



FEDERAL ACTIONS



Department of Commerce

ESSENTIAL ACTIVITIES LIST REVISED: A revised list of Essential Activities for the guidance of the Defense Department in scheduling calls on reservists to active duty, and for the information of Selective Service in determining draft deferments was issued by the Secretary of Commerce on April 8.

In issuing the revised list, the Secretary said, "The sole purpose of the List of Essential Activities is to serve as a guide in obtaining manpower for the armed services. It is not designed for use in connection with priorities, materials allocations, rationing preference, or other similar purposes."

The revised list, unlike the tentative list issued by the Secretary on August 3, 1950, does not follow the Budget Bureau's Standard Industrial Classification, but has grouped essential activities under 25 broad headings.

Stating that the revision has been drawn in rather strict terms, Secretary Sawyer cited the major considerations involved in determining each activity listed.

Under the foreseeable mobilization program, the products or services of the activity must meet all of the following criteria:

1. BE ESSENTIAL TO THE DEFENSE PROGRAM AND MINIMUM CIVILIAN HEALTH, SAFETY, OR INTEREST.
2. BE INADEQUATE TO MEET DEFENSE AND MINIMUM CIVILIAN REQUIREMENTS, OR FOR WHICH A SERIOUSLY SHORT SUPPLY IS INDICATED.
3. THE CURRENT LEVEL OF EMPLOYMENT IN THE ACTIVITY MUST BE MAINTAINED OR INCREASED.

The revised list was recommended by the Joint Department of Commerce-Department of Labor Committee on Essential Activities and Critical Occupations with the approval of an inter-agency advisory group composed of representatives from Selective Service, and the Departments of Defense, Agriculture, and Interior.

The Joint Commerce-Labor Committee also recommended a revision of the List of Critical Occupations, which was originally issued by the Secretary of Labor on August 3, 1950, and the revised list was issued by the Department of Labor on May 7 (see p.103 of this issue).

Both lists are prepared for use by the Department of Defense for considering requests for delay in call to active duty of Reservists and the National Guard. Also Selective Service has made the lists available to local draft boards as information to assist them in making determinations on requests for deferment of registrants. These agencies have the responsibility for deciding whether a particular individual can serve the Nation better as a civilian or as a member of the armed forces. For this reason, persons in activities or occupations appearing on the lists will not thereby necessarily be granted deferments.

The revised list is subject to further change as conditions warrant. Activities which believe they qualify for listing as essential under the established criteria should communicate with J. Dewey Coates, secretary of the Joint Committee on Essential Activities and Critical Occupations, Room 7326, Labor Department Building.

The revised List of Essential Activities as issued includes the following activities of probable interest to the fishing and allied industries:

PRODUCTION OF SHIPS AND BOATS

PRODUCTION, MAINTENANCE, AND REPAIR OF MILITARY AND COMMERCIAL SHIPS AND BOATS AND COMPONENT PARTS.

AGRICULTURE AND COMMERCIAL FISHING

(A) AGRICULTURE - PRODUCTION OF AGRICULTURAL COMMODITIES FOR COMMERCIAL SALE, EXCEPT UNUSUAL OR LUXURY ITEMS; COMMERCIAL FISHING.

FOOD PROCESSING

ASSEMBLING, PROCESSING, AND QUALITY CONTROL OF FOOD AND FEED PRODUCTS EXCEPT UNUSUAL OR LUXURY ITEMS.

PRODUCTION OF WOOD PRODUCTS

WOODEN PARTS OF AIRCRAFT, SHIPS, AND OTHER MILITARY EQUIPMENT; SHOE LAST BLOCKS; SHOE LASTS.

PRODUCTION OF MACHINERY AND EQUIPMENT

PRODUCTION MACHINERY, EQUIPMENT, AND ACCESSORIES; MACHINISTS PRECISION TOOLS; ABRASIVES AND CUTTING TOOLS; ANTI-FRICTION BEARINGS; CONSTRUCTION MACHINERY AND EQUIPMENT; MINING AND OIL FIELD MACHINERY AND EQUIPMENT; MACHINERY AND EQUIPMENT FOR AGRICULTURAL PRODUCTION AND PROCESSING; POWER GENERATING, TRANSMISSION, DISTRIBUTION, AND CONTROL EQUIPMENT; CRANES, INDUSTRIAL TRUCKS AND CONVEYORS; PROFESSIONAL AND SCIENTIFIC INSTRUMENTS AND EQUIPMENT; PRECISION TESTING, RECORDING, CONTROLLING, TIMING AND MEASURING INSTRUMENTS, VALVES, AND METERS; SAFETY EQUIPMENT; PROTECTIVE SIGNALING EQUIPMENT; OFFICE MACHINES.

