph (1) of this paragraph has been deleted. Subparagraph (2), requiring that torque-balanced cable be installed has been deleted. New language has been inserted describing the situations in which, and the methods by which, towing on the net must be performed in order to prevent net collapse and the formation of pockets of loose webbing. Subparagraph (3) has been deleted.

14. Section 216.24(d)(2)(6) (b) (c) has been amended.

15. Section 216.24(d)(2)(vii) has been amended to clarify the language in which, and the methods by which, the porpoise basket be carried on purse seine vessels has been deleted. Inserted in its place is the language heretofore found in paragraph (vii), concerning the breakdown procedure. In addition, the requirements concerning hand removal of porpoise from the net have been simplified in order to afford greater flexibility.

16. Section 216.24(d)(2)(vii) has been amended to include the language heretofore found in the first paragraph of § 216.24(d)(2)(vii).

17. Section 216.24(d)(2)(villi) The entire paragraph of this section has been deleted and transferred to the new preceding section.

18. Section 216.24(e)(2) has been amended to clarify the language.

19. Section 216.24(e)(3) has been amended in order to reflect the changes in wording found in the previous section.

20. Section 216.24(f) has been amended to describe the circumstances under which, and the procedures by which, observers may be placed on purse seine vessels operating under a category 2 general permit.

21. Figures pertaining to § 216.24(d)(2) have been renumbered. Figure 1 becomes Figure 2; Figure 2 becomes Figure 1; Figure 3 becomes Figure 4; Figure 4 becomes Figure 5; and Figure 5 becomes Figure 6.

22. An additional figure, number 6, has been inserted.

Dated: December 2, 1975.

Jack W. Gehringer
Deputy Director,
National Marine Fisheries Service.

The following are the specific amendments to the regulations. Due to the number of changes in §§ 216.24 (b), (c), and (d), these sections are set forth in their entirety, notwithstanding the fact that all their subsections have not been amended.

1. Section 216.24 (b), (c), (d), (e), and (f), the introductory text of (c)(3) and (f) are revised to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

(b) Permits: (1) General permits to allow the taking of marine mammals in connection with commercial fishing operations will be issued to persons using fishing gear within any one of the following five general categories:

(i) Towed or Dragged Gear. Shall include those commercial fishing operations utilizing towed or dragged gear such as bottom net tows, bottom set tows, multi-rig tows, and dredging gear.

(ii) Encircling Gear: Yellowfin Tuna Purse Seining. Shall include those commercial fishing operations utilizing purse seines for yellowfin tuna.

(iii) Encircling Gear: Seining other than Yellowfin Tuna. Shall include those commercial fishing operations utilizing purse seines for species other than "yellowfin tuns.

(iv) Stationary Gear. Shall include commercial fishing operations utilizing stationary gear such as traps, pots, weirs, and sound nets.

(v) Other Gear. Shall include those commercial fishing operations utilizing trollering, Gill nets, hook and line gear, and any gear not classified under paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section.

(2) Permits shall be issued as general permits to a class of fishermen using one of the general categories of gear set forth above. Any member of such class may apply for a general permit on behalf of all members of the class. Subsequent to a grant of the general permit, individuals may make application to be included under the terms of the general permit. Applications for a general permit should contain:

(1) Name, address and telephone number of the Applicant. If the Applicant is an organization or corporate entity, a copy of the corporate or organizational charter which sets forth the basis for application on behalf of a group or class
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of commercial fishermen must be included;
(ii) The category of permit for which application is being made;
(iii) A statement describing why the applicant cannot avoid taking marine mammals incidentally to commercial fishing operations. A description of the fishing operations by which marine mammals are taken;
(iv) The date upon which the general permit is to become effective;
(v) A list of the fish sought by those fishermen who may become parties to the general permit through inclusion by certificate, and the general areas of operation of such fishermen;
(vi) A statement identifying the marine mammals and numbers of marine mammals to be taken;
(vii) A description of the procedures and techniques that will be utilized in order that takings under the permit will be consistent with the purposes and policies prescribed in accordance with section 104(b)(2), 16 U.S.C. 1374(b)(2) of the Marine Mammal Protection Act of 1972, and these regulations; and
(viii) A certification, signed by the applicant, in the following language:

I certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to the penalties provided under the Marine Mammal Protection Act of 1972.

