

Federal Trade Commission

BARS DISCRIMINATION IN RENTALS AND SALES OF SHRIMP PEELING MACHINERY:

On June 4, 1964, the Federal Trade Commission (FTC) ruled that officers and directors of two Louisiana corporations distributing shrimp peeling machinery have abused their patent rights in the shrimp processing machinery field. The FTC, therefore, issued an order barring certain discriminatory practices. The officers and directors of the firms concerned were ordered to: (1) stop discriminating among domestic shrimp producers in the rentals charged for their machines; and (2) offer their machines for sale to domestic canners at the same prices and under the same conditions and terms as are presently offered to foreign canners.

On the other hand, the FTC dismissed allegations that the shrimp peeling machinery patent holders had used various unlawful means to gain, perpetuate, or extend a monopoly position in the shrimp processing machinery field.

The FTC ruled that members of the family which are officers and directors of the Louisiana corporations involved have unlawfully abused their patent-based monopoly in the shrimp processing machinery field by (1) charging Northwest shrimp canner lessees of this indispensable machinery double the rate charged Gulf Coast canners, and (2) selling the machinery to foreign canners while refusing to sell and merely leasing it to competing domestic canners.

An order halting those illegal discriminatory practices was issued by the FTC against the four former copartners of the New Orleans firm marketing the machinery. That company was liquidated late last year and the four copartners now are the officers and directors of two successor corporations.

The Commission said in its opinion written by Commissioner Everette MacIntyre that respondents' patented shrimp processing machinery includes peelers, cleaners, separators, deveiners, and graders. The principal piece of machinery and the one developed first is the peeler, which was offered to Gulf Coast shrimp canners in 1949. Prior to its advent the canners depended on hand labor for peeling or picking their shrimp. Four peeling machines can approximately equal the output of 250 to 300 laborers. Consequently the peeler immediately made hand picking obsolete and became an absolute necessity. Within less than 10 years all the Gulf Coast canners had installed and were using respondents' peelers.

Prior to 1956 all shrimp canneries (except a single plant in Georgia which ceased production in 1961) were located on the Gulf Coast. In the early 1950's com-

mercially exploitable quantities of pandalid shrimp (smaller and having less meat yield than the penaeid variety found off the Gulf Coast) were discovered off the coasts of Washington and Oregon. In 1956 the first canning plant was started at Westport, Wash., and respondents leased a peeler to it. By September 30, 1958 their machines were operating in 12 Northwest canneries. West Coast canners are charged double the rental rate assessed Gulf Coast lessees. The reason for the differential, the respondents stated, is that the smaller West Coast shrimp have a count per pound approximately twice that of the Gulf Coast variety and the higher rate was fixed "... in order to adhere to our basic policy of charging a rate which was in proportion to the labor saved."

Rejecting this, the Commission "found that respondents' avowed reason for their practices is not worthy of belief" and that their actual intent "was to protect and foster their own interests as shrimp canners by inhibiting the shrimp canners packing the pandalid shrimp of the Northwest. (The family of the peeling machine firms engages in shrimp canning through another corporate enterprise.)

"The respondents' and other Gulf Coast canners' fear of the embryo Northwest shrimp manufactory stems from two factors: the comparative low cost of pandalid shrimp and the static condition of the canned shrimp market. These factors convinced the respondents that unless defensive steps were taken the Gulf Coast shrimp industry would be unable to compete and would be eventually overpowered by the new competition from the Northwest."

Commissioner MacIntyre pointed out that several Northwest "canners who ceased canning shrimp entirely testified that they would have been able to continue operations and garner a reasonable profit had they been charged the same rates as those enjoyed by the Gulf canners. The statistical evidence completely supports this testimony, for in most cases the excess rental charged was substantially greater than the losses experienced.

"As we view it, respondents' conduct is completely undefensible. It constitutes a hasty, almost panicky, reaction to a new competitive threat. Their activities are shortsighted and economically self-defeating. The long-range interests of the shrimp canning industry in this country and of the economy as a whole lie in increased, rather than curtailed, competition. This industry is selling in a market which has remained static for four decades. While in recent years the lack of growth may be blamed to a certain extent upon the increasing popularity with the public of frozen shrimp products, this was not true for the entire period and does not constitute a complete explanation today. A principal reason for the static condition of this univers-

the complete failure of the producers to aggressively exploit their product by an aggressive program of consumer education. The money spent for advertising by the industry as a whole has been insignificant and this record indicates that an untapped market consisting of 10 percent of all American families is awaiting exploitation. If, as this record indicates, the supplies of shrimp in the Alaskan fishery are indeed unlimited, the potential for the Northwest shrimp canning industry is great and for the respondents indirectly through increased utilization of their machines is likewise unlimited.

"In view of all the foregoing facts and conclusions, it is the decision of this Commission that the respondents have engaged in unfair methods of competition and unfair acts or practices in commerce in violation of Section 5 of the Federal Trade Commission Act. The gravamen of the offense so found is the fixing and charging of higher discriminatory peeling machine rental rates to producers of canned shrimp located in the Northwestern United States with the result and effect of injuring and destroying competition between said Northwest canners and canners located in the Gulf and South Atlantic areas of the United States."

The Commission similarly held to be unlawful respondents' practice of refusing to sell their machinery to American canners while selling it to foreign competitors.

Since the practice of selling shrimp processing machinery to foreigners is of comparatively recent origin, the full effects of the practice have yet to be felt by the domestic shrimp canning industry," Commissioner MacIntyre stated. "However, there is sufficient evidence in the record to support a finding that the probable effects of the practice will be to injure and seriously curtail the competitive abilities of domestic canners in two relevant markets: one consisting of the entire United States and the other the total of all foreign countries."

He pointed out that the "inevitable result of this practice is to maintain high production costs at home and to permit to foreigners lower production costs. The resulting imbalance of competitive ability can have a more serious effect than to make it increasingly difficult for our domestic producers to compete for foreign markets. On the other hand, we could reasonably expect that with lower peeling costs our domestic canners could expand their foreign sales. To impede or prevent such expansion is no less of an unfair practice than an unreasonable restraint than to occasion a diminution of their market position."

The Commission also noted that American sellers of shrimp "testified that competition from Japanese canners was becoming an increasingly serious factor in the domestic shrimp market. Apparently most canners in both the Northwestern United States and along the Gulf Coast are apprehensive with respect to this rapidly serious competition and the almost inevitable possibility that the present relative trickle of imported shrimp will increase to a flood. . . ."

The discomfiture of the American canners is understandable, for the respondents have placed them in a vulnerable position. They are required to operate at a static higher peeling costs--costs which remain at a constant level without regard for production level. Foreign canners using machines purchased from respondents experience initial lower costs which recede

with increased production. American canners have been placed at a competitive disadvantage by respondents' foreign sales and the likelihood is that their foreign competitors, particularly the Japanese, will enlarge their penetration of the United States canned shrimp market. Domestic canners are powerless in the face of respondents' patent monopoly to effect any change in their competitive position vis-a-vis their foreign competitors using respondents' machines and the public interest requires remedial action on their behalf. Respondents' discriminatory practice of selling to some, but not all, competing canners has been shown by this record to be unfair and violative of Section 5 of the Federal Trade Commission Act."

On the other hand, the FTC dismissed the complaint as to the family's shrimp canning enterprise and the president of that firm.

Also dismissed were allegations in the complaint that respondents have utilized various unlawful means to gain, perpetuate, or extend a monopoly position in the shrimp processing machinery field, and that the family's shrimp canning firm and the individual respondents combined to adopt and carry out the alleged monopolistic practices.

Commissioner Philip Elman filed a separate opinion stating his views. He said, among other things, that due to respondents' discriminatory prices the "Northwest canners have been forced to the wall and may well be eliminated as a competitive factor in the shrimp canning industry.

"The short of it is that respondents' insistence on charging a monopoly price may well result in the destruction of a substantial segment of the shrimp canning industry. This result, which is not dictated by efficiency--for . . . the cost of processing shrimp by machine is the same regardless of the size of the shrimp--but by monopoly power, is clearly opposed to the objectives of antitrust policy. The right of a monopolist to exploit his monopoly (whether such monopoly is conferred by patents or otherwise) by charging a monopolist's discriminatory price does not, in my opinion, include the right to destroy or cripple a major segment of an industry, but must yield in such a case to the policy of competition embodied in the antitrust laws. . . . In the circumstances, respondents' refusal to treat the Northwest and the Gulf Coast shrimp canners on equal terms is an abuse of monopoly power. It has substantially and unjustifiably injured competition in the shrimp canning industry. It is therefore an unfair method of competition forbidden by Section 5."