PRODUCTION OF SHIPPING CONTAINERS

CONTAINERS FOR PRODUCTS IDENTIFIED ON THIS LIST (GLASS, METAL, PLASTIC WOOD, PAPER, AND TEXTILE), INCLUDING RECONDITIONING OF AND CAPS AND CLOSURES FOR SUCH CONTAINERS; METAL STRAPPING.

INDUSTRIAL SERVICES

MAINTENANCE AND REPAIR SERVICES FOR ACTIVITIES IDENTIFIED ON THIS LIST; COMMERCIAL SALVAGE SERVICES.

TRANSPORTATION SERVICES

OPERATION OF PASSENGER AND CARGO TRANSPORT AIRCRAFT; AIRWAYS OPERATION (CONTROL AND COMMUNICATION); OCEAN TRANSPORTATION; INLAND WATERWAY FREIGHT TRANSPORTATION; PORT FACILITIES; PUBLIC WAREHOUSING; RAILROAD TRANSPORTATION; COMMON AND CONTRACT CARRIER TRUCKING; PIPELINE TRANSPORTATION; FREIGHT FORWARDING.

NOTE: SEE COMMERCIAL FISHERIES REVIEW, SEPTEMBER 1950, PP. 59-62.

NATIONAL PRODUCTION AUTHORITY

ADJUSTED LIMITATIONS ON USE OF DEFENSE ORDER RATING DO-97: To compensate for increased prices and accelerated programs, adjusted limitations on the use of the defense order rating (DO-97) for maintenance, repair, and operating (MRO) supply items were announced on May 22 by the National Production Authority.

This action, an amendment to NPA Regulation 4, permits use of the DO-97 rating for up to 120 percent of the amount spent on such MRO items during the base period. The limit had been 100 percent.

NPA explained that this situation developed because:

1. PRICES ON MRO ITEMS HAVE INCREASED ABOUT 10 PERCENT OVER THE BASE PERIOD AVERAGE. THUS ORGANIZATIONS WEREN'T GETTING AS MUCH MATERIAL AS THEY WERE DURING THE BASE PERIOD, SINCE LIMITATION IS ON A DOLLAR-EXPENDITURE BASIS.

2. EXPANSIONS AND INCREASED USE OF AVAILABLE FACILITIES CREATED A DEMAND FOR MORE MRO ITEMS AT THE VERY TIME ORGANIZATIONS WERE GETTING LESS BECAUSE OF THE PRICE FACTOR. THIS INCREASED DEMAND WAS ESTIMATED AT 10 PERCENT.

Therefore the limitation on DO-97 use was increased from 100 percent to 120 percent to absorb the increased price and use factors.

The objective of the MRO program, NPA said, is to assure operation of civilian and military economy at the highest possible rate with the least possible drain on scarce materials.

In addition to the use increase, this amendment also made these changes in Regulation 4 to provide flexibility and to reduce the flow of applications for quota adjustments:

1. ANY ORGANIZATION THAT USES THE DO-97 RATING TO GET 20 PERCENT OR LESS LESS OF ITS QUARTERLY QUOTA WILL ALSO BE PERMITTED TO PURCHASE AN UNLIMITED MRO TOTAL WITHOUT USE OF THE RATING, SUBJECT TO INVENTORY AND USE LIMITATIONS AND ANY RESTRICTIONS CONTAINED IN OTHER NPA ORDERS. HERETOFORE, IF A FIRM USED THE DO-97 RATING AT ALL, IT WAS LIMITED TO AN OVER-ALL TOTAL OF 100 PERCENT, RATED OR UNRATED, OF ITS BASE PERIOD USE.

AN ORGANIZATION NOW WILL BE ABLE TO USE DO-97 FOR SOME SCARCE ITEMS AND STILL BE FREE TO MAKE INCREASED PURCHASES OF OTHER NEEDS ON THE OPEN MARKET. THIS SHOULD TEND TO PREVENT UNNECESSARY DO-97 USE, NPA SAID, AS WELL AS CONSERVING ITS USE FOR THE MORE SCARCE MATERIALS.