(3) Applications for a general permit shall be submitted in an original and four copies to the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW, Washington, D.C. 20255. Applications should be received not less than 180 days prior to the date upon which the permit is to become effective. Assistance may be obtained by writing the Director, National Marine Fisheries Service, or by calling the Marine Mammals and Endangered Species Division, telephone (202) 634-7529.

(4) General permits shall be valid for a period not to exceed one year. A general permit shall be valid for the time period indicated on the face of the permit. General permits shall be subject to modification, suspension or revocation and may contain terms and conditions prescribed in accordance with section 104(c)(2), 16 U.S.C. 1374(c)(2) of the Act.

(5) The Director shall determine the adequacy and completeness of such applications received by him and if found to be adequate and complete, will forthwith publish a notice of such application in the Federal Register, giving interested parties thirty days in which to submit written data or views with respect to the granting of such permit.

(6) If within thirty days after the date of publication of such notice with respect to an application for a general permit any interested party or parties request a hearing in connection therewith, the Director may, within sixty days following such date of publication, afford such party or parties an opportunity for such a hearing. Any person holding an operation under which a general permit shall be conducted in the same manner as hearings held in connection with scientific or display permit applications under § 216.33.

(7) There shall be submitted in connection with the application for a general permit.

(c) Certificates of Inclusion: (1) The person in charge of and actually conducting fishing operations on any vessel or boat on which the individual named in the certificate is the person in charge of and actually conducting the fishing operations.

(2) The certificate must be in the possession of the person to whom it was issued as a condition of his fishing operations and shall be shown upon request to an enforcement agent or other designated agent of the Regional Director, National Marine Fisheries Service; however, that persons at sea on a fishing trip on the expiration date of their certificate of inclusion, to whom a certificate of inclusion for the next year has been issued, may take marine mammals under the terms of the new certificate of inclusion but such persons are obligated to physically obtain the new certificate when they next return to port.

(3) After issuance of a general permit, applications for general permit, and applications for inclusion under such general permit shall be accepted at any time. All persons under a general permit will receive a certificate evidencing such inclusion and setting forth the period of time during which they may conduct fishing operations under the general permit, provided, however, that each certification is subject to modification, suspension or revocation. The new certificate will be accepted at any time.

(4) Applications for certificates of inclusion shall be addressed as follows:


(iii) Residents of the State of Alaska should make application to the Regional Director, National Marine Fisheries Service, Juneau, Alaska 99801.


(v) Residents of the States of North Carolina, South Carolina, Florida, Mississippi, Louisiana, Texas, Georgia, Oklahoma, Alabama, Nebraska, Iowa, Tennessee, Missouri, New Mexico, Kentucky, Kansas, Puerto Rico, Virgin Islands, and Arkansas, should make application to the Regional Director, National Marine Fisheries Service, St. Petersburg, Florida 33703.

(5) Applications for certificates of inclusion shall contain:

(i) The name of the person(s) which is to appear on the certificate(s) of inclusion (provided that not more than one name shall appear on any certificate).

(ii) The category of the general permit under which the applicant(s) wishes to be included;

(iii) The species of fish sought and general area of operations;

(iv) The identity of state or local commercial fishing licenses, if any, under which fishing operations are conducted and dates of expiration; and

(v) The nature of the operation of the person, or the organization acting on behalf of the applicant(s).