However, continued Commissioner Elman, "So far as the charge relating to unlawful discrimination by respondents between foreign and domestic shrimp canners is concerned, I am compelled to dissent from the Commission's finding of violation. The record tells us altogether too little about the costs of foreign shrimp canners to justify an inference of competitive injury. Nor is it at all clear to what extent being able to purchase rather than lease respondents' shrimp processing machinery represents a net cost savings to the foreign canners."



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

AMENDMENT TO STANDARD OF IDENTITY FOR CANNED TUNA EFFECTIVE JUNE 15, 1964:

With reference to amending the standard of identity for canned tuna by listing sodium acid pyrophosphate as an optional ingredient for inhibiting the development of struvite crystals, notice was given on May 27, 1964, by the U. S. Food and Drug Administration, that no objections were filed to the order published in the Federal Register of April 16, 1964. Accordingly, the amendment promulgated by that order became effective on June 15, 1964. The Notice was published in the Federal Register of June 3, 1964.

An earlier Notice that a petition had been filed with the U. S. Food and Drug Administration proposing that the standard of identity for canned tuna be amended was published in the February 6, 1964, Federal Register. It invited all interested persons to submit their views regarding the proposal.

Note: See Commercial Fisheries Review, June 1964 p. 62.



Department of the Interior

FISH AND WILDLIFE SERVICE

PROPOSED REVISED STANDARDS FOR GRADES OF FROZEN FISH BLOCKS:

Notice of proposed revised standards for grades of frozen fish blocks was published in the Federal Register, June 12, 1964, by the Department of the Interior in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U. S. C. 1621-1627). The proposed revised standards would be issued as an amendment to Part 263 of Title 50, Code of Federal Regulations, and would supersede the standards that have been in effect since July 1958.

The notice of proposed revised standards for grades of frozen fish blocks as it appeared in the Federal Register, June 12, 1964, follows:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR PART 263]

FROZEN FISH BLOCKS

Proposed U.S. Standards for Grades

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956 (16 U.S.C. 742e), it is proposed to amend five sections of Part 263 of Title 50, Code of Federal Regulations. The purpose of this amendment is to issue standards for grades of frozen fish blocks in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621-1627).

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, U.S. Fish and Wildlife Service, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1964.

Second issue. These standards will supersede the standards that have been in effect since July 1958.

§ 263.1 Description of the product.

Frozen fish blocks are rectangular-shaped masses of cohering frozen fish flesh of a single species. They consist of adequately drained whole, wholesome fillets or pieces of whole, wholesome fillets cut into small portions but not ground or comminuted; and they are frozen and maintained at temperatures necessary for the preservation of the product. Frozen fish blocks are made in two styles.

(a) *Style I—skinless fish blocks.* Fish blocks that have been made from skinless fillets.

(b) *Style II—skin-on fish blocks.* Fish blocks that have been made from demonstrably acceptable skin-on fillets.

§ 263.2 Grades of frozen fish blocks.

(a) "U.S. Grade A" is the quality of frozen fish blocks that (1) possess a good flavor and odor and that (2) have a total score of 85 to 100 points for those factors that are rated in accordance with the scoring system outlined in this part.

(b) "U.S. Grade B" is the quality of frozen fish blocks that (1) possess at least a reasonably good flavor and odor and that (2) have a total score of 70 to 84 points for those factors that are rated in accordance with the scoring system in this part.

(c) "Substandard" is the quality of frozen fish blocks that meet product description but fail to meet the requirements of U.S. Grade B.

§ 263.11 Determination of the grade.

The grade is determined by examining the product in the frozen, thawed, and

TABLE 1—SCHEDULE OF POINT DEDUCTIONS PER SAMPLE UNIT

State	No.	Factors scored	Aspects determining score	Deduct
Frozen	1	Color.....	Small degree: Moderate yellowing.....	4
			Large degree: Excessive yellowing and/or rusting.....	16
	2	Dehydration.....	Minor: Moderate dehydration for each 10 percent of surface area affected.	3
			Major: Excessive dehydration for each 10 percent of surface area affected.	6
	3	Uniformity of size.....	Minor: Each deviation from declared size in length, width, or thickness $\pm \frac{1}{4}$ to $\frac{1}{2}$ inch.	3
			Major: Each deviation from declared size in length, width, or thickness over $\pm \frac{1}{4}$ inch.	6
4	Uniformity of weight.....	Minor: Any minus deviation from declared weight of more than 1 ounce but not more than 4 ounces.	3	
		Major: Any minus deviation from declared weight more than 4 ounces.	8	
5	Angles.....	Edge angle—2 out of 3 readings deviating $\frac{3}{8}$ inch.....	2	
		Corner angle—each angle deviating $\frac{3}{8}$ inch.....		
6	Improper fill.....	For each 1 ounce unit cut from the block that would be adversely affected due to air spaces, ice spaces, depressions, ragged edges, damage, or imbedded packaging material.	1	
Thawed	7	Blemishes.....	Each blemish in 5 pounds of fish block.....	2
	8	Bones.....	Each instance of bones in 5 pounds of fish block.....	5
Cooked	9	Texture.....	Small Degree: Moderately tough, dry, rubbery, or mushy..	5
			Large Degree: Excessively tough, dry, rubbery, or mushy..	15

cooked states and is evaluated by considering the following factors:

(a) *Factors rated by score points.* Points are deducted for variation in the quality of each factor in accordance with the schedule in table 1. The total of points deducted is subtracted from 100 to obtain the score. The maximum score is 100; the minimum score is 0.

(b) *Factors not rated by score points.* The factor of "flavor and odor" is evaluated organoleptically by smelling and tasting the product after it has been cooked in accordance with § 263.25.

(1) Good flavor and odor (essential requirements for a Grade A product) means that the cooked product has the typical flavor and odor of the indicated species of fish and is free from rancidity, bitterness, staleness, and off-flavors and off-odors of any kind.

(2) Reasonably good flavor and odor (minimum requirements of a Grade B product) means that the cooked product is lacking in good flavor and odor but is free from objectionable off-flavors and off-odors of any kind.

263.21 Definitions.

(a) *Examination of sample, frozen state.* (1) Color refers to reasonably uniform color characteristic of the species used. Deviations from normal color include noticeable yellowing and/or rusting of the fish surface.

(2) Dehydration refers to loss of moisture from the fish surfaces during frozen storage. Moderate dehydration is color masking and can easily be scraped off with a fingernail. Excessive dehydration is deep color-masking and requires a knife or other hard instrument to scrape off.

(3) Uniformity of size refers to the degree of conformity to the declared size. A deviation is considered to be any deviation from stated length, width or thickness, or from the average dimensions if no dimensions are stated. Only one de-

viation from each dimension may be assessed. Two readings for length, three readings for width, and four readings for thickness will be measured.

(4) Uniformity of weight refers to the degree of conformity to the weight. Only underweight deviations are assessed.

(5) An acceptable edge angle is an angle formed by two adjoining surfaces whose apex is within $\frac{3}{8}$ inch of a carpenter's square placed along the surfaces. For each edge angle, three readings will be made and at least two readings must be acceptable for the whole edge angle to be acceptable. An acceptable corner angle is an angle formed by 3 adjoining surfaces whose apex is within $\frac{3}{8}$ inch of the apex of a carpenter's square placed on the edge surfaces. Unacceptable angles fail to meet these criteria.

(6) Improper fill refers to surface and internal air or ice voids, ragged edges, or damage. It is measured as the number of 1-ounce units that would be adversely affected when the block is cut. For this purpose, the 1-ounce unit is considered to be 4 x 1 x $\frac{5}{8}$ inch.

(b) *Examination of the product, thawed state.* (1) Blemishes refer to a piece of skin, scale, a blood spot, a fin, a bruise, a black belly lining, a piece of nape membrane or a harmless piece of extraneous material. One "piece of skin" consists of one piece $\frac{1}{2}$ square inch in area; except that for skin patches larger than 1 square inch, an additional instance shall be assessed for each additional $\frac{1}{2}$ square inch in area. "Blood spot" is one of such size and degree as to be considered objectionable. A "piece of black belly lining" is any piece longer than $\frac{1}{2}$ inch. "Fin" is one fin or one identifiable part of a fin. A piece of nape membrane consists of one piece $\frac{1}{2}$ square inch in area or larger. "Scales" are aggregates of one or more scales of such degree as to be considered objectionable. Skin is not to be considered a blemish

on Style II block. Blemishes are measured on a 5-pound portion cut from the edge of the fish block and thawed.