2. THE AMENDED ORDER PERMITS A CHOICE OF BASE PERIOD: EITHER THE CALENDAR YEAR OR THE NEAREST FISCAL YEAR ENDING BEFORE MARCH 1, 1951.
3. DO-97 USE FOR CAPITAL ADDITIONS IS LIMITED TO 10 PERCENT OF THE QUARTERLY QUOTA OR TO \$750, WHICHEVER IS HIGHER. THIS IS TO PREVENT OVER-USE FOR CAPITAL ADDITIONS AT THE EXPENSE OF MRO USE, NPA SAID.
4. COMPANIES WHICH HAVE MORE THAN ONE PLANT WITHIN THE UNITED STATES AND ITS TERRITORIES AND POSSESSIONS NOW HAVE THE OPTION OF DECIDING WHETHER MRO QUOTAS SHALL BE ESTABLISHED FOR EACH PLANT INDIVIDUALLY OR FOR THE ORGANIZATION AS A WHOLE. PREVIOUSLY, QUOTAS WERE ON A SINGLE-PLANT BASIS.
5. DO-97 CANNOT BE USED TO OBTAIN MATERIAL ON LEASE.

The defense rated order for maintenance, repair, and operating supplies may be used by all business firms, government agencies, and public and private institutions such as schools, libraries, hospitals, churches, clubs and welfare establishments. It may not be used for procurement of personal or household supplies.

The DO-97 rating may not be applied or extended under NPA Regulation 4 to a number of materials, including nylon fibers and yarns; packaging materials and containers; paper and paper products; paperboard and paperboard products; food; solid fuels; gas; petroleum.

Text of the Regulation 4 as amended May 22, 1951, follows:

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of the regulation, before amendment, there was consultation with a number of industry representatives, including trade associa-

tion representatives, but it was found impracticable to consult with all affected industries because the regulation applies to all trades and industries. In the formulation of this regulation, as amended, however, such consultation has been rendered impracticable because of the need for immediate action.

This regulation amends NPA Reg. 4, as last amended April 16, 1951, in its entirety to read as follows:

Sec.

1. What this regulation does.
2. Definitions.
3. DO rating assigned.
4. Quarterly MRO quotas.
5. Charges against quota.
6. Materials obtained for another's benefit.
7. Use of materials.
8. Inventory limitations.
9. Relation to other regulations.
10. Supplier receiving improperly rated orders.
11. Records and reports.

- 1.2. Applications for adjustment or exception.
 1.3. Communications.
 1.4. Violations.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 5105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this regulation does.
 This regulation provides a uniform procedure by which any business enterprise, Government agency, or public or private institution may use a DO-rating (identified by the symbol "DO-97") to obtain limited quantities of materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") as well as minor capital additions. It provides for the establishment of quarterly quotas for MRO. The regulation does not limit the quantity of materials which may be obtained in any quarter by a person who makes no use of the DO-97 rating to obtain materials in such quarter. A person may not exceed his quarterly quota except in a quarter in which (1) the total charges against his quota on account of rated-orders do not exceed 20 percent of such quota, or (2) his total charges against his quota do not exceed \$1,000. The rating may not be used to obtain materials for personal or household use.

Sec. 2. Definitions. For purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency or institution. If in 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of determining the MRO quota and charges against such quota, or to treat his entire operation within the United States, its territories, and possessions as a person. In the absence of a contrary election, each such unit shall be treated for such purposes as if it were a separate person. An election so made may not be changed without prior written approval of the NPA.

(b) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(c) "Government agency" means the United States, its territories and possessions, any of the 48 States or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(d) "Institution" means any lawful organization, public or private, within the United States, its territories and possessions, which is neither a business enterprise nor a Government agency.

It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(e) "Maintenance" means the continuation of any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes replacement of any plant, facility, or equipment.

(f) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. Materials incorporated in a product are operating supplies of a business enterprise, if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise. "Operating supplies" means, in the case of a Government agency or an institution, any kind of material used by the agency or institution in conducting any activity or rendering any service, provided such material is consumed in the course of operation and was not carried as capital equipment by the agency or institution according to its established accounting practice.

(g) "Minor capital addition" means any improvement or addition of a kind carried by the person as capital according to his established accounting practice, the total cost of the materials for which, acquired by such person, does not exceed \$750 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within the foregoing definition. In computing the cost of such improvement or addition, for the purposes of this regulation, the cost of all materials obtained by the person pursuant to the same project or plan (regardless of whether they are acquired with the use of the rating) shall be included even though the respective materials are ordered or delivered at different times and are obtained from different suppliers.

(h) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions. The term "minor capital addition" is specifically used whenever it is intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of other persons are not "MRO" of the producer or supplier.