(6) Fees: (i) Applications for certificates of inclusion shall contain a payment of $20.00 for each certificate. After the initial fee is paid, additional certificates will be issued for a fee of fifty cents each. However, in any case the fee must be paid for certificates of inclusion, application to the Regional Director

(ii) Notwithstanding the provisions of subparagraph (c)(5)(i) of this section, an applicant whose income is below Federal poverty guidelines may, on a showing in his application that his income is below such guidelines, be issued a certificate:

(A) Under categories 1, 3, 4, and 5—upon payment of a fee of $1.00;

(B) Category 2—upon payment of a fee of $20.00.

(7) The Regional Director receiving applications or certificates of inclusion shall determine the adequacy and completeness of such applications and, upon his determination that such applications

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are adequate and complete, he shall immediately approve such applications and thereupon, be liable to the applicant of his approval and issue a certificate to approved applicants.

(d) * * *

(2) Encircling nets; yellowfin tuna purse seine netting. (a) A certificate holder may take marine mammals, so long as such taking is an incidental occurrence in the course of normal commercial fishing operations, except that no certificate holder shall encircle protected schools of striped dolphin, Stenella coeruleoalba.

The numbers of all other stocks or species of marine mammals, which may be killed in the normal course of commercial fishing operations may be determined by the Director, who, may, pursuant to such determination, prohibit the encircling of any or all of such stocks or species by purse seine. Such action may be taken at a public meeting held for that purpose, and notice thereof published in the Federal Register not less than 30 days prior to the date upon which the prohibition or limitation is to become effective.

(B) Marine Mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury, or threat of personal damage, or threat of personal injury. Each certificate holder shall take every possible step to minimize the incidental mortality and serious injury of marine mammals in the course of commercial fishing operations, including refraining from using a sharp or pointed instrument on porpoise and refraining from causing or permitting a purse seine under his control to be set around marine mammals where such a step will, in his judgment, be likely to prevent the effective use of the backdown and other release procedures where captured without further injury, or threat of personal damage, or threat of personal injury.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or persons from predation, damage to persons or property, or personal injury without inflicting death or injury to any marine mammal.

(iii) All certificate holders shall maintain daily logs, in such form as the Director may prescribe, of all sets in which marine mammals are taken. Such logs must include the location, time, and date of set; weather, and water conditions; estimated number and species of marine mammals upon which set was made; estimated numbers of marine mammals caught; method used to remove marine mammals from net; amount and kind of tuna caught; and any other particulars regarding the occurrence of marine mammals to be released and/or hunting yellowfin tuna, backdown and other release procedures shall be main-

Setting on marine mammals shall carry a minimum of two speedboats in operating condition. All speedboats carried aboard purse seine vessels and in operating condition shall be rigged with towing bridle and towlines similar to those indicated in Figure 3. Vessels that do not carry at least two speedboats in operating condition and do not conduct fishing operations which involve setting on marine mammals.

(ii) Purse seine nets shall contain bunc
e to engage in fishing operations involving
and pursing, which keeps the net open to the greatest degree and allows porpoise or other marine mammals to leave the pursed net over the net floats which moving astern. Commencing with backdown and continuing through the sacking up operation, a minimum of two men shall be engaged in hand removal of porpoise from the net. All live porpoise must be removed from the net prior to initiating brailing operations.

(vi) Purse seine nets and other gear and equipment utilized to catch and land fish under this section and to conduct backdown and other procedures herein required, shall be maintained in functional and seaworthy condition. All certificate holders shall maintain proficiency sufficient to perform the procedures required herein. Vessel gear and equipment as well as the proficiency of certificate holders will be subject to inspection and examination by authorized NMFS personnel at any time at the discretion of the Director. Any vessel found not to be equipped with gear which is in conformity with these regulations and maintained in a functional and seaworthy condition shall be ineligible for use by a certificate holder for commercial fishing operations under this section and the certificate of any certificate holder who is found to lack proficiency in the procedures required herein shall be immediately suspended or revoked.