(2) "Bones" refers to any potentially harmful bones in the fish block. A potentially harmful bone is one that after being cooked is capable of piercing or hurting the palate. One instance of bones means one bone or group of bones occupying or contacting a circular area of 1 square inch. Bones are measured on the same 5-pound thawed portion cut from the fish block.

(c) *Examination of the cooked product.* (1) Heating in a suitable manner means heating the product in one of two ways, as follows:

(i) Cut three or more portions about 4 by 3 by $\frac{1}{2}$ inches from a frozen block. Wrap them individually or in a single layer in aluminum foil. Place the package portions on a wire rack suspended over boiling water in a covered container. Steam the packaged portions until the product is thoroughly heated, or

(ii) Cut and package the portions as previously described. Place the packaged portions on a flat cookie sheet or shallow flat-bottom pan of sufficient size so that the packages can be evenly spread on the sheet or pan. Place the pan and frozen contents in a properly ventilated oven heated to 400° F. and remove when the product is thoroughly heated.

(2) Texture refers to the condition of the cooked fish flesh. The texture should be firm, slightly resilient, but not tough or rubbery; and should be moist, but not mushy. Deductions for texture will follow the deductions assessed in table 1.

(3) Flavor and odor is evaluated organoleptically as described in § 263.11(b).

(d) *General definitions.* (1) "Demonstrably acceptable" shall mean that the product has been produced commercially and met customer acceptance.

(2) "Adversely affected" shall mean that the unit cut would deviate more than 15 percent plus or minus from 1 ounce.

(3) "Small" (overall assessment) refers to a condition that is noticeable, but is not seriously objectionable.

(4) "Large" (overall assessment) refers to a condition that is not only noticeable, but is seriously objectionable.

(5) "Minor" (measured quantity or area) refers to a defect that affects the appearance or utility of the product or both.

(6) "Major" (measured quantity or area) refers to a defect that seriously affects the appearance or utility of the product or both.

§ 263.25 Tolerances for certification of officially drawn samples.

The sample rates and grades of specific lots shall be certified on the basis of the regulations governing inspection and certification of processed fishery products, processed products thereof, and certain other processed food products.

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WHALING REGULATIONS AMENDED:

The regulations of the International Whaling Commission as amended October 9, 1963, were published in the Federal Register, June 16, 1964, to amend and succeed Part 351--Whaling, Code of Federal Regulations, Title 50--Wildlife and Fisheries. The revised regulations became effective on publication in the Federal Register. The only changes relating to current United States commercial whaling operations are the provisions providing for certain exceptions in the minimum length of blue, sei, and fin whales which can be landed at land stations in the Northeast Pacific area.

The new regulations as they appeared in the Federal Register, June 16, 1964, follow:

Title 50—WILDLIFE AND FISHERIES

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Section 13 of the Whaling Convention Act of 1949 (64 Stat. 425; 16 U.S.C. 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been brought into effect on October 9, 1963. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States. The only change relating to current United States commercial whaling operations is that found in § 351.9 (a) and (b), providing for certain exceptions in the minimum length of blue, sei, and fin whales which can be landed at land stations in the Northeast Pacific area. These changes allow the taking of blue whales not less than 65 feet, sei whales not less than 35 feet, and fin whales not less than 50 feet for delivery to land stations in the Northeast Pacific area without regard to their use as human or animal food for local consumption for a period of three years starting April 1, 1962.

Amendments to the whaling regulations are adopted by the International

Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 25 F.R. 8465, September 1, 1960, are amended and republished to read as hereinafter set forth.

Regulations of the Department of the Interior, implementing the Whaling Convention Act of 1949, are set forth in 50 CFR Part 230—Whaling.

These regulations shall become effective upon the date of publication in the FEDERAL REGISTER.

- Sec.
- 351.1 Inspection.
 - 351.2 Killing of gray or right whales prohibited.
 - 351.3 Killing of calves or suckling whales prohibited.
 - 351.4 Operation of factory ships limited.
 - 351.5 Closed area for factory ships in Antarctic.
 - 351.6 Limitations on the taking of humpback whales.
 - 351.7 Closed seasons for pelagic whaling for baleen and sperm whales.
 - 351.8 Catch quota for baleen whales.
 - 351.9 Minimum size limits.
 - 351.10 Closed seasons for land stations.
 - 351.11 Use of factory ships in waters other than south of 40° South Latitude.
 - 351.12 Limitations on processing of whales.
 - 351.13 Prompt processing required.
 - 351.14 Remuneration of employees.
 - 351.15 Submission of laws and regulations.
 - 351.16 Submission of statistical data.
 - 351.17 Factory ship operations within territorial waters.
 - 351.18 Definitions.

AUTHORITY: The provisions of this Part 351 issued under Article V, 62 Stat. 1718. Interpret or apply secs. 2-14, 64 Stat. 421-425; 16 U.S.C., 916 et seq.

§ 351.1 Inspection.

(a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factory ships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship: *Provided*, That inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or for the feeding of animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 Killing of gray or right whales prohibited.

It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 Killing of calves or suckling whales prohibited.

It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 Operation of factory ships limited.

(a) It is forbidden to kill blue whales in the North Atlantic Ocean for five years ending on February 24, 1965.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 Closed area for factory ships in Antarctic.

It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This paragraph as a result of a decision of the fourteenth meeting was rendered inoperative until the Commission otherwise decides.)

§ 351.6 Limitations on the taking of humpback whales.

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on November 8, 1964. Notwithstanding this closed season, the taking of 10 humpback whales per year is permitted in Greenland waters provided that whale catchers use less than 50 gross register tonnage and are used for this purpose.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of the equator.

(c) It is forbidden to kill or attempt to kill blue whales in the waters south of 40° South Latitude, except in the waters north of 55° South Latitude from eastwards to 80° East Longitude.

§ 351.7 Closed seasons for pelagic whaling for baleen and sperm whales.

(a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from December 12 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of

killing or attempting to kill blue whales before February 14 in any year.¹

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d), and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided*, That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided*, That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this paragraph, one continuous open season not to exceed eight months may be implemented so far as Greenland is concerned.

§ 351.8 Catch quota for baleen whales.

(a) The number of baleen whales taken during the open season caught in waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed ten thousand blue whale units in 1963/64.

(b) For the purposes of paragraph (a) of this section, blue whale units shall be calculated on the basis that one blue whale equals:

- (1) Two fin whales or
- (2) Two and a half humpback whales or
- (3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units

¹ The amendment of § 351.7(a) of the starting date of the blue whale season from February 1 to February 14 was objected to within the prescribed period by the Governments of Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics. The objections were not withdrawn and the amendment came into force on January 26, 1961 but is not binding upon Japan, the Netherlands, Norway, the United Kingdom and the Union of Soviet Socialist Republics.

taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 9,000, notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.²

§ 351.9 Minimum size limits.

(a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that, except in the Northeast Pacific area for a period of three years starting 1 April 1962, the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided that, except in the Northeast Pacific area for a period of three years starting 1 April 1962, in each case, the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

² Section 357.8(e) in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on September 12, 1952. Original paragraph (f) consequently becomes paragraph (e).

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 Closed seasons for land stations.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.³

³ Section 351.10(c) came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, which lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not, therefore, binding on the Commonwealth of Australia.

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 Use of factory ships in waters other than south of 40° South Latitude.

It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season: *Provided*, That this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 Limitations on processing of whales.

(a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of §§ 351.2, 351.4, 351.5, 351.6, 351.7, 351.8, or § 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales

without use of land stations provided that such whales are fully utilized in accordance with this paragraph.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 Prompt processing required.

(a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale was taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by whaling inspectors; and in addition there shall be entered such permanent record the following information as soon as becomes available:

(1) Time of hauling up for treatment

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infirmity.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and the information mentioned in the paragraph shall be entered there as soon as available.

§ 351.14 Remuneration of employees.

Gunners and crews of factory ships at land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as species, size and yield of whales taken and not merely upon the number of whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

§ 351.15 Submission of laws and regulations.

Copies of all official laws and regulations relating to whales and whaling changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 Submission of statistical data.