(i) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(j) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such per-

son on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. DO rating assigned. (a) The NPA hereby assigns to every business enterprise, Government agency, and institution, the right to apply a DO-97 rating to obtain MRO and minor capital additions subject to the restrictions specified in paragraph (e) of this section and in section 5 (c). The DO-97 rating may not be applied or extended to obtain any materials listed in either table I or in table II appearing at the end of this regulation, and may not be applied to obtain any equipment pursuant to any lease.

(b) The DO-97 rating shall be applied by placing on the purchase order, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO-97" together with the words "Certified under NPA Reg. 4." When such rating is extended it shall be likewise certified. Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. The certification shall constitute a representation to the supplier and to NPA that the person making it is authorized under the provisions of this regulation to use the rating to obtain the materials covered by the order.

(c) The DO-97 rating shall not be applied or extended by any person pursuant to this regulation, in order to obtain any item of MRO or any minor capital addition, or material therefor, at a time when such person is entitled, pursuant to any other regulation, order, directive, or other action of NPA, to obtain such item, minor capital addition, or material by the use of the DO-97 rating or any other DO rating symbol or any other form of priorities assistance.

(d) The DO-97 rating which, prior to April 16, 1951, was applied or extended to any contract or purchase order for any material listed in table I is cancelled, and such rating shall no longer have any effect whatever. This paragraph shall not be construed to mean that any such contract or purchase order itself is cancelled or otherwise affected by this regulation.

(e) The DO-97 rating may not be applied to obtain in any quarter (calendar or fiscal) materials for minor capital additions exceeding in the aggregate 10 percent of the person's MRO quota for such quarter, or \$750, whichever is greater.

SEC. 4. Quarterly MRO quotas—(a) Computing the quota base. A person who applies the DO-97 rating must establish his quarterly MRO quota. In calculating the MRO quota base a person may include all expenditures by him in the base period for MRO (except materials listed in table II) even though such MRO consists of materials listed in table I. Expenditures for capital additions may not be included in the com-

putation of the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on a fiscal year basis prior to March 1, 1951, he may elect to take as his base period his last fiscal year ending prior to that date. In such event he shall establish his MRO quotas for his fiscal quarters. After such election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is one-fourth of 120 percent of the quota base.

(e) *Seasonal quotas.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the person for MRO (except materials listed in table II) in the corresponding quarter of his base period.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout his entire base period shall establish and report his quarterly MRO quotas as follows:

(1) *Persons operating during part of the base period.* A person who was in operation during a part but not all of the year 1950 (or a part but not all of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except materials listed in table II) in his base period had he continued to spend therefor throughout the year at the same rate as during the part of the year in which he was in operation, making necessary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. Such person's standard quarterly MRO quota is one-fourth of 120 percent of his quota base. If such person elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during any part of the base period.* It a person was not in operation in any part of 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount he determines to be necessary for his operation. However, the quota of such person may not exceed \$5,000 for any quarter without prior written approval of NPA.

(3) *Quarterly quotas in excess of \$1,000.* A person who establishes a quarterly MRO quota in excess of \$1,000 pursuant to subparagraphs (1) and (2) of this paragraph (f) must, within 30 days after he first applies a DO-97 rating, notify NPA in writing of the quota he has established, the base period he used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) *Future use of increase quotas.* If a person's quarterly MRO quota is increased by specific authorization of NPA pursuant to section 12 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(h) *Increase not retroactive.* An increase in quota granted pursuant to section 12 of this regulation is not retroactive.

SEC. 5. *Charges against quota—(a) Operation on delivery basis.* A person operating on the delivery basis shall charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies that delivery is to be made. When such person applies the DO-97 rating in any quarter (calendar or fiscal) he shall charge against his MRO quota for such quarter:

(1) All expenditures for MRO (except materials listed in table II) ordered for delivery during the quarter whether or not obtained by the use of the DO-97 rating, and

(2) All expenditures for minor capital additions ordered for delivery during the quarter if (but only if) obtained by applying the DO-97 rating.

(b) *Operation on receipts basis.* A person who prefers to do so may charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which the materials were actually received. He may not use one method for part of his MRO and the other method for the remainder in any quarter. Having elected to use one method he may not thereafter change to the other without the prior written approval of NPA. A person so electing to charge the quota for the quarter of actual receipt shall charge against such quota:

(1) All expenditures for MRO (except materials listed in table II) received during the quarter whether or not obtained by the use of the DO-97 rating, and

(2) All expenditures for minor capital additions received during the quarter if (but only if) obtained by applying the DO-97 rating.