(vii) A certificate holder's proficiency shall be determined by proof of attendance at, and satisfactory completion of, a formal training session conducted under the auspices of the National Marine Fisheries Service. At the training session, a certificate holder shall be instructed concerning the provisions of the Marine Mammal Protection Act of 1972, the regulations promulgated pursuant to the Act, the requirements of his certificate of inclusion and the appropriate general permit, and the fishing gear and techniques which are required or will contribute to reducing serious injury and mortality of porpoises incidental to purse seineing for yellowfin tuna. In addition, for continuation or renewal of a certificate, a certificate holder may be required to attend other formal training sessions when there are substantial changes in the Act, the regulations or the required fishing gear and techniques.

(viii) The Director may publish a finding of the rate of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations conducted pursuant to these regulations.

(ix) Failure to comply with the provisions of a permit or these regulations, including, but not limited to, failure to submit, upon demand, to an inspection or examination by an authorized agent of the National Marine Fisheries Service, falsification of logs and reports required hereunder, or failure to satisfy the requirements of any certificate herein granted, will subject certificate holders, vessel masters, or owners to immediate revocation of the certificate and/or right to be included under a general permit and further subject certificate holders, vessels, masters, or owners to the penalties provided for under the Act.

(f) The master of any commercial fishing vessel engaged in fishing operations for which a category 2 general permit is required shall, upon proper notification by the Regional Director as described in this section, allow an observer duly authorized by the Secretary to accompany the vessel on any or all regular fishing trips for the purpose of conducting research and observing operations. Research and observation duties shall be carried out in such a manner as to minimize interference with commercial fishing operations. No owner, master, operator or crew member of such vessel shall impair or in any way interfere with the research or observations being carried out. The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such observers on board such vessels. The master or owner of each such vessel shall notify the Regional Director, Southwest Region, National Marine Fisheries Service (telephone (213 548-2576) or a subsequently announced phone number) at least 120 hours in advance of each fishing voyage, giving the name of the departing vessel, the date and time of departure, the port of departure, authorized by the Secretary to accompany the vessel.

The following U.S. Tariff Schedule Item Numbers identify these categories of yellowfin tuna, salmon, halibut, and pilchard products which are imported into the United States and are to be covered by the documentation and certification requirements of § 216.24(e):

110.10-20 Tuna, yellowfin, whole fish...
110.10-25 Tuna, yellowfin, eviscerated, head on.
110.10-30 Tuna, yellowfin, eviscerated, head off.
110.10-97 Tuna, yellowfin, eviscerated.
110.20-25 Halibut, fresh or chilled.
110.20-30 Halibut, frozen.
110.21-45 Salmon, fresh or chilled.
110.21-60 Salmon, frozen.
110.21-70 Salmon, other--except portion controlled steaks.
111.46-00 Salmon, salted.
111.88-00 Salmon, smoked or kippered.
112.18-00 Salmon, preserved, hot in oil.
112.20-00 Canned sardines/pilchards (from Africa).
112.22-00 Canned sardines/pilchards (from Africa).

(3) All fish and categories of fish listed in paragraph (e) (2) (i) of this section shall be denied entry into the United States unless accompanied by shipping documentation showing:

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The master of any commercial fishing vessel engaged in fishing operations for which a category 2 general permit is required shall notify the Regional Director, Southwest Region, National Marine Fisheries Service (telephone (213 548-2576) or a subsequently announced phone number) at least 120 hours in advance of each fishing voyage, giving the name of the departing vessel, the date and time of departure, the port of departure, and the name of the certificate holder aboard such vessel. The Regional Director shall notify the master or owner who has so notified him, if he intends to place an observer on the vessel. Failure of the Regional Director to so notify the master or owner within 72 hours after receipt of notice of the announced departure relieves the master or owner of any obligation to carry an observer on that voyage. No vessel whose master or owner has failed to comply with the provisions of this section may engage in fishing operations for which a category 2 permit is required. Any person violating any of the provisions of this section shall be subject to the penalties provided in the Act.