Notification shall be given in accordance with the provisions of Article

the Convention with regard to all factories and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale taken in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in paragraphs (a) and (c) of this section shall be verified at the time of tally and there shall also be notification to the Commission of any information which may be collected or observed concerning the calving grounds and migration routes of whales. In communicating this information, there shall be specified:

- (1) The name and gross tonnage of the factory ship;
- (2) The number of whale catchers, including separate totals for surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horsepower of whale catchers;
- (3) A list of the land stations which are in operation during the period concerned.

351.17 Factory-ship operations within territorial waters.

A factory ship which operates within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over the waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and to the regulations governing the operation of factory ships.

Such factory ship shall not, within a period of one year from the termination of section 351.17 (a), (b), and (c) (1) as was inserted by the Commission at its meeting in 1949, and came into force on January 11, 1950, as regards all Contracting Governments except France, which

of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

- (1) On the coast of Madagascar and its dependencies;
- (2) On the west coasts of French Africa;
- (3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany;
- (4) On the Pacific coast of the United States of America between 35° North Latitude and 49° North Latitude.

§ 351.18 Definitions.

(a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

therefore remain bound by the provisions of the original § 351.17, which reads as follows:

"§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land sta-

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that that have been killed and either flagged or made fast to catchers.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 9, 1964.

tions within the following areas: (a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa; (b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay."

Section 351.17 (c) (4) was inserted by the Commission at its eleventh meeting in 1959 and came into force on October 5, 1959 as regards all Contracting Governments.

* * * * *

DEPARTMENT OF COMMERCIAL FISHERIES

ALASKA DISASTER RELIEF--CHARTER VESSEL LOAN REGULATIONS:

Loans to commercial fishermen for the purpose of chartering fishing vessels pending construction or repair of vessels lost, destroyed, or damaged by the Alaska earthquake of March 27, 1964, and subsequent tidal waves related thereto are authorized to be made by the Secretary of the Interior by Section 9 of the Commercial Fisheries Research and Development Act of 1964 (Public Law 88-309), approved May 20, 1964.

New regulations (became effective on publication) implementing such authorization were

published in the Federal Register, May 23, 1964, as follows:

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 251—CHARTER LOAN PROCEDURES

Section 9 of the Commercial Fisheries Research and Development Act of 1964 (Public Law 88-309), approved on May 20, 1964, authorized the Secretary of the Interior, under such terms and conditions and pursuant to regulations pre-

scribed by him, to make loans to commercial fishermen for the purpose of chartering fishing vessels pending the construction or repair of vessels lost, destroyed or damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto. These loans must be made promptly if they are to be of use during the coming fishing season. As these regulations do not provide penalties to the general public and will assist persons qualifying to obtain financial assistance, they will be adopted without the customary notice of proposed rule making. To implement the authorization granted in section 9 of the above-mentioned Act, the following regulations, constituting a new Part under Subchapter F, are adopted and become effective at the beginning of the calendar day on which they are published in the FEDERAL REGISTER.

Sec.	
251.1	Definition of terms.
251.2	Purpose.
251.3	Interpretation of loan authorization.
251.4	Qualified loan applicants.
251.5	Basic limitations.
251.6	Use of loan funds.
251.7	Repayment.
251.8	Applications.
251.9	Processing of applications.
251.10	Approval of loans.
251.11	Interest.
251.12	Maturity.
251.13	Security.
251.14	Books, records and reports.
251.15	Insurance required.
251.16	Disclaimer.
251.17	Penalties on default.

AUTHORITY: The provisions of this Part 251 issued under sec. 4, 70 Stat. 1121; 16 U.S.C. 742c and Public Law 88-309.

§ 251.1 Definition of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Commercial fisherman.* An individual, partnership or corporation that owned and operated a vessel engaged in catching fish or shellfish during 1963, which vessel was lost, destroyed or damaged in the earthquake of March 27, 1964, and subsequent tidal waves related thereto.

(c) *Charter.* Charter means a bareboat or demise charter, the terms and provisions of which shall be satisfactory to the Secretary.

§ 251.2 Purpose.

The purpose of section 9 of the Commercial Fisheries Research and Development Act of 1964 (the Act) is to offer immediate assistance in the restoration of the fishing fleet which was severely damaged by the earthquake of March 27, 1964, and subsequent tidal waves related thereto. This assistance will consist of short-term loans to enable fishermen, pending the construction or repair of fishing vessels lost, destroyed or damaged as a result of such catastrophe, to bareboat charter vessels for fishing.

§ 251.3 Interpretation of loan authorization.

The terms used in the Act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Chartering fishing vessels:* The words "chartering fishing vessels" mean the making of bareboat charters for such

time as may be required, for operations in the fishery in which the applicant was engaged during 1963, until the damaged vessel can be repaired or the lost or destroyed vessel replaced.

(b) *Net profits of the operations of such chartered vessels:* The words "net profits of the operations of such chartered vessels" mean the net profits computed in accordance with generally accepted accounting practices with due regard to the customs and usage in the locality in which the fishing operation is conducted.

(c) *Such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels.* The words "such reasonable amount as determined by the Secretary for the salary of the fishermen chartering such vessels" mean the average income of the borrower from operations of the damaged, destroyed or lost vessel during the calendar years 1961, 1962, and 1963, with a maximum of \$4,000 per annum, computed from borrower's income tax returns for said years.

(d) All terms used in Section 4 of the Fish and Wildlife Act of 1956, as amended, applicable hereto shall be as defined in Part 250 of this subchapter. In the event of an inconsistency between the provisions of Part 250 of this subchapter and this Part 251, the latter shall control.

§ 251.4 Qualified loan applicants.

Any citizen of the United States meeting the criteria of this section may be considered a qualified loan applicant.

(a) Any commercial fisherman having a vessel, damaged during the aforementioned earthquake and the subsequent tidal waves related thereto, repaired and such repairs cannot be completed in time to commence fishing operations.

(b) Any commercial fisherman having a vessel, lost or destroyed, whether actually or constructively, during the aforesaid earthquake and tidal waves, replaced and such replacement cannot be obtained in time to commence fishing operations.

(c) *Proof of loss, destruction or damage to the vessel and evidence of pending replacement or repair thereof* must be furnished to the Secretary at the time the application for the loan is filed.

§ 251.5 Basic limitations.

The basic limitations shall be the same as in § 250.5 of this subchapter.

§ 251.6 Use of loan funds.

The use of the loan funds are restricted to the payment of charter hire when due, until which time the Secretary will hold any balance of funds in escrow. Charter hire is construed to include delivery and redelivery of the vessel.

§ 251.7 Repayment.

Repayment shall be made on or before the maturity date of the note, executed in connection with the loan and, subject to the proviso set forth herein, be required only from the net profits of the operations of the chartered vessel reduced by and in the manner set forth in § 251.3(c). If the aforesaid net profit as so reduced is not equal to the amount of loan repayment due, the amount of such net profit shall be applied in full satisfaction of the note; provided, however, that if the borrower fails to replace

or repair, as the case may be, the lost, destroyed or damaged vessel, to the satisfaction of the Secretary, then the interest rate on the loan shall be 5 percent, computed from the date of execution of the note, and the entire amount of the note shall be due and payable at maturity without respect to profit.

§ 251.8 Application.

Any citizen desiring a loan under part shall make application to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240, on an application form furnished by the Bureau, except that in the discretion of the Secretary, an application made on other than the prescribed form may be considered if the application contains information deemed to be sufficient.

§ 251.9 Processing of applications.

Applications shall be processed in accordance with § 250.7 of this subchapter.

§ 251.10 Approval of loans.

The approval of loans shall be in the same manner as is set forth in § 250.10 of this subchapter.

§ 251.11 Interest.

The rate of interest on all loans which may be charged under the Act (subsection 4(e) of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c)) fixed at three percent (3%) per annum except as otherwise provided in § 251.11(c).

§ 251.12 Maturity.

The period of maturity of any loan which may be granted shall not be longer than 30 days after the termination date of the charter.

§ 251.13 Security.

The loans shall be approved only upon the furnishing of evidence that the applicant has a satisfactory earnings record of the applicant provides reasonable assurance of repayment and the furnishing of any other security required by the Secretary.

§ 251.14 Books, records and reports.

The right of the Secretary to inspect books, records and reports shall be the same as is set forth in § 250.12 of this subchapter.

§ 251.15 Insurance required.

The owner will carry such insurance as may reasonably be necessary to protect the owner and charterer. Premium charges will be included in the charter hire.

§ 251.16 Disclaimer.