(c) *Exceeding the quota.* (1) A person, whose MRO quota, computed in accordance with section 4, is less than \$1,000 in any quarter, may order or receive MRO and minor capital additions to the same extent as if his quota for such quarter were \$1,000.

(2) If a person operating on the delivery basis applies the DO-97 rating to purchase orders for delivery in any quarter, which orders aggregate not more than 20 percent of his MRO quota for such quarter, he may, in addition, place unrated orders for delivery of MRO and minor capital additions in such quarter without regard to his quota.

(3) If a person operating on the receipts basis receives in any quarter, pur-

suant to purchase orders to which he applied the DO-97 rating, materials aggregating not more than 20 percent of his MRO quota for such quarter, he may, in addition, receive in such quarter, pursuant to unrated orders, MRO and minor capital additions without regard to his quota.

(4) If a person operating on the delivery basis applies the DO-97 rating to purchase orders for delivery in any quarter, which orders aggregate more than 20 percent of his MRO quota for such quarter, his total orders chargeable against his MRO quota for such quarter may not exceed such quota, and his orders for delivery during the first month of such quarter shall not exceed 40 percent of such quarterly quota.

(5) If a person operating on the receipts basis receives in any quarter, pursuant to purchase orders to which he applied the DO-97 rating, materials aggregating more than 20 percent of his MRO quota for such quarter, his total receipts chargeable against his MRO quota for such quarter may not exceed such quota, and his receipts during the first month of such quarter may not exceed 40 percent of such quarterly quota.

SEC. 6. *Materials obtained for another's benefit—(a) Materials supplied by service trades.* Any business enterprise (such as a service repair shop) engaged in doing maintenance or repair work or installing minor capital additions for any other person may apply the DO-97 rating to obtain materials therefor, but only to the extent that such other person would be entitled to do so if he were doing the work himself. The cost of materials so obtained (but not the cost of the labor or services of the person doing such work or making such installation) shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facilities, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the DO-97 rating to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the DO rating except that if his purchase is made on a reimbursable basis for the account of the person using the property, the latter's MRO quota shall be charged.

SEC. 7. *Use of materials.* If a person has obtained materials for MRO or minor capital additions by applying the DO-97 rating, he may use them for a different purpose if he could have applied any other DO rating to acquire them for such purpose. However, if he does use them for such different purpose, he may not use the DO-97 rating to replace them in inventory. To replace such materials in inventory he may use only the DO rating which he might have applied to obtain them for the purpose for which he used them. If he uses such

materials obtained by applying the DO-97 rating for such different purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized rated uses.

Sec. 8. Inventory limitations. (a) Nothing in this regulation shall be deemed to authorize any person to order or receive any material if acceptance thereof would increase his inventory above a "practicable minimum working inventory" as defined in NPA Reg. 1, or the limit fixed in any other applicable regulation or order of NPA.

(b) No person shall apply the DO-97 rating to a purchase order for operating supplies if delivery of such material will increase his inventory thereof above the amount which he normally uses for operating supplies in a period of 60 days, or such other period which may be specified in the applicable orders or regulations of NPA, whichever is less.

(c) No person shall accept delivery of any operating supplies pursuant to a purchase order to which he has applied a DO-97 rating if his inventory of such material will thereby become greater than his normal use thereof for operating supplies in a period of 60 days, or such other period which may be specified in the applicable orders or regulations of NPA, whichever is less.

(d) A person who has placed an order for operating supplies before the effective date of this regulation, as amended, which order is outstanding and for delivery of a greater quantity of material than he is permitted by this section to rate or receive, must promptly cancel, reduce, or defer the delivery of such operating supplies to the extent necessary to comply with the limitations of this section.

(e) Nothing in this section shall prohibit the acceptance of delivery of operating supplies pursuant to a purchase order to which the DO-97 rating has been or shall be applied if the person is entitled to accept delivery of any part of such operating supplies, and the total quantity thereof ordered does not exceed the minimum quantity which is commercially procurable.

Sec. 9. Relation to other regulations—

(a) *Rules governing use of rating.* This regulation supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and the provisions of that regulation govern the use of the DO-97 rating herein assigned.

(b) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use ratings other than DO-97 for direct procurement of its own requirements of MRO or minor capital additions.

(c) *Other regulations and orders.* Nothing in the regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials

or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

Sec. 10. Supplier receiving improperly rated orders. When a supplier has received a purchase order bearing the rating DO-97, which rating he knows, or has reason to believe, has been applied or extended in violation of any regulation or order of NPA, the supplier shall refuse to accept it as a rated order. In such event, the supplier shall promptly advise the buyer of his reason for such refusal.