Figure 1 - 216.24 d (2) (iv)
HAND HOLD CLOSURES

CORKLINE HAIRINGS TIGHTENED

STANDARD SEINE

Figure 2 - 216.94 d (2) (iv)

SPEEDBOAT RIGGED WITH TOWING BRIDLE. INSET: LINE KEPT IN SPEEDBOAT TO CONNECT BUNCH LINES TO TOWING BRIDLE.
LOCATION OF REVERSE BUNCH LINES FOR USE WITH SPEEDBOATS TO HOLD NET OPEN USING A TOTAL OF 13 BUNCH LINES. TRIANGLES DENOTE TOWING POINTS.

Figure 4 - 216.24 d (2) (iv)

SPEEDBOATS HOLDING NET OPEN, AFTER THE NET IS PURSED, UTILIZING THE THREE REVERSED BUNCH LINES.

Figure 5 - 216.24 d (2)(iv)
Aspartame; Stay of Effectiveness of Food Additive Regulation

The sweetening substance aspartame. The stay—takes effect December 5, 1975.

Correction in the preamble to the regulation permitting certain uses in food of aspartame, § 121.1258 (21 CFR 121.1258). A correction in the preamble to the regulation had announced its intention to conduct by or for the petitioner, including studies on aspartame, indicate the need for a comprehensive review of the research data held by or for the petitioner. The Public Board of Inquiry is therefore being postponed until questions raised by this audit have been resolved.

Under section 409(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(e)) the effectiveness of a food additive regulation upon which a hearing has been requested may be stayed in the discretion of the Commissioner. Because of the questions raised by the audit, the Commissioner concludes that the effectiveness of § 121.1258 should be stayed pending their resolution.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785–1788 as amended (21 U.S.C. 348) and under authority delegated to the Commissioner (21 CFR 2.120): It is ordered, That the effectiveness of § 121.1258 Aspartame be stayed, effective December 5, 1975.

Dated: December 2, 1975.

A. M. SCHMIDT, Commissioner of Food and Drugs.

Title 24—Housing and Urban Development

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION

Docket No.R-75-362

PART 1710—LAND REGISTRATION

State Filings

On November 11, 1974, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration (OILSR) published an amendment to 24 CFR 1710.26. The amendment terminated provisions of OILSR Regulations under which initial filings of disclosure material with certain State authorities would be accepted as meeting Federal filing requirements. As to some States, the amendment became effective on January 1, 1975, but a preliminary injunction suspending the effectiveness of the amendment was later enjoined.

Prior to the injunction, the State of California began to develop a federally acceptable disclosure document. An agreement has now been negotiated between OILSR and California as to changes in disclosure necessary to meet the Federal standards. These changes will be reflected in modifications to California's disclosure procedures. California has withdrawn from the litigation involving the amendment to 24 CFR 1710.26, and the injunction suspending the effective date of that amendment has been therefore being postponed until questions raised by the audit have been resolved.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121—FOOD ADDITIVES

Aspartame; Stay of Effectiveness of Food Additive Regulation

The Commissioner of Food and Drugs is staying the effectiveness of the regulation permitting certain uses in food of the sweetening substance aspartame. The stay takes effect December 5, 1975.

In the Federal Register of March 5, 1973 (38 FR 5921), notice was given that a petition (FAP 3A2885) had been filed with the Commissioner for a comprehensive review of certain of the research data held by or for the petitioner, including studies on aspartame, indicate the need for a comprehensive review of the research data held by or for the petitioner. The Public Board of Inquiry is therefore being postponed until questions raised by this audit have been resolved.

Under section 409(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(e)) the effectiveness of a food additive regulation upon which a hearing has been requested may be stayed in the discretion of the Commissioner. Because of the questions raised by the audit, the Commissioner concludes that the effectiveness of § 121.1258 should be stayed pending their resolution.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785–1788 as amended (21 U.S.C. 348)) and under authority delegated to the Commissioner (21 CFR 2.120): It is ordered, That the effectiveness of § 121.1258 Aspartame be stayed, effective December 5, 1975.

Dated: December 2, 1975.

A. M. SCHMIDT, Commissioner of Food and Drugs.
2. Section 1710.26(a) is being amended to provide that initial filings with California authorities covering California subdivisions, filed with OILSR subsequent to the effective date of these Regulations, may be accepted as meeting certain Federal filing requirements.

3. Section 1710.115 is being amended to require that the HUD disclaimer given to purchaser with the State Property Report advise that the purchasers may have rights under State law in addition to their right to revoke in certain cases under Federal law. The new language is required only for initial California filings submitted pursuant to these amended Rules; its use for other State filings is optional at this time.

4. Section 1710.120, SECTION I, is being amended to require that the additional Federal material submitted in cases where a State filing is accepted include financial statements meeting the same criteria as required for a full Federal filing.

5. Section 1710.120 is being amended to add Section IV requiring that the supporting documents and exhibits be bound, tabbed and indexed to facilitate examination.

The amendments are being made to carry out in a timely fashion an agreement that lessens an economic burden on developers without damaging purchasers; they relieve developers currently filing in California from the burden of making an additional full Federal filing while providing disclosure protection which meets Federal standards. Accordingly, the Secretary has determined that notice and public procedure are unnecessary and impractical and that good cause exists for making the amendments effective on December 5, 1975.

In 24 CFR Part 1710 is amended as follows:

1. Section 1710.25 is amended by adding a new paragraph (d) at the end to read as follows:

§ 1710.25 State filings— in general.

(d) The Secretary will examine the material filed with the State authorities and require such changes, additional information, documents or certifications as the Secretary determines to be reasonably necessary or appropriate in the public interest or for the protection of purchasers. The Secretary may refuse to accept any particular filing under this section when it is determined that acceptance is not in the public interest.

2. Section 1710.26(a) is amended to read as follows:

§ 1710.26 State Filings— acceptable filings.

(a) Pursuant to § 1710.25, the Secretary has determined that filings which have been made with State authorities in the following States, and which those authorities have permitted to become effective, may be accepted as meeting the requirements of this Part:

(1) California.

This determination does not apply in the case of any filing made with a State which pertains to a subdivision not located in that State.

3. Section 1710.115 is amended by changing the sixth paragraph of the Notice and Disclaimer, i.e., the paragraph immediately before the caption “Name(s) of Developer” to read as set forth below:

§ 1710.115 State property report disclaimer.

Property Report

Under Federal law, if you received the Property Report less than 48 hours prior to signing a contract or agreement, you have until midnight of the third business day following the consummation of the transaction to revoke your contract by notice of the seller. You may have additional rights under (insert the name of the State) law. If so, they will be reflected in this report.

4. Section 1710.115 is amended by changing the SAMPLE FIRST PAGE OF THE PROPERTY REPORT ON A STATE FILING to read as follows:
NOTICE AND DISCLAIMER

BY OFFICE OF INTERSTATE LAND SALES REGISTRATION

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development has accepted this (name of State) (name of property report, e.g., public offering statement) as the Property Report on this subdivision.

The Interstate Land Sales Full Disclosure Act specifically prohibits any representation to the effect that the Federal Government has in any way passed upon the merits of any approval of the subdivision, or passed upon the value, if any, of the property.

It is unlawful for any one to make, or cause to be made to any prospective purchaser, any representation contrary to the foregoing or any representation which differ from the statements in this Property Report. If any such representation is made, the buyer may notify the Office of Interstate Land Sales Registration and follow the prescribed procedure.

Office of Interstate Land Sales Registration

HUD Building, 451 Seventh Street, S.W.
Washington, D.C. 20410

Inspect the property and read all documents. Seek professional advice.

Unless you received this Property Report prior to or at the time you enter into a contract, you may void the contract by notice to the seller.

Under Federal law a person has the right to cancel a contract within 48 hours after the contract is signed. You may return the purchase agreement by the third business day following the consummation of the transaction. If you do not return the purchase agreement, the contract is considered to have been cancelled. You may have additional rights under (Insert the name of the State) law. If so, they will be reflected in this report.

Name(s) of Developer:

Address:

Name of Subdivision and OILSR Number:

Location:

Effective Date of Property Report:

IMPORTANT READ CAREFULLY

Name of Subdivision:

By signing this receipt you acknowledge that you have received a copy of the property report prepared pursuant to the Rules and Regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development.

Received by......................................................
Street Address..................................................
Date............................................................
City...........................................................
State.........................................................
Zip.............................................................

Notwithstanding your signature by which you acknowledged that you received the Property Report you still have other important rights under the Interstate Land Sales Full Disclosure Act.
5. Section 1710.120 is amended by changing the material headed SECTION I State Filings and adding a section IV to read as follows:

§ 1710.120 Statement of Record—State Filing.

Section I. State Filings. The following information shall preface the state statement of record or similar instrument and shall be done in accordance with the format and general instructions set forth in § 1710.125.


Section IV. All supporting documentation and exhibits contained in a State filing must be bound together and tabbed and indexed.

U.S.C. 1718); Secretary's delegation of authority published at 37 FR 5071, Mar. 9, 1972.

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program.

It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with OMB Circular A-107. The Secretary has determined that this rule has no significant impact upon the environment.

Effective date. These amendments are effective on December 5, 1975.

John R. McDowell, Acting Interstate Land Sales Administrator.

[FR Doc.75-32797 Filed 12-4-75; 8:45 am]

§ 1915.3 List of communities with special hazard areas.

<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Location</th>
<th>Map No.</th>
<th>State map repository</th>
<th>Local map repository</th>
<th>Effective date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Gila</td>
<td>Globe, city of</td>
<td>H 040029 A 01</td>
<td>Arizona State Land Department, 924 West Adams, room 490, Phoenix, Ariz. 85007.</td>
<td>through</td>
<td>May 24, 1974</td>
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<tr>
<td>Arkansas</td>
<td>Columbia</td>
<td>Taylor, city of</td>
<td>H 040026 A 01</td>
<td>Arkansas Insurance Department, 500 University Tower Bldg., Little Rock, Ark. 72201.</td>
<td>through</td>
<td>Nov. 21, 1975</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>H 040026 A 02</td>
<td>Arkansas State Land Department, 924 West Adams, room 490, Phoenix, Ariz. 85007.</td>
<td>H 040026 A 08</td>
<td>Mayor, City Hall, Taylor, Ark. 71961.</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Oil Trough, city of</td>
<td>H 060029 A 01</td>
<td>Mayor, City Hall, Oil Trough, Ark. 72564.</td>
<td>through</td>
<td>Nov. 21, 1975</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Ashdown, city of</td>
<td>H 060029 A 02</td>
<td>Mayor, City Hall, Ashdown, Ark. 72528.</td>
<td>through</td>
<td>Nov. 21, 1975</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td>Mountain, city of</td>
<td>H 060029 A 03</td>
<td>Mayor, City Hall, Mountain, Ark. 72528.</td>
<td>through</td>
<td>Nov. 21, 1975</td>
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<tr>
<td></td>
<td>Do</td>
<td>Beech, city of</td>
<td>H 060029 A 04</td>
<td>Mayor, City Hall, Beech, Ark. 72528.</td>
<td>through</td>
<td>Nov. 21, 1975</td>
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<tr>
<td></td>
<td>Do</td>
<td>McCrory, city of</td>
<td>H 060029 A 05</td>
<td>Mayor, City Hall, McCrory, Ark. 71961.</td>
<td>through</td>
<td>Nov. 21, 1975</td>
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