

ture measurements be made in the truck cab?

6. Describe the most effective means for the measurement of heat if different from WBGT.

7. Would it be desirable to have a new Federal motor vehicle safety standard related to heat in cabs?

Those desiring to comment on this Advance Notice of Proposed Rulemaking are asked to submit in writing three copies of their views, data, and arguments. All communications received will be considered before any proposals for rulemaking action are undertaken.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street SW, Washington, D.C. 20590. If it is determined to be in the public interest to proceed further after summarizing the comments and considering the available data and comments received in response to this Advance Notice, a Notice of Proposed Rulemaking will be issued.

(49 U.S.C. § 304, 49 U.S.C. § 1555, 49 CFR 1.48 and 49 CFR 301.60.)

Issued on January 27, 1978.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc. 78-3372 Filed 2-7-78; 8:45 am]

[3510-12]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 611]

FOREIGN FISHING

Interim Policy

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: National Marine Fisheries Service Proposed Interim Policy.

SUMMARY: An interim policy is proposed to govern consideration of applications for permits by foreign vessels seeking to purchase or receive fish from U.S. fishing vessels in the Fishery Conservation Zone. Comments received by February 23, 1978, will be considered before adopting and implementing an interim policy.

DATE: Comments due on or before February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Alfred J. Bilik, Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. De-

partment of Commerce, Washington, D.C. 20235, Telephone 202-634-7265.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service is proposing this interim policy governing issuance of foreign fishing vessel permits to allow foreign vessels to purchase or receive fish from U.S. fishing vessels in the Fishery Conservation Zone. The proposed interim policy is designed to address only permit applications submitted under Preliminary Management Plans (PMP's) in effect on January 1, 1978, for the 1978 fishing season and will be replaced by a more comprehensive policy covering both PMP's and Fishery Management Plans that are implemented by the Secretary. The Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., (the Act), provides for a national program for the conservation and management of the Nation's fishery resources within the Fishery Conservation Zone (FCZ). Under the Act, procedures are established for foreign participation in fisheries under the exclusive management authority of the United States. Any foreign vessel harvesting fish or supporting fishing operations in the FCZ must have a foreign vessel permit. Activities in support of fishing include those in which a foreign vessel in the FCZ purchases, or receives transfer of, fish from a U.S. fishing vessel. The amount of fish that foreign vessels may harvest in the FCZ is limited by the allocation of part of the total allowable level of foreign fishing (TALFF) made by the Department of State to the flag nation of the vessel. However, purchases or transfers from U.S. vessels to foreign vessels do not count against the allocation to the foreign vessel's flag nation. The consequence of all this is that a potential conservation problem now exists. The new market for U.S. caught fish which would be created by such purchases or deliveries may induce greater U.S. fishing effort in a fishery which in turn may cause the optimum yield in a fishery to be exceeded. The proposed interim policy creates a mechanism to closely review foreign permit applications involving the sale of U.S. harvested fish to foreign vessels in the FCZ, thereby alleviating the possibility that the optimum yield in a fishery would be exceeded. At the same time the proposed interim policy seeks to preserve foreign market opportunities for U.S. fishermen when such sales or deliveries would not unduly affect the development of other segments of the U.S. fishing industry. This proposed interim policy is being published to solicit public comments. Comments received on or before February 23, 1978, will be considered by the Administrator before adopting an interim policy.

PROPOSED POLICY

In order to address pending or expected applications submitted under

Preliminary Management Plans effective January 1, 1978, the following interim policy is proposed to govern the Secretary's consideration of applications for permits to allow foreign vessels to purchase or receive fish from U.S. vessels within the FCZ during the 1978 fishing season.

The Secretary of Commerce shall encourage the development of all segments of the U.S. fishing industry consistent with the purposes of the Act and other applicable laws. As one means of carrying out this objective, the Secretary may approve applications for foreign fishing vessels permits to allow foreign vessels to purchase or receive fish from U.S. harvesting vessels within the Fishery Conservation Zone on a case-by-case basis. Any such permits granted shall contain appropriate conditions and restrictions.

Permits shall be approved only when the Secretary is satisfied that (1) the optimum yield for the fishery involved will not be exceeded; (2) the capability and intent of the U.S. fishing industry to harvest fish to be sold or delivered exceeds the capability and intent of the U.S. industry to process such fish; and (3) the relevant foreign vessel has capability and intent to process such fish. Actions with respect to applications for permits for 1978 shall have no precedential effect on any applications for permits for subsequent years.

In implementing this policy, the Secretary of Commerce may also take into consideration one or more of the following in evaluating a proposal to issue a permit to a foreign vessel to purchase or receive fish from a U.S. harvesting vessel within the Fishery Conservation Zone.

- (1) Potential for displacement of any domestic fishing and associated industries for other stocks or species.
- (2) Potential for gear conflicts between U.S. vessels involved in harvesting such fish and other stocks or species.
- (3) Employment opportunities or losses for domestic labor.
- (4) Impact on exvessel, wholesale, and retail prices.
- (5) Impact on income of domestic fishermen, processors and industry workers.
- (6) Impact on the U.S. consumer.
- (7) Impact on the degree of market control by either U.S. or foreign processors.
- (8) Impact on export or import restrictions imposed by foreign nations on United States products.
- (9) Effect of overall U.S./foreign trade policy guidelines.
- (10) Potential for expansion of U.S. fleets.
- (11) Possible detrimental effects to any segment of the fishing industry.

Dated: February 3, 1978.

JACK W. GEHRINGER,
Deputy Director, National Marine
Fisheries Service.

[FR Doc. 78-3482 Filed 2-7-78; 8:45 am]