Sec. 11. Records and reports—(a) *Records to be kept.* Each person who makes any use of the rating assigned by this regulation shall make and preserve, for so long as this or any successor regulation remains in effect and for 2 years thereafter, accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, all materials ordered or received for use as MRO or minor capital additions whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this regulation have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) *Inspection and audit.* All records required by this regulation shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) *Other records and reports.* Persons subject to this regulation shall make such further records and submit such further reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

Sec. 12. Applications for adjustment or exception. Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would im-

pair the defense program. Each request shall be submitted in writing, in triplicate, on Form NPAF-78. The request shall state the nature of the relief sought and the justification therefor, together with all pertinent facts.

Sec. 13. Communications. All communications concerning this regulation, including applications for exceptions or quota adjustments, shall be addressed to National Production Authority, Washington 25, D. C., Ref: NPA Reg. 4.

Sec. 14. Violations. Any person who wilfully violates any provision of this regulation or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect on May 22, 1951.

NATIONAL PRODUCTION
AUTHORITY,

MANLY FLEISCHMANN,
Administrator.

TABLE I

Materials to obtain which a DO-97 rating may not be applied or extended under NPA Reg. 4:

1. All basic, organic or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
2. Items appearing in list A of NPA Order M-47, as the same may be amended from time to time.
3. Nylon fibers and yarns.
4. Packaging materials and containers.
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Photographic film.
9. Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
10. Rubber tires and tubes.

TABLE II

Materials, the allocation and distribution of which are subject to regulation by other Government agencies and therefore are not subject to any DO rating issued by or under the authority of NPA:

- Farm equipment as defined in NPA Order M-55A, as the same may be amended or supplemented from time to time.¹
Fertilizer, commercial.¹
Food.¹
Fuels, solid.²
Gas.²
Ores, concentrates, residues, certain metals and other products listed in NPA Del. 5 (Dec. 18, 1950), 15 F. R. 9195.²
Petroleum.²

The following products which are used in the petroleum industry:²

Tetraethyl lead fluid.
 Petroleum cracking catalysts.
 Special inhibitors used in gasoline.
 Lubricating oil additives.

Fluids and additives made especially for oil
 and gas drilling demulsifiers.
 Radioisotopes, stable isotopes, and source and
 fissionable materials.³

¹ Under jurisdiction of the Department
 Agriculture.
² Under jurisdiction of the Department
 the Interior.
³ Under jurisdiction of the Atomic Energy
 Commission.

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MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES ORDER ISSUED: NPA Order M-70 (Marine Maintenance, Repair, and Operation Supplies and Minor Capital Additions), issued June 19, 1951, and effective on that date, authorizes a new priority rating for marine suppliers, ship-repair yards, and operators of vessels, except pleasure craft. It supersedes Regulation 4 with respect to marine MRO and minor capital additions, and prescribes the procedure for the application of DO ratings during the third quarter of 1951.

The changes are more far-reaching with respect to ship-repair yards and ship chandlers than vessel operators. Among the differences vessel operators should note are:

1. THE DEFINITIONS, PARTICULARLY THAT FOR "MAINTENANCE," INCLUDE THE REACTIVATION OF VESSELS IN STORAGE OR NOT IN USABLE CONDITION.
2. THE ASSIGNMENT OF THE RATING "DO-91P" IN LIEU OF DO-97.
3. OPTIONAL USE OF THE FOURTH CALENDAR QUARTER OF 1950 OR THE FIRST CALENDAR QUARTER OF 1951 AS THE BASE PERIOD FROM WHICH TO COMPUTE HIS QUOTA; RATHER THAN CALENDAR OR FISCAL 1950.
4. THE CERTIFICATION NOW MUST READ "CERTIFIED UNDER NPA ORDER M-70 AND REG.22."

Ship-repair yards and ship chandlers will find that in addition to the above changes in their customers' orders, they are no longer required to accumulate their customers' ratings and extend these to replenish their inventories--indeed a supplier or shipyard is specifically prohibited from extending ratings received from his customers for items he normally carries in inventory. Instead, he is allowed to apply, i.e., initiate a rating on his own orders to his suppliers "to obtain stocks of inventory for delivery during the third calendar quarter of 1950 to the extent necessary to bring his inventory to 120 percent of the dollar amount of his average end-of-the-month inventory during the fourth calendar quarter of 1950 or to a practicable working inventory....."

He is restricted in disposing of such stocks to people under the scope of the Order, who must give him a DO-91P rating.