No acts performed by the Secretary in the investigation of the loan application or otherwise shall constitute the Secretary as an agent for an owner or charterer and the Secretary does not warrant or represent to any owner or charterer the performance or observance of the obligations of a charterer or of the owner under any charter or otherwise.

§ 251.17 Penalties on default.

The penalties on default shall be set forth in § 250.14 of this subchapter.

STEWART L. UDALL
Secretary of the Interior

MAY 21, 1964.

Department of Labor

NEW REGULATIONS PROHIBIT WAGE DISCRIMINATION ON ACCOUNT OF SEX:

Regulations contained in Part 800--Equal for Equal Work Under the Fair Standards Act, Title 29--Labor, Code of Federal Regulations were published in the Federal Register, April 25, 1964. The purpose of the new regulations is to make available official interpretations of the Department of Labor with respect to the meaning and application of the equal pay provisions added to the Fair Labor Standards Act by the Equal Pay Act of 1963 (Public Law 88-38). The Equal Pay Act was enacted June 10, 1963, for the purpose of correcting the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex." The law amends the Fair Labor Standards Act by adding a new section 6 (d) to its minimum wage provisions.

The new regulations published in the Federal Register as 29 CFR Part 800 include Part A--General, and Subpart B--Requirements of the Equal Pay Act of 1963. Subpart B outlines scope and application in general, equal pay for equal work standard, exceptions to equal pay standard, enforcement, and effective date.

The effective date of the new provisions is described in the regulations as follows:

Sec. 800.123 General effective date. The equal pay provisions are effective on June 11, 1964. Full compliance is required on that date except in the case of certain employees covered by collective bargaining agreements for whom the statute further defers the time of its application.

Sec. 800.124 Effective date for employees covered by collective bargaining agreements. The application of the equal pay provisions is deferred as to employees covered by bona fide collective bargaining agreements, which were in effect on May 11, 1963, and which do not terminate until some date after June 11, 1964. As to employees covered by such agreements the provisions will become effective on the termination date of the agreement or on June 11, 1965, whichever occurs first. . . ."



Small Business Administration

ALASKA FIRMS IN EARTHQUAKE DISASTER AREA RECEIVE SBA LOANS:

In late May 1964, the U. S. Small Business Administration (SBA) approved loans to help two firms which suffered damage during the earthquake in central Alaska, March 27, 1964. A loan of \$150,000 to the Berman Packing Company was approved which will enable the firm to operate its salmon cannery this year at Ninilchik in the Cook Inlet area. The Small Business Administration also approved a participation loan in which that Agency will join with an Alaskan bank to lend the Valdez Cold Storage Company \$250,000 to finish equipping a king crab processing vessel. That firm lost its plant at Valdez, Alaska, during the Good Friday earthquake.

Before the earthquake, the Valdez Cold Storage Company had received an industrial loan of \$184,100 from the Area Redevelopment Administration (ARA) of the U. S. Department of Commerce. The ARA loan approved March 18, 1964, was made to help expand dock facilities at Valdez and outfit the king crab processing vessel.

Note: See Commercial Fisheries Review, May 1964 p. 78.



Department of the Treasury

INTERNAL REVENUE SERVICE

ALASKANS RECEIVE TIME EXTENSION FOR INCOME TAX REDUCTION CLAIMS:

A decision by the U. S. Internal Revenue Service to grant persons suffering property losses from natural disasters an extension of time in which to apply for Federal income tax rebates was published in the Federal Register, May 19, 1964. The decision was called a "boon to Alaskans" by the Federal Reconstruction and Development Planning Commission for Alaska.

Senator Clinton P. Anderson, Chairman of the Alaska Reconstruction Commission, said that the amendment to Title 26 of the Internal Revenue Code will permit Alaska property owners and businessmen who suffered earthquake damage to amend their 1963 Federal income tax returns in order to seek immediate tax rebates or reductions in their estimated 1964 tax.

Senator Anderson urged all Alaskans owning quake-damaged property to consult the field office of the Internal Revenue Service in Anchorage, Alaska, in order to obtain maximum relief under the law. He pointed out that "all business loss, and all personal property loss over \$100 could be credited against tax payments over the past 3 years. . .thereby producing a considerable cash rebate from the Treasury Department." It was noted that "where the business loss exceeds the income over the past 3 years, tax credits may be projected as far as 5 years into the future."



Eighty-Eighth Congress (Second Session)

Public bills and resolutions which may directly or indirectly affect the fisheries and allied industries are reported upon. Introduction, referral to committees, pertinent legislative actions by the House and Senate, as well as signature into law or other final disposition are covered.



INTERIM ADJOURNMENT: By a voice vote the House on July 2, 1964, adopted H. Con. Res. 321, to provide that when the House adjourns on July 2 it stands adjourned until July 20. On the same date, the Senate also adopted H. Con. Res. 321, with an amendment to provide that when the Senate adjourns July 10, it be until July 20. Both the House and Senate reconvened on July 20.

ALASKA DISASTER: Alaska Earthquake Insurance (Hearings before the Committee on Interior and Insular Affairs, United States Senate, 88th Congress, 2nd Session), 163 pp., printed. Contains hearings held on April 14, 15, and May 5, 1964, on S. 2719, to amend the Alaska Statehood Act, to provide Federally-sponsored insurance protection against losses from earthquake and earthquake-related damage to real and personal property in the State of Alaska; contents of the bill; reports from various organizations, individuals, Senators, Congressmen, and Federal, State, and industry officials. Also contains a summary of major assistance measures adopted and proposed to assist Alaska.

On June 9, 1964, Senator Gruening in the Senate was granted permission to insert in that day's Congressional Record (pages 12665-12667) an article titled "Alaska: A Thorough Postmortem on Earthquake Urged on Behalf of Both Science, Reconstruction," which appeared in the May 1 issue of Science.

On June 12, 1964, Senator Gruening spoke in the Senate concerning interest rates for Alaska disaster loans. The Senator inserted in that day's Congressional Record (page 13114) a statement of policy adopted by the executive committee of the American Legion, Department of Alaska.

On July 6, 1964, Senator Gruening spoke to the Senate concerning the recent Alaska earthquake. At the request of the Senator a statement by M. L. Grange, President of the Greater Soldotna Chamber of Commerce, was printed in the Congressional Record (pp. 15478-15479). The statement discussed economic conditions on the Kenai Peninsula after the earthquake.

ALASKA OMNIBUS ACT AMENDMENT: Alaska Reconstruction (Hearing before the Committee on Interior and Insular Affairs, United States Senate, 88th Congress, 2nd Session), 66 pp., printed. Contains hearing held June 3, 1964, on S. 2881, to amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes; contents of the bill; reports on communications from various organizations, individuals, Senators, and Federal, state, and industry officials. Also contains cost summary of Alaska urban renewal disaster projects.

On June 11, 1964, the Subcommittee on Territorial and Insular Affairs of the House Committee on Interior and Insular Affairs ordered reportedly favorably to the full committee, H. R. 11438, to amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the March earthquake and subsequent seismic waves. The Subcommittee received testimony from Department of the Interior officials and public witnesses.

On June 16, 1964, the Senate Committee on Interior and Insular Affairs ordered reportedly favorably with amendments S. 2881, providing assistance to Alaska for reconstruction of damage from the recent earthquake.

The House Committee on Interior and Insular Affairs ordered reportedly favorably to the House on June 18, 1964, H. R. 11438. On June 30, 1964, the Senate passed with committee amendments, S. 2881. On June 29, the House Committee on Interior and Insular Affairs (H. Rept. 1521) favorably reported to the House with an amendment H. R. 11438, referred to the Committee on Whole House on the State of the Union.

H. Rept. 1521, Amending the Alaska Omnibus Act to Provide Assistance to the State of Alaska for the Reconstruction of Areas Damaged by the Earthquake of March 1964 and Subsequent Seismic Waves (June 29, 1964, report from the Committee on Interior and Insular Affairs, United States House of Representatives, 88th Congress, 2nd Session), 25 pp., printed. The Committee recommended passage (with amendments) of H. R. 11438. Contains the purpose, section-by-section analysis, and need of the bill; amendments, executive recommendations, and changes in existing law.

The Senate Committee on Interior and Insular Affairs on June 25, 1964, favorably reported to the Senate S. 2881 (S. Rept. 1117).

S. Rept. 1117, Alaska Earthquake Reconstruction (June 25, 1964, report from the Committee on Interior and Insular Affairs, United States Senate, 88th Congress, 2nd Session), to accompany S. 2881, 34 pp., printed. The Committee recommended passage (with amendments)

2881, to amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes. It contains the purpose of the bill, explanation of provisions, background, section-by-section analysis, changes in existing law, and individual views of Senator McGovern.

On June 29, 1964, the Senate considered S. 2881; no action was taken on the bill.

NADRAMOUS FISH CONSERVATION: On June 25, the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries ordered reported favorably to the full Committee H. R. 2392, with amendments. The amendments would require 50-50 matching funds by the states concerned and recommendations by the Secretary of the Interior to the Secretary of Health, Education, and Welfare concerning the elimination or reduction of the detrimental effects of polluting substances on fish and wildlife when information concerning such pollution is developed in studies under this Act or the Fish and Wildlife Coordination Act.

ANTIDUMPING ACT AMENDMENT: H. R. 11617 (Rich) introduced in the House, June 16, 1964, to amend the Antidumping Act of 1921; also, on June 22, H. R. 11681 (Matthews) introduced in the House; on June 29, 1964, H. R. 11623 (Pepper) was introduced in the House; referred to the Committee on Ways and Means. The remarks of the Congressman (Keith) in introducing his bill appear in that issue's Congressional Record (p. 13531).

COMMERCIAL FISHERIES FUND: On June 25, 1964, Senator Bartlett spoke in the Senate concerning the amendment to the Interior Department appropriations which would add \$400,000 to the appropriation, and would make that sum available for emergency allocations pursuant to section 4(b) of Public Law 88-309 (S. 1164) for aiding the fisheries of the Great Lakes area.

FISH AND CANNERY WORKERS' RESOLUTION ON FISHERIES: On July 2, 1964, Congressman Wilson spoke from the floor of the House inserting a resolution (Congressional Record, p. 15408) adopted by the fish and cannery workers special legislative conference held by the Seafarers International Union of North America. The resolution asks that the well being of the American workers be considered when decisions are made when treaties are talked, and when actions are taken that could affect American fisheries. The fish and cannery workers want a voice in consideration of fish and cannery agreements.

FOOD MARKETING NATIONAL COMMISSION: National Commission on Food Marketing (Hearings before the Committee on Agriculture, United States House of Representatives, 88th Congress, 2nd Session), Serial 1150 pp., printed. Contains hearings held May 5, 6, and 7, 1964, on H. J. Res. 977, to establish a National Commission on Food Marketing to study the food industry from the farm to the consumer; includes text of the resolution; statements and communications from agricultural and industry officials, representatives of associations and unions; Congressmen; and list of cases on food rigging, price discrimination.

Senator Magnuson spoke in the Senate on June 29, 1964, concerning the amendment by the House of S. J. Res. 71, to establish a National Commission on Food Marketing to study the food industry

from the producer to the consumer (Congressional Record, pp. 13158-13160).

On June 15, 1964, the Senate requested the return of S. J. Res. 71. The House complied with the request from the Senate and returned the joint resolution.

On June 19, 1964, the Senate concurred in House amendments to S. J. Res. 71, thus clearing the bill for the President's signature. Prior to that action, Senate rescinded its action of June 5, 1964, in agreeing to hold a conference with House on the bill and appointing conferees.

On June 23, 1964, Senator McGovern spoke from the floor of the Senate concerning the passage by the Senate of S. J. Res. 71 (Congressional Record, p. 14236).

On July 1, 1964, the Senate announced the appointment as Senate members of the National Commission on Food Marketing (created by Senate Joint Resolution 71), Senators Magnuson (Washington), McGee (Wyoming), Hart (Michigan), Morton (Kentucky), and Hruska (Nebraska). House members appointed are: Mrs. Sullivan (Mo.), Purcell (Tex.), Rosenthal (N. Y.), Cunningham (Nebr.), and Mrs. May (Wash.).

On July 3, 1964, the President signed S. J. Res. 71, (P. L. 88-354). Authorizes a 15-member Commission on Food Marketing. Provides for five appointees by the President, five Senators, and five Congressmen. Study will encompass food-price fluctuations, marketing procedures, and business relationships among farmers, processors, and retail outlets. The duties of the Commission are described as follows: "The Commission shall study and appraise the marketing structure of the food industry including the following: (1) the actual changes in the various segments of the food industry; (2) the changes likely to materialize if present trends continue; (3) the kind of food industry that would assure efficiency of production, assembly, processing and distribution, provide appropriate services to consumer; (4) the changes in statutes or public policy, the organization of farming and food assembly, processing, and distribution, and inter-relationships between segments of the food industry which would be appropriate to achieve a desired distribution of power as well as desired levels of efficiency; and (5) the effectiveness of the services and regulatory activities of the Federal Government in terms of present and probable development in the industry." Commission's report must be submitted by July 1, 1965. A budget of \$1.5 million is authorized.

The President picked Judge Marvin Jones to serve as Chairman; also appointed to the Commission: Fred Marshall of Grove City, Minn.; Albert Mitchell, New Mexico cattleman; William M. Batten, J. C. Penny Co. President; and Elmer R. Kiehl, an educator from Missouri Senate.

INTERIOR DEPARTMENT APPROPRIATIONS, FY 1965: H. Rept. 1519, Department of the Interior and Related Agencies Appropriation Bill, 1965 (June 26, 1964, report from the Committee of Conference, 88th Congress, 2nd Session), 11 pp., printed. The Committee reported agreement on amendments to H. R. 10433, making appropriations for the fiscal year ending June 30, 1965 and for other purposes. Contains amendments to the bill and general statements.

On June 22, 1964, the Senate considered H. R. 10433, fiscal year 1965 appropriations for the Department of the Interior, and related agencies, and adopted all committee amendments en bloc, which were then considered

as original text for the purpose of further amendment. No final action was taken on the bill. This bill includes funds for the U. S. Fish and Wildlife Service and its two bureaus--Commercial Fisheries, and Sport Fisheries and Wildlife.

The Senate on June 23 passed with amendments H. R. 10433, after adopting Hart amendment to provide \$400,000 for rehabilitation of the Great Lakes fisheries; asked for a conference with the House and appointed conferees.

On June 24, 1964, a message was received from the Senate announcing that the Senate had passed, with amendments in which the concurrence of the House was requested, H. R. 10433. The message also announced that the Senate insisted upon its amendments and appointed conferees.

The House on June 25, 1964, disagreed to the Senate amendments to H. R. 10433; agreed to a conference requested by the Senate; and appointed conferees. The conferees were scheduled to meet in executive session on June 26.

Pursuant to an order of the House on June 25, the conference report (H. Rept. 1519) on H. R. 10433, was printed in the Congressional Record of June 26. Included in the report for the Bureau of Commercial Fisheries are: Amendments Nos. 20 and 21, appropriating \$18,819,900 for management and investigations of resources instead of \$17,832,000 as proposed by the House and \$19,069,900 as proposed by the Senate. The increase over the House bill includes: \$87,000 for a vessel and additional reservoir research in South Da-

kota; \$50,000 for more adequate management and enforcement of fishing regulations in international waters; \$50,000 for initiation of a research program on shellfish processing and utilization at Ketchikan, Alaska; \$200,000 for initiation of a research program on North Atlantic lobsters; \$200,000 for initiation of a program to survey and research the sea clam; and \$400,000 to provide financial assistance, under section 4(b) of Public Law 88-309, to the Great Lakes commercial fishing industry. Included in the report for the Bureau of Sport Fisheries and Wildlife are: Amendment No. 22, appropriating \$33,810,000 for management and investigation of resources instead of \$33,550,000 as proposed by the House and \$34,330,000 as proposed by the Senate. The net increase over the House bill includes, among others, establishment of a cooperative fishery unit at the University of Arizona, \$30,000; expansion of North Central Reservoir Research, \$45,000; and a vessel and experimental facilities at the Sandy Hook Marine Laboratory, N. J., \$175,000. Also Amendment No. 23, appropriating \$7,016,200 for construction instead of \$6,074,700 as proposed by the House and \$7,275,300 as proposed by the Senate.

On June 29, 1964, the House, by a voice vote, adopted the conference report on H. R. 10433 and sent the legislation to the Senate. The Senate on the same date also adopted the conference report on H. R. 10433. This action cleared bill for the President. As provided by the conference report and passed by the Senate and House, the bill provides funds for the Fish and Wildlife Service as shown in the table.

On July 7, 1964, the President signed H. R. 10433 (Public Law 88-356).

Fish and Wildlife Service Appropriations for Fiscal Year 1964, and for Fiscal Year 1965: Budget Estimate, the House Allowance, the Senate Allowance, and the Conference Allowance

Item	Approp. FY 1964	Budget est. 1965 & 1964 Supplementals	House Allow.	Senate Allow.	Conf. Allow.
Fish and Wildlife Service:					
Office of the Commissioner of Fish and Wildlife:					
Salaries and expenses	386,000	393,000	425,000	425,000	425,000
Bureau of Commercial Fisheries:					
Mgt. & inv. of res.	17,832,900	20,631,000	17,832,900	19,069,900	18,819,900
Mgt. & inv. of res. (appropriation of receipts)	-	-	(2,125,000)	(2,125,000)	(2,125,000)
Mgt. & inv. of res. (1964 supplemental estimate)	-	100,000	-	-	-
Mgt. & inv. of res. (special foreign currency program)	300,000	300,000	300,000	300,000	300,000
Construction	5,100,000	4,788,000	4,788,000	4,788,000	4,788,000
Construction of fishing vessels	750,000	-	-	-	-
General administrative expenses	653,000	676,000	667,000	667,000	667,000
Administration of Pribilof Islands (appropriation of receipts)	(2,468,000)	(2,442,000)	(2,442,000)	(2,442,000)	(2,442,000)
Limitation of administrative expenses, fisheries loan fund	(270,000)	(277,000)	(277,000)	(277,000)	(277,000)
Total, Bureau of Commercial Fisheries	24,635,900	26,495,000	23,587,900	24,824,900	24,574,900
Bureau of Sport Fisheries & Wildlife:					
Mgt. & inv. of res.	30,529,900	34,359,000	33,550,000	34,330,000	33,810,000
Mgt. & inv. of res. (1964 supplemental estimate)	-	300,000	-	-	-
Construction	5,293,500	3,593,000	6,074,700	7,275,300	7,016,200
Migratory bird conservation account	10,000,000	8,000,000	8,000,000	8,000,000	8,000,000
General administrative expenses	1,359,000	1,384,000	1,384,000	1,384,000	1,384,000
Total, Bureau of Sport Fisheries & Wildlife	47,182,400	47,636,000	49,008,700	50,989,300	50,210,200
Total, Fish and Wildlife Service	72,204,300	74,524,000	73,021,600	76,239,200	75,210,100

Note: Figures in parentheses are not included in totals since they are not one-year funds.

INTERNATIONAL CONVENTION FOR THE NORTH-ATLANTIC FISHERIES: By unanimous consent on June 22, 1964, it was agreed that a ye-and-nay vote be taken on June 23, on the question of adoption of a resolution of ratification concerning Protocol relating to harp and hood seals, proposed to the International Convention for the Northwest Atlantic Fisheries, signed at Washington, D. C., on February 8, 1949 (88th Cong., 2nd sess.).

By unanimous vote of 83 yeas the Senate on June 23 passed the resolution of ratification.

MEDICAL CARE FOR VESSEL OWNERS: On July 1, 1964, the House Committee on Rules reported (Rept. H. Res. 799, providing for the consideration of an hour of debate on H. R. 3873, to permit certain owners of fishing boats to receive medical care and hospitalization without charge at Public Health Service hospitals.

OCEANOGRAPHY: Extension of remarks of Senator Nelson inserting an address by Dr. Athelstan Spilhaus at a banquet held in Washington, D. C., on June 17, 1964, highlighting the first Navy symposium on military oceanography. The address was titled "Man in the Sea." (Congressional Record, pp. A3374-75.)

The Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries met on June 13, 24, and 25 on proposed suggestions on the fiscal year 1965 report on oceanographic program. On June 22, 1964, the Subcommittee continued a discussion of oceanography with testimony given by James H. Wakefield, Assistant Secretary of the Navy, and Chairman of the Interagency Committee on Oceanography. Wakelin was also accompanied by D. L. McKernan and Dr. A. E. Dettl, members of the Interagency Committee on Oceanography. They reported on the progress and accomplishments of the ICO since the previous hearings in 1962. Bureau Director McKernan testified as Chairman of the Instrumentation, Equipment, and Facilities Committee of the ICO.

On June 30, 1964, the Subcommittee continued hearings on oceanography, and received testimony from Government witnesses.

PESTICIDES COORDINATION: Administration of Pesticide Laws and Regulations (Hearing before the Committee on Agriculture, House of Representatives, 88th Congress, 2nd Session), Serial RR, 42 pp., printed. This hearing held on May 26, 1964, on the operation of the pesticide and insecticide laws and regulations, statements made by various Federal Officials; and information on interdepartmental coordination of activities relating to pesticides.

On June 12, 1964, Senator Dirksen spoke in the Senate concerning the U. S. Public Health Service conference in New Orleans regarding fish losses in the Mississippi River. The Senator inserted that day's Congressional Record (pp. 13186-13190) a trade publication editorial discussing the conference.

Speaking in the Senate on June 18, 1964, Senator Nelson announced that the Subcommittee on Reorganization and International Organizations of the Senate Committee on Government Operations would resume hearings on the role of Government in pesticide use, regulation, and research. The purpose of the hearings would be to consider the U. S. Public Health Service in-

vestigation of the recent Mississippi River fish kill. Senator Ribicoff summarized previous investigative actions concerning the Mississippi River fish kill and outlined conflicting opinions regarding the incident. (Congressional Record, p. 13754, June 18, 1964.)

The subcommittee on Reorganization and International Organization of the Senate Committee on Government Operations resumed its hearings on June 29 on interagency coordination of environmental hazards, with special regard to the buildup of pesticides in water sources and the general environment. Testimony was received from officials of the Public Health Service, Department of Health, Education, and Welfare, and the Agricultural Research Service, Department of Agriculture. Testimony concerned the recent fish kill in the Mississippi River. The purpose was to determine the facts behind charges of the chemical industry that they were not allowed to present adequately their side of the case involving marine fish kills attributed to pesticides in the lower Mississippi River at the Public Health Service hearing in New Orleans on May 5 and 6, 1964. Hearings were adjourned until sometime after July 20, 1964, when representatives of the chemical industry were to present testimony.

Congressman Beermann on June 17, 1964, under an extension of remarks, commented on the conflicting opinions concerning pesticides and fish losses in the Mississippi River. Two newspaper articles discussing pesticides, fish, and wildlife were included in the Congressman's remarks. (Congressional Record, Appendix pp. A3305-3306, June 17, 1964.)

On June 22, 1964, the Senate passed S. 1251 with committee amendments. The title was amended to read: "To amend the act of August 1, 1958, as amended, to increase the authorization for pesticide research by the Secretary of the Interior." This bill is a companion to H. R. 4487 (Dingell) which is pending before the House.

Congressman Broyhill under extension of remarks inserted in the Congressional Record, of July 6, 1964 (p. A3650) a statement by Mrs. Ruth G. Desmond of the Federation of Homemakers (given at a public hearing on the Mississippi River fish kill conducted by the Department of Agriculture), regarding the hazards of pesticides generally and the fish kill incident in the Louisiana area.

H. R. 4487 and S. 1251 would increase authorized appropriations for research into the effects of pesticides on fish and wildlife. Both bills would raise authorized annual appropriations from the existing \$2,565,000 to \$3.2 million in fiscal year 1965 and to \$5 million thereafter.

H. R. 4487 would require that each package of pesticide carry instructions as to how injury to fish and wildlife could be prevented. The bill would authorize the Secretary of the Interior "to operate and maintain existing facilities for the purpose of determining whether chemicals proposed to be used are harmful to fish and wildlife and to distribute this information to interested persons or agencies, both private and public." The Senate Committee on Commerce struck this provision from S. 1251, because Federal agencies have agreed to cooperate in getting cautionary wording on pesticides labels under the framework of existing law.

STATE REGULATION OF CONTINENTAL SHELF FISHERIES RESOURCES: S. 2903 (Bartlett) introduced in the Senate June 11, 1964, to provide for the conserva-

tion of certain fishery resources on the seabed or in the subsoil of the Outer Continental Shelf; referred to the Committee on Commerce. Senator Bartlett remarked that this is a bill to clarify the States' regulatory jurisdiction over Continental Shelf fishery resources; and that the bill would assign responsibilities for the fishery resources of the Continental Shelf to the several States.

The Senator said, "States should be formally and effectively enabled to regulate their Continental Shelf fisheries just as they do their other fisheries. Federal legislation of this nature should be consistent with congressional policy, as expressed in the Submerged Lands Act and the Outer Continental Shelf Lands Act of 1954. These acts confirm State jurisdiction over fishery resources within territorial waters. My bill would simply extend this jurisdiction to cover fishery resources of the Continental Shelf outside territorial waters. . . . Jurisdiction over fishery resources, of course, implies only the responsibility for managing the resources so that they will be conserved and developed for the benefit of present and future generations. Since the States are currently responsible for the resources within territorial waters and on the seabed beneath these waters, it seems logical and practical to extend this responsibility to the Outer Continental Shelf. Otherwise, split jurisdictions would result from Federal management of resources adjacent to those under State control. . . ." (Congressional Record, pp. 12958-12959.)

SUPPLEMENTAL APPROPRIATIONS FY 1964: On June 9, H. R. 11201, making deficiency appropriations for the fiscal year ending June 30, 1964, was signed by the President (Public Law 88-317). The bill appropriates an additional \$47,162,000 for the Department of the Interior, including \$650,000 for the repair and replacement of Bureau of Commercial Fisheries' facilities and equipment damaged in the Alaska earthquake.

TERRITORIAL WATERS OF THE UNITED STATES: Rep. Pelly spoke in the House concerning Soviet fishing vessels attempting to run American halibut fishermen off traditional American fishing grounds in the Gulf of Alaska. (Congressional Record, p. 14138.)

TRADE EXPANSION ACT AMENDMENT: H. R. 11744; H. R. 11761 through H. R. 11811, introduced on June 25 in the House, bills to amend the Trade Expansion Act of 1962; referred to Committee on Ways and Means. Congressman Pillion spoke in the House on June 25, inserting the text of H. R. 11797, an explanation of its provisions, and a summary explanation of the criteria contained in the bill. The Congressman pointed out that the bills are designed to minimize the number of import items that can be the subject of negotiated tariff cuts or concessions, and establishes specific statutory criteria and degrees of damage resulting from foreign imports. If a segment of industry or labor suffers the prescribed degree of damage, its product will become mandatorily reserved from further tariff reduction negotiations. Included in the partial list of products cited by Congressman Pillion as qualifying for protection are fishery products. Other Congressmen also spoke in the House concerning these bills. (Congressional Record, pp. 14508-14527.) On June 29, H. R. 11825 (Secret) and June 30, H. R. 11833 (Baring) and H. R. 11848 (Riehlman) were introduced in the House; similar to H. R. 11797; referred to the Committee on Ways and Means.

VESSEL CONSTRUCTION SUBSIDY AMENDMENT
Fishing Vessel Subsidies Part 2 (Hearing before the Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, United States House of Representatives, 88th Congress, 1st Session), 171 pp., printed. Contains hearings held November 13, 1963, on H. R. 2172, H. R. 2743, and S. 1006 to amend the Act of June 12, 1960, for the correction of inequities in the construction of Fishing Vessels, and for other purposes; including text of S. 1006; reports from various Federal agencies; and statements and communications from Federal, industry, and association officials.

On June 10, 1964, the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries ordered reported favorably to the full Committee S. 1006 (amended), to amend the U. S. Fishing Fleet Improvements Act of June 12, 1960 for the correction of inequities in the construction of fishing vessels, and for other purposes. (This bill passed the Senate on October 2, 1963.)

On June 18, 1964, the House Committee on Merchant Marine and Fisheries ordered reported to the House S. 1006 (amended). The Committee retained the Subcommittee's amendments which would reduce the maximum commercial fishing vessel construction subsidy to be available from 55 to 50 percent, and that a subsidy be granted only "after notice and hearing." Also, the House Committee extended the period for the subsidy from June 30, 1968, to June 30, 1969; and added an amendment to Sec. 9 of the 1960 law which inserts language that would give the Secretary flexibility to allow the transfer of subsidized vessels under certain conditions to another fishery after notice and hearing.

On June 30, 1964, the House Committee on Merchant Marine and Fisheries reported to the House, S. 1006, with amendment H. Rept. 1524; referred to the Committee of the Whole House on the State of the Union.

H. Rept. 1524, Fishing Vessel Construction (June 30, 1964, report from the Committee on Merchant Marine and Fisheries, United States House of Representatives 88th Congress, 2nd Session, to accompany S. 1006), 25 pp., printed. The Committee recommended passage (with amendments) of S. 1006, to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes. Contains the purpose, need, section-by-section analysis of the bill, departmental reports, changes in existing law, and minority views.

VESSEL ENGAGED IN FISHERIES: The House Committee on Merchant Marine and Fisheries on June 23 favorably reported without amendment H. R. 6007, a bill to permit the vessel SC-1473 to engage in the fisheries.

On June 25, 1964, the House passed by a voice vote H. R. 6007, to document under the American flag, for fishing purposes, a vessel (SC-1473) that was built during World War II by the Navy through a subcontractor in Canada and which is a derelict in the Charleston Harbor.

WATER POLLUTION: On June 26, 1964, Senator Muskie spoke to the Senate about the prevention, control, and abatement of water pollution. He mentioned the massive fish kills which have taken place in the fall and winter months of every year since 1960, in the lower Mississippi and Atchafalaya Rivers and the Gulf of Mexico. The Senator discussed the technical report of the

Department of Health, Education, and Welfare on fish kills in question, and the points at issue between the Government and industry (Congressional Record, June 26, pp. 14680-14682).

In July 2, 1964, Congressman Curtis spoke in the House concerning the problem of water pollution and the efforts of the American chemical industry on the preservation of water quality. He pointed out that the industry in June embarked upon an extensive research program to determine how organic chemicals act in streams, lakes, and rivers, and how treatment processes for sanitary sewage react upon those chemicals (Congressional Record, July 2, 1964, pp. 15385-15386).

WATER RESOURCES COUNCIL: Water Resources Planning Act (Hearings before the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs, House of Representatives, 88th Congress, 2nd Session), 241 pp., printed. Contains

hearings held March 23, 24, 26, and April 20, 1964, on S. 1111 and H. R. 3620, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council and River Basin Commission, and by providing financial assistance to the States in order to increase state participation in such planning; contents of the bills; reports from various departments, individuals; Senators, Congressmen, and Federal and State officials.

On June 23, 1964, the Senate Committee on Interior and Insular Affairs' Subcommittee on Irrigation and Reclamation met in executive session on S. 1111, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commission. No action was taken.



JAPANESE RAFT CULTURE OF OYSTERS

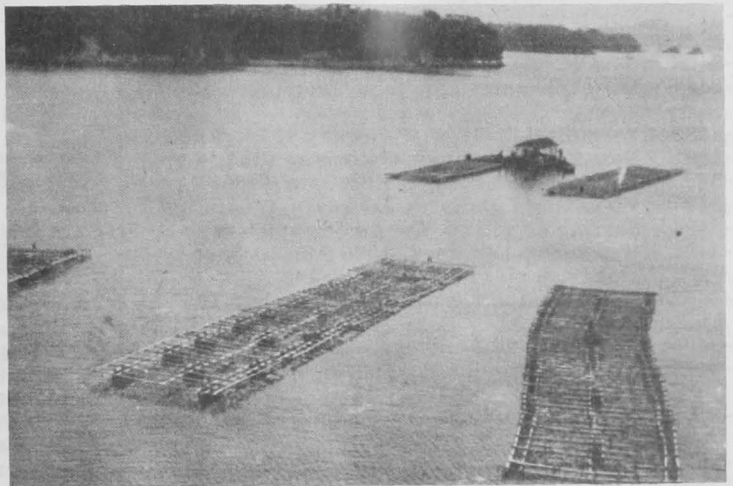
Japan has made remarkable progress in raft oyster culture in recent years. The Japanese usually anchor their oyster rafts 25 or 30 miles from population centers.

Wires to which scallop shells have been affixed are suspended from the rafts and oysters attach themselves to the shells, providing a crop which is easy to inventory and readily harvested.

The rafts with their burdens of oysters may be moved from one area to another in case of pollution.

This method now accounts for more than 85 percent of Japan's oyster culture, a 70-percent increase within the past 10 years. And overall production through culture has more than doubled.

Total production of one raft over a period of approximately nine months may be as much as 200 bushels, or about one-half bushel per wire. (Australian Fisheries Newsletter, June 1964.)



Oyster-culture rafts anchored in a deep protected bay.