


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: November 28, 1990

SUBJECT: Foreign Vessel Permits

ACTION REQUIRED

Review foreign vessel permit applications and recommend restrictions and conditions as necessary.

BACKGROUND

Last December the Council reviewed foreign vessel permits for 1990 and made the following recommendations:

1. Permits should be issued only to those nations which are providing fishery information for operations in the Donut Hole. The Council continues to believe that extensive harvests of groundfish in the Donut are impacting U.S. stocks and that this information is critical for fisheries conservation and management.
2. Permits should be issued only for operations directly supporting joint ventures. The Council does not want foreign vessels to utilize the EEZ in support of fisheries operating in the Donut area. This is the same recommendation the Council made for 1989.
3. The Council recommended denial of a 1990 permit for the Korean processing vessel SHIN YANG HO (KS-90-0122). This vessel was seized in 1986 and its master charged for several violations against a NMFS observer, including assault and sexual harassment. The Council received a report indicating that this case has been settled for \$220,000 and that its master had been dismissed by the vessel's parent company. However, given the severe violation and the relatively small fine, the Council recommended that this vessel be prohibited from participating in any fishery in the EEZ.
4. The Council also recommended withholding permits from the vessels SHINWA MARU, ORIENTAL CRANE, WLOCZNIK, and NOVOYELNYA which have pending violations. Permits may be provided once their cases have been settled.

This year we have received joint venture permit requests for 10 vessels from China, 51 vessels from Poland, and 47 vessels from South Korea. All seek to work in joint ventures, mainly on flatfish. The individual applications are available in a single reference notebook. I assume more applications will arrive during meeting week.

Violations Record

NMFS Enforcement has been overhauling its computer system so I may not have the listing of serious violators we normally receive at the December meeting. The report from last year is under item C-7(a). I've reviewed the Coast Guard reports this year's meetings and compiled the violations below that may be considered serious, depending on the disposition of the case. The vessels were not on last year's list.

Japanese Vessels. The TENYU MARU NO. 57, RYUJIN MARU NO. 21, HAMA YOSHI MARU NO. 63, and NISSHAN MARU NO. 51 were sighted in April fishing illegally inside our EEZ by Coast Guard aircraft. The KOEI MARU NO. 20 was seized for fishing 2 miles inside our EEZ on May 11. It later settled its case for \$900,000.

Korean Vessels. The PUNG YANG HO and SUNFLOWER NO. 7 were sighted fishing inside our EEZ by Coast Guard aircraft.

Soviet Vessels. The ILYA ILYIN was seized on April 26 for fishing about 1 mile inside our EEZ. It settled its case for \$260,000.

Polish Vessels. The INDUS and REKIN were sighted fishing inside our EEZ by Coast Guard aircraft.

Restriction and Conditions on Permits

Last year the big issue was whether or not foreign vessels should be permitted to operate in EEZ waters in support of fisheries in the Donut Hole. We recommended that vessels only be permitted to support joint ventures. NMFS went ahead with allowing support of Donut operations, indicating it was worth it to get the transshipment data.

In the November 23 Council mailing, I sent you several letters supporting permits for the Poles. Some in industry have argued that neither the Council nor the Secretary has legal standing to deny permits to foreign vessels to tranship Donut products in the U.S. EEZ. I've asked NOAA GC to comment on that argument.

C-7(b) is a letter from Dr. Fox bearing on the subject of transshipments of Donut products.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA C-7(a)
DECEMBER 1990

OCT 31

October 26, 1989

Mr. Clarence Pautzke
Executive Director
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, AK 99510

Dear Clarence,

Enclosed is a summary of foreign violations prepared for your use during the foreign permit review process this December. In accordance with the guidelines, these cases include:

Any case with a civil penalty of \$10,000 or more paid or assessed during the previous permit year (since 1/1/89).

All seizures in the past five permit years (since 1/1/85). Repeat seizures by these vessels have also been listed.

This year we do not have any vessels that had two or more cases with civil penalties totalling \$10,000 or more paid or assessed during the two previous permit years (since 1/1/88).

Please let us know if you have any questions.

Sincerely,

J. CRAIG HAMMOND
Special Agent in Charge

Enclosures

cc: OIL



1989 cases with assessed penalty of \$10,000
or more, or penalty paid \$10,000 or more:

Case
Number(s)

GAE CHEOG HO (KS-89-0112, 6MTO)

AK890233

Date of Violation: September 18, 1989

Violation: Fishing in a joint venture with the Soviet Union
within the U.S.-U.S.S.R. disputed zone without a
U.S. permit.

Vessel seized. Settled September 20, 1989 for \$152,500.00.

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KYUNG YANG HO (KS-89-0085, 6NBI)

AK890177

Date of Violation: August 8, 1989

Violation: Fishing in a joint venture with the Soviet Union
within the U.S.-U.S.S.R. disputed zone without a
U.S. permit.

Vessel seized. Settled September 20, 1989 for \$152,500.00.

Vessels seized within the last 5 permit years
(since 1/1/84) and vessels with repeat seizures:

Case
Number(s)

GOLDEN DRAGON NO. 1 (TW-85-0004, BVHY)

AK800011/AK850270

Seized February 1980

Violation: Underlogging catch by 20 percent.

Settled May 1980 for \$40,000.

Seized October 1985

Violation: Retention of prohibited species (halibut and
sablefish).

Settled October 1985 for \$85,000.

SHIN YANG HO (KS-86-0122, DTBC)

AK860280

Seized November 1986.

Violation: Master physically assaulted an NMFS observer,
tampered with the observer's equipment and records, sexually
harassed observer, and failed to allow observer to use
communications equipment.

Settled February 10, 1989, for \$220,000.00.

SHINWA MARU (JA-88-0137, 8JDP)

AK880006

Seized January 1988.

Violation: Receiving cargo from a U.S. vessel without a
joint venture permit.

Settlement pending.

ORIENTAL CRANE (JA-89-0184, 8KGD)

AK890045

Seized March 1989.

Violation: Conducting support operations in the territorial
sea off Alaska without the required permits.

Settlement pending.

WLOCZNIK (PL-89-0020, SQGD)

AK890105

Seized May 1989.

Violation: Fishing in the U.S. EEZ without a permit.

Settlement pending.

NOVOYELNYA

AK890082

Seized May 1989.

Violation: Fishing in the U.S. EEZ without a permit.

Settlement pending.

KOREA DEEP SEA FISHERIES ASSOCIATION

**AGENDA C-7
SUPPLEMENTAL**

ALASKA OFFICE

13439 KAREN STREET
ANCHORAGE, ALASKA 99515
TELEX: 09025425
FAX NO.: (907) 345-1795
TEL: (907) 345-7967

November 16 1990

**HAN MO KIM
RESIDENT DIRECTOR**

To: Dr. Clarence Pautzke
Executive Director,
North Pacific Fishery Management Council,
605 West 4th Avenue,
Anchorage, Alaska 99501

Dear Dr. Pautzke;

Enclosed are copies of Korean vessel's applications for joint venture fisheries permits during 1991. All attached same applications are applied to U.S. government in Washington, D. C. and expect to reach your office shortly. Meanwhile, these informations can be used in advance for December Council meeting.

Togather with these documents is preliminary figures of Donut Hole catches by the Korean trawlers in the Bering Sea by month. The formal entire catches informations will be provided to your government sometime in May of 1991 as agreed upon in memorandum.

Sincerely,


Han Mo Kim
Alaska Office

Encl; Figures of Donut Hole Catches

Catches Amount in Donut Hole
by Korean Trawler
in 1990

January	14,351.1 tons
February	1,234.5 "
March	836.3 "
April	36,217.8 "
May	30,793.0 "
June	58,702.0 "
July	35,692.9 "
August	37,098.6 "
September	4,549.7 "
	<hr/>
Total	219,475.9 tons

* Catches amount for October is not available yet.

EMBASSY OF THE REPUBLIC OF POLAND
COMMERCIAL COUNSELLOR'S OFFICE
820 SECOND AVENUE, 17TH FLOOR
NEW YORK, N.Y. 10017
TEL.: (212) 370-5300-1-2
FAX: (212) 818-9623

New York, October 31, 1990

NOV 21 1990

Department of State
Office of Fisheries Affairs
(OES/OFA) Room 5806
2201 C Street, N.W.
Washington, D.C. 20520

ACTION	ROUTE TO	INITIAL
Our ref: 3840/90	Exec. Dir.	7
	Deputy Dir.	
	Asst. Dir.	
	Sec.	
	Asst. 1	
	Asst. 2	
	Asst. 3	
	Economist	
	Sec./PR	
	Sec./Typist	

COPY

Re: 1991 application for joint venture quotas and fishing vessel permits.

Dear Sirs,

Following my letter dated October 11th, 1990 and our applications for joint venture quotas and fishing vessel identification forms for 1991, I would like to explain additionally that for 51 fishing vessels we are requesting fishing permits to tranship fish products for BSA - activity 4 and 8, GOA - activity 5 and 8 and WOC - activity 4 and 8, cargo vessel activity 5 and 8 for fish transport from BSA GOA and WOC.

As in the past we are asking for fishing permits to tranship of Donat Hole fish products in the Exclusive Economic Zone. Poland shares the concern for appropriate levels of fishing and in fact has provided data and taken US Government scientist onboard Polish vessels in 1988 and 1990 to observe fishing activities and conduct research program in the Donat Hole. These actions were taken voluntarily and in the spirit of cooperation to ensure the development of information which is essential to any fishery management program. Poland's high sea fishing fleets are important to its struggling economy and over the years is seen every indication that outlook on fishery conservation is soundly based on long-run concerns.

The Plancton Research and Sorting Center in Szczecin is engaged in 100% of his capacity in important research for the North West and Alaska Fisheries Center in Seattle, covering all needs regardless North Pacific studies and proper management of the fish resources.

Regarding to the National Marine Fisheries Service request for comments to accept the United States observers to be placed aboard

1490, 1493

the Polish vessels fishing seaward but transshipping their catch within EE2, we would like to confirm our acceptance of the United States biologists as in the past.

To place on the board of our vessels American observers with their status from EE2 requires studies by our Ministry of Transportation and Marine Economy.

The final decision will be taken within two weeks.

Sincerely,



Edward Budziński
Fisheries Attache



MARINE RESOURCES COMPANY INTERNATIONAL
A Washington Partnership

29 November 1990

Clarence Pautzke, Executive Director
North Pacific Fisheries Management Council
P.O. Box 103136
Anchorage, AK 99501

Dear Mr. Pautzke,

The purpose of this letter is to inform the Council of MRCI's fishing plans for 1991, and to request a JVP allocation in the Bering Sea.

Our fishery would begin on 1 May, with approximately 18 Soviet processors and 28 American flag trawlers.

We propose the following groundfish allocations for an MRCI JVP operation in the Bering Sea:

Yellowfin sole	50,000 mt	63%
Other flatfish	14,000	17%
Rock sole	4,000	5%
Pacific Cod	4,000	5%
Pollock	8,000	10%
Total	80,000 mt	100%

This composition of fish is for a target Yellowfin fishery, with by-catch amounts of the other species. This composition is based on catch compositions of Yellowfin target fisheries which occurred in 1986 through 1988.

In the event that a target yellowfin fishery is not possible due to DAP Yellowfin requests, we offer the following alternative, an allocation for a target Other flatfish fishery:

Other flatfish	40,000 mt	50%
Yellowfin sole	20,000	25%
Pacific Cod	6,400	8%
Pollock	8,000	10%
Rock sole	5,600	7%
Total	80,000 mt	100%

This composition is based on catch compositions of Other flatfish target fisheries which occurred in 1986 through 1988.

U.S.A.
192 Nickerson
Suite 307
Seattle, WA 98109
Tel: (206) 285-6424
Telex: 277115 MRC UR
FAX: (206) 282-9414

Mail Pouch 704
Dutch Harbor, AK 99692
Tel: (907) 381-1886

U.S.S.R.
National Hotel
Suite 450
Moscow
Tel: 2203-3466
Telex: 413 052 SOVAM

Verkhne Morskaya
dom 134
Nakhodka 17
Primorski Krai
Tel: 25-290
Telex: 213818 MIRK SU

NPFMC, 11/29/90
Page 2

For either of these two possible fisheries, MRCI supports the preliminary 1991 specifications for PSC caps on JVP fisheries. During the Council's meeting next week I will be able to answer any specific questions regarding prohibited species by-catch rates for the above requested allocations.

The Council has no Soviet vessel permit applications from Mr. Sukhov for the Bering Sea fishery because our Soviet partners do not want to pay for permits until the situation with quota allocations becomes clear. The Soviet hard currency situation is such a difficult one that the decision was made to apply for the permits after it becomes clear that the expenditure will be necessary. The permit applications will be submitted in time to be considered at the January meeting.

MRCI respectfully requests that the groundfish allocation request be considered and that this letter be made part of the written record of the Dec 3-8, 1990 Council meeting.

Sincerely,

Philip Kneisley
Manager of U.S. Operations

cc: Steven Pennoyer, Director of Alaska region, NMFS



AGENDA C-7
 UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 1335 East-West Highway
 Silver Spring, MD 20910
 THE DIRECTOR

OCT 10 1990

OCT 1 1990

59

Mr. Clarence Pautzke
 Executive Director
 North Pacific Fishery Management
 Council
 605 West 4th Avenue
 Anchorage, Alaska 99501

Dear Clarence,

My letter to you of May 11, 1990, indicated that a Notice would be published in the Federal Register. This Notice would inform the public of my decision to extend to the end of this year interim permit authorizations for foreign vessels which transship fish taken from the "donut hole" in the Exclusive Economic Zone (EEZ) and obtain comments on how such applications, if any, should be treated in 1991.

We published Notice of the extension of transshipment permits for 1990; however, it did not contain reference to 1991 applications. A subsequent Notice on how such applications should be treated in 1991, copy attached, was published at 55 FR 38376 on September 18, 1990. It calls for a 45-day comment period, which closes on November 2, 1990. The Council will be provided with copies of the comments received on this Notice.

Sincerely,

William W. Fox, Jr.
 (for) William W. Fox, Jr.

Enclosure

THE ASSISTANT ADMINISTRATOR
 FOR FISHERIES



Commerce, International Trade Administration, Import Administration, respecting New Steel Rail, Except Light Rail, from Canada, Secretariat File No: USA-89-1904-08.

SUMMARY: By a decision dated August 30, 1990, the Binational Panel affirmed the Department of Commerce's final determination of sales at less than fair value. A copy of the complete Panel decision is available from the FTA Binational Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, Suite 4012, 14th and Constitution Avenue, Washington, DC 20230, (202) 377-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the Federal Register on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the Federal Register on December 27, 1989 (54 FR 53165). The panel review in this matter was conducted in accordance with these Rules.

Background

On September 1, 1989, the Algoma Steel Corporation, Limited, "Algoma" filed a Request for Panel Review to contest the final determination of sales at less than fair value made by the Department of Commerce, International Trade Administration, Import Administration, "Commerce", in the investigation of New Steel Rail, Except Light Rail, from Canada, Import Administration file number C-122-804, published in 54 FR 31984 on August 3, 1989. In its complaint, Algoma contended that Commerce's rejection of Algoma's cost data and its use of best information available was unsupported

by substantial evidence on the record and otherwise not in accordance with law. Algoma later amended its complaint to also contest Commerce's choice of cost data supplied by the U.S. petitioner, Bethlehem Steel Corporation, as the best information available.

Opinion of the Panel

On the basis of an examination of the administrative record, review of the applicable United States law, and consideration of the arguments of the parties, the Panel, in a 4-1 majority decision, affirmed Commerce's determination as supported by substantial evidence on the record and otherwise in accordance with law.

Dated: September 7, 1990.

James R. Holbein,
United States Secretary, FTA Binational Secretariat.

[FR Doc. 90-22008 Filed 9-17-90; 8:45 am]

BILLING CODE 3510-GT-M

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews: Completion of Panel Review

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Completion of Panel Review of the final affirmative countervailing duty determination made by the Department of Commerce, International Trade Administration, Import Administration, respecting New Steel Rail, Except Light Rail, from Canada, Secretariat File No. USA-89-1904-07.

SUMMARY: Pursuant to Rule 82 of the Article 1904 Panel Rules ("Rules"), the Panel Review of the final determination described above has been completed, effective August 27, 1990.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, Suite 4012, 14th and Constitution Avenue, Washington, DC 20230, (202) 377-5438.

SUPPLEMENTARY INFORMATION: By decision dated June 8, 1990, the Panel affirmed in part and remanded in part the final determination of the Department of Commerce. Notice of the panel decision was published in the Federal Register on June 22, 1990 (55 FR 25684). In its decision, the Panel ordered that Commerce provide the results of the remand within 30 days of the date of the panel decision. On July 12, 1990, Commerce filed its Determination on

Remand, pursuant to Rule 75 of the Rules.

No Notice of Motion for review of the Determination on Remand and no request for an extraordinary challenge committee has been filed with the responsible Secretary. Accordingly, pursuant to Rule 82, this Notice of Completion of Panel Review shall be effective on August 27, 1990, the 46th day following the filing of the Determination on Remand. Pursuant to Rule 85, the panelists are discharged from their duties effective August 27, 1990.

Dated: September 7, 1990.

James R. Holbein,
United States Secretary, FTA Binational Secretariat.

[FR Doc. 90-22007 Filed 9-17-90; 8:45 am]

BILLING CODE 3510-GT-M

National Oceanic and Atmospheric Administration

[Docket No. 900658-0158]

Foreign Fishing Permits; Transshipment of "Donut Hole" Fish in the Exclusive Economic Zone

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice; request for comments.

SUMMARY: NOAA provides an opportunity for public comments regarding 1991 applications for foreign fishing permits in the event that such applications are received to transship certain fish production in the Exclusive Economic Zone (EEZ) and whether U.S. observers should be placed aboard vessels fishing seaward but transshipping their catch within the EEZ. This action will allow the North Pacific Fishery Management Council and NOAA to consider relevant information bearing on the approval of such applications.

DATES: Comments must be received by November 2, 1990.

ADDRESSES: Comments should be sent to the Operations Support and Analysis Division, F/CM1, National Marine Fisheries Service (NMFS), 1335 East-West Highway, Silver Spring, MD 20910. Please print "Transshipment comments" on envelope.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, 301-427-2337, or telex 487856 US COMM FISH CL

SUPPLEMENTARY INFORMATION: Permit applications for fishing in the EEZ in 1990 were submitted by foreign fishing nations. Certain applications requested permits to allow the foreign vessels to

tranship in the EEZ fish production derived from catches in waters of the Central Bering Sea seaward of the EEZ, i.e., the "donut hole."

The permit applications were reviewed by the North Pacific Fishery Management Council (Council) under the provisions of section 204(b)(5) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). The Council recommended that permits be issued only for those foreign vessels involved in joint ventures in the EEZ. The Council viewed its recommendation as an effective means to reduce the foreign vessels' fishing effort in the "donut hole", particularly on stocks believed to occur in both the "donut hole" and in the EEZ. NOAA considered the Council's recommendation but decided to approve the applications for a 6-month period, January 1 to June 30, 1990, pending further study of the effects of denying such permits on U.S. interests and determination of whether disapproval would be an effective means of significantly reducing the extent of foreign fishing in the "donut hole."

NOAA considered all available information bearing on this issue and completed its considerations on May 3, 1990. Based on the available information, the Assistant Administrator for Fisheries decided to extend permits authorizing transshipment of fish taken seaward of the EEZ from their current expiration date of June 30, 1990, through December 31, 1990. (55 FR 22943, June 5, 1990).

The decision was restricted to permits issued for such transshipments this year in the BSA and GOA fisheries and any similar 1990 applications that may be received before the end of the year. However, NOAA anticipates requests for similar permits for the 1991 season. Consequently, NOAA is providing this opportunity for public comment as to whether such permits should be approved in 1991, and, if so, whether special conditions should be attached, such as requiring the placement of U.S. observers on foreign fishing and processing vessels while operating in the "donut hole" and the method for assessing costs for such observers.

A similar condition was considered in an Advance Notice of Proposed Rulemaking (ANPR), published on April 25, 1988. (53 FR 13422). No decision was announced after the conclusion of the comment period provided for in the ANPR because there was no clear consensus. However, in light of the experience gained since 1988, NOAA believes it appropriate to again consider this condition in relation to transfers of

"donut hole" production in the EEZ. Forty-five days are provided from the date of publication of this notice for such comments.

Dated: September 12, 1990.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-22024 Filed 9-17-90; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

CNO Executive Panel, Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Technology Surprise Task Force will meet September 26-28, 1990 from 9 a.m. to 5 p.m., at Naval Ocean Systems Center, 271 Catalina Boulevard, San Diego, CA. This session will be closed to the public.

The purpose of this meeting is to discuss the possibility of unexpected technological breakthroughs that vastly change warfighting capabilities. The entire agenda for the meeting will consist of discussions of key issues regarding the potential for technology enigmas. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

This Notice is being published late due to the requirement for additional information regarding the security classification of the various topics forming the agenda. Operational necessity constitutes an exceptional circumstance not allowing Notice to be published in the Federal Register at least 15 days before the date of this meeting.

For further information concerning this meeting, contact: Lelia V. Carnevale, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: September 12, 1990.

Jane M. Virga,

Lieutenant, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 90-21983 Filed 9-17-90; 8:45 am]

BILLING CODE 3510-AE-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearings

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, September 28, 1990 beginning at 10:30 a.m. in Cannon Lab room 104 of the University of Delaware's Marine Studies Complex on Pilottown Road in Lewes, Delaware.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at 9 a.m. at the same location and will include a presentation on oyster production in Delaware Bay and discussions on Commission landfill review policy; the upper Delaware ice jam project; middle and upper Delaware water quality protection strategies and a status report from the Commission's Water Conservation Advisory Committee.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Merrill Creek Owners Group (MCOG) D-77-110 CP Amendment 2).* A Resolution to include an additional designated unit (Unit 4, a steam turbine generating unit which is part of the Hay Road Power Plant project sponsored by Delmarva Power & Light Company) to the list of designated units which is incorporated in the MCOG docket. Table A (Revision 2), attached to the Resolution, replaces Table A (Revised).

2. *City of Coatesville Authority D-86-82 CP.* An application for expansion of the City of Coatesville Authority (CCA) water supply system by the acquisition of the Octoraro Water Company (OWC). In requesting the withdrawal rights formerly held by the OWC, the CCA has obtained Pennsylvania approval to withdraw up to 2.0 million gallons per day (mgd) from West Branch Octoraro Creek, in the Susquehanna River Basin (SRB). The OWC had supplied water to customers in both the Susquehanna and Delaware Basins. Interconnection with the existing CCA system will allow interbasin transfers. The CCA plans to implement a drought emergency plan to

DIEDERICH & HALL

October 10, 1990

206 E. Emerson Ave. • Orange, GA 31765
Phone: 714/998-1494 • FAX: 714/998-1419

10:50:00

Mr. Robert A. Mosbacher
Secretary of Commerce
Department of Commerce
14th & Constitution Ave. N.W.
Washington, D. C. 20230

Dear Secretary Mosbacher:

We wrote to you last year to urge you to approve permits for Polish fishing vessels. We very much appreciate your actions in approving these permits for 1990 without restricting them to joint venture activities and urgently request that you again approve these permits for 1991.

It is imperative that you give full consideration to the economic interests of many U.S. companies whose business, such as ours, depends heavily on the transshipment and availability of these fish products.

Certainly, our business would be unable to survive should you deny permits for Polish vessels to tranship their products in the U.S. EEZ. We derive the largest amount of our products from Polish transshipment activities, resulting in sales to other U. S. companies, who in turn would suffer great economic loss.

It is our contention, that the Magnusen Act was never intended, and cannot now be interpreted to allow the prohibition of legal shipping activities conducted in transit within the U.S. EEZ.

Approval of these permits will provide direct help to Poland's overall economy, as well as the United States economy. We are very dependent on the sale of Polish products, and any denials of permits will create serious financial problems for us.

We look forward to your favorable decision in approving the Polish permits, without restrictions.

Very truly yours,

DIEDERICH & HALL

William E. Diederich
WILLIAM E. DIEDERICH
President

cc: James A. Baker, III, Secretary of State
Donald W. Collinsworth, Chairman, NPFMC ✓
Dr. Wm. W. Fox, Jr., Asst. Admin. Nat. Mar. Fish.Svc., NOAA



INCORPORATED • 16300 MILL CREEK BLVD., SUITE 203 • MILLCREEK, WA 98012 • (206) 742-1485 • FAX (206) 742-6929

October 12th, 1990

OCT 16 1990

Robert A. Mosbacher
Secretary of Commerce
U.S. Department of Commerce
Herbert C. Hoover Building
Fourteenth & Constitution Ave. N.W.
Washington, D.C. 20230

ACTION	ROUTE TO	DATE
	Exec. Dir.	
	Deputy Dir.	
	Admin. Dir.	
	Asst. Dir.:	
	Adm. Serv.	
	Ext. Aff.	
	Fin. & Inv.	
	Gen. Inv.	
	Ident. & Rec.	
	Int. Aff.	
	Lab.	
	Legal Coun.	
	Off. Cong. & Public Aff.	
	Rec. Mgmt.	
	Tech. Serv.	
	Training	
	Off. Dir.	

Dear Mr. Mosbacher:

I am writing you this letter to help convince you to approve joint venture permits for Polish vessels. Your approval of these permits for 1990 without restricting them to joint venture fishing was greatly appreciated.

Our company opened a Seattle office especially for this Polish Pollock purchasing. We have been in business since 1979 with our head office being on the east coast (Gloucester, Mass.). Our Seattle office has been opened for just under one year and about three quarters of our sales, purchases and duties are reliant upon this Polish cargo of fish.

We are presently selling these products to major chains in the U.S.A. and in Canada so we are truly international when looking at the broad picture (Gatt) of importing and exporting of fish products.

In looking at the other side of the coin, I think we must also realize the great injustice we would cause to the Polish economy. They have come so far in their freedom and capitalistic ideals over the last year or so and this would completely destroy their image of democracy and freedom; everything the U.S.A. stands for.

Mr. Mosbacher, I am sure that after your perusal of these and other facts you will see in your heart to approve these permits for 1991 concerning the joint venture with Polish vessels.

God Bless you.

Sincerely,

Charles J. Gibbons

- cc: James A. Baker
- Donald W. Collingsworth
- Dr. William W. Fox
- Lynne Richardson
- Jack Ventola