The regulation also spells out the procedure which should be used by ship-repair yards to get controlled materials, and contains provisions for foreign flag and Canadian vessels.

The new rating is similar to the DO-97^{1/2} rating used by other industries, business firms, and private and public institutions. The chief difference is that a supplier may initiate the DO-91P rating to build up a specific inventory in advance of the receipt of orders.

M-70—MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the au-

thority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

Sec.

1. What this order does.
2. Definitions.
3. DO rating assigned.
4. Water transportation system consumer's use of rating and quota limitations.

5. Supplier's use of rating, increase of inventory, and inventory limitation.
6. Ship repair yard's use of rating, increase of inventory, and inventory limitation.
7. Foreign flag vessel's use of rating.
8. Canadian flag vessel's use of rating.
9. Application and certification of rating.
10. Limitation on application of rating.
11. Limitation on extension of rating.
12. Prohibited deliveries.
13. Application to other orders and regulations.
14. Records, reports, audit, and inspection.
15. Applications for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this order does. The purpose of this order is to provide a procedure whereby maintenance, repair, and operating supplies, as well as minor capital additions, for water transportation systems may be obtained during the third calendar quarter of 1951 or until the NPA Controlled Materials Plan shall be effective as to such items. It provides a procedure to be used for the application of DO ratings during the said third quarter.

SEC. 2. Definitions. For the purposes of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Water transportation system" means any domestically owned American flag vessel of any type on the inland waterways, or Great Lakes, or in coastwise, intercoastal, or seagoing service, except a vessel subject to the jurisdiction of the Coast Guard or to the jurisdiction of the Department of Defense as a claimant agency under DPA Order 1, except floating equipment owned by a railroad when MRO is furnished or performed by such railroad, and except vessels operated exclusively for pleasure.

(c) "Water transportation system consumer" means the owner, lessee, or charterer of a water transportation system.

(d) "Foreign flag vessels" means those vessels registered in countries other than the United States or Canada.

(e) "Canadian flag vessels" means those vessels registered in the Dominion of Canada.

(f) "Supplier" means a distributor of marine MRO or minor capital additions for the use of water transportation systems.

(g) "Ship repair yard" means any person, located in the United States, its territories or possessions, who regularly provides MRO or minor capital additions for boats and vessels.

(h) "Maintenance" means the minimum upkeep necessary to continue any unit of water transportation or a part or a component thereof in sound working condition. "Maintenance" also

means the reactivation of vessels in storage or not in usable condition.

(i) "Repair" means the restoration to sound working condition of any vessel or a part or a component thereof when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like.

(j) "Maintenance" and "repair" include the replacement of any marine equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes addition to a unit of water transportation or a part or a component thereof which is in sound working condition with material of a new or different kind, quality, or design. Where a replacement is more economical than a repair, such replacement shall not be undertaken under any provision of this order in the absence of the specific approval of the National Production Authority.

(k) "Operating supplies" means material, other than fuel, which is used or consumed in the course of operations of a water transportation system.

(l) "Minor capital additions" means any improvement, addition, betterment, or conversion of a kind carried as capital by a water transportation system, but no such improvement, addition, betterment, or conversion shall exceed \$750 in cost. In computing the cost of such improvement, addition, betterment, or conversion for purposes of this order, the cost of all materials obtained by the person pursuant to the same project or plan shall be included even though the respective materials are ordered or delivered at different times and are obtained from different sources of supply. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing limitations. "Minor capital addition" does not include conversions covered by present or future orders or directives issued by the National Production Authority.

(m) "MRO" means maintenance, repair, and operating supplies as defined in this section but exclusive of fuel, and does not include minor capital additions. The latter term is specifically used in this order wherever the meaning so requires. Materials or products sold by a supplier thereof or a ship repair yard for "MRO" shall not be deemed "MRO" as to such supplier. While the order applies to water transportation system consumers, suppliers, and ship repair yards and supersedes NPA Reg. 4, as amended, with respect to their marine MRO, it does not provide for their other "MRO" and minor capital additions, the procurement of which remains subject to all of the provision of NPA Reg. 4, as amended.

(n) "Controlled materials" means steel, copper, and aluminum in the forms and shapes specified in Schedule 1 of CMP Reg. No. 1.

(o) "NPA" means the National Production Authority.

SEC. 3. DO rating assigned. Subject to the limitations of section 4 of this order with respect to water transportation system consumers, section 5 of this

order with respect to suppliers, section 6 with respect to ship repair yards, section 7 with respect to foreign flag vessels, and section 8 with respect to Canadian flag vessels, the NPA hereby assigns to such persons the right to apply a DO-91P rating to obtain MRO and minor capital additions for delivery during the third calendar quarter of 1951. The DO-91P rating shall be applied as provided in section 9 of this order.

SEC. 4. Water transportation system consumer's use of rating and quota limitations. A water transportation system consumer who desires to apply the DO rating herein assigned shall apply the rating only to the extent and in the manner prescribed by this section as follows:

(a) *Quarterly MRO and minor capital additions quota.* Every water transportation system consumer applying the DO-91P rating to obtain the MRO and minor capital additions of a water transportation system or systems must establish a quarterly quota for this purpose, which quota shall be 120 percent of the amount he expended to obtain MRO for his water transportation system or systems during the fourth calendar quarter of 1950, unless he elects to use the first calendar quarter of 1951. An election to use the first calendar quarter of 1951 may not subsequently be changed without the prior written authorization of NPA. In computing his quota, the water transportation system consumer shall include total expenditures for such MRO during the quarter selected, excluding expenditures for minor capital additions.

(b) *Charges against quota.* Any water transportation system consumer who applies the DO-91P rating for the purposes of this section shall charge against his quarterly MRO quota:

(1) The cost of all MRO ordered for delivery during the quarter, whether or not obtained by use of the DO-91P rating, and

(2) The cost of all minor capital additions ordered for delivery during the quarter only if obtained by use of the DO-91P rating.

(c) *Prohibition against exceeding quota.* No person shall order for delivery during the third calendar quarter of 1951 a quantity of material chargeable against his MRO quota which exceeds the amount of such quota.

SEC. 5. Supplier's use of rating, increase of inventory, and inventory limitation. A supplier may apply the DO-91P rating to obtain stocks of inventory for delivery during the third calendar quarter of 1951 to the extent necessary to bring his inventory to 120 percent of the dollar amount of his average, end of the month inventory during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO-91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Ca-

nadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO-91P rating may be used only to fill orders rated with a DO-91P rating.

SEC. 6. Ship repair yard's use of rating, increase of inventory, and inventory limitation—(a) Controlled materials. No ship repair yard shall apply the DO-91P rating to obtain MRO of controlled materials. Ship repair yards will obtain controlled materials in accordance with the provisions of CMP Regs. 1 and 3.

(b) Increase of inventory and inventory limitation on uncontrolled materials. A ship repair yard may apply the DO-91P rating to obtain stocks of inventory of materials other than controlled materials for delivery during the third calendar quarter of 1951 to the extent necessary to bring such inventory to 120 percent of the dollar amount of his average, end of the month inventory of such materials other than controlled materials during the fourth calendar quarter of 1950, or to a practicable minimum working inventory as defined by NPA Reg. 1, as amended, whichever is less. No inventory stocks obtained by use of the DO-91P rating shall be used, sold, transferred, or otherwise disposed of, for any purpose other than the maintenance, repair, or operation of a water transportation system, foreign flag vessel, or Canadian flag vessel, including minor capital additions therefor. Further, any inventory stocks obtained by the use of the DO-91P rating may be used only to fill orders rated with a DO-91P rating.

SEC. 7. Foreign flag vessel's use of rating. The DO-91P rating herein assigned may not be applied to obtain MRO or minor capital additions for foreign flag vessels unless authorized in writing by NPA pursuant to a written application for such authority. Such application shall be made in triplicate on Form NPAF-104 and filed with the National Production Authority, Washington 25, D. C. Where a foreign flag vessel is damaged at sea and cannot continue safely to its own port, either under its own power or otherwise, but is able to reach a port in the United States for repairs, application may be made by telegraph or radiogram stating such facts, the identification of the vessel, and any other facts believed pertinent. Such telegraph or radiogram application shall be supported, as soon as possible, by filing completed Form NPAF-104 in triplicate with NPA.

SEC. 8. Canadian flag vessel's use of rating. Notwithstanding the provisions of NPA Reg. 3, as amended, Canadian flag vessels shall apply for assistance in connection with MRO and minor capital additions in the same manner as provided in section 7 of this order and, when authorized, shall apply the DO-91P rating and not the DO-47 rating authorized by said Reg. 3.

SEC. 9. Application and certification of rating—(a) By water transportation system consumer and supplier. The DO

rating may be applied by a water transportation system consumer or supplier by placing on an order, or on a separate piece of paper attached to the order, the symbol "DO-91P," together with the words "Certified under NPA Order M-70 and NPA Reg. 2." Such certification shall be signed as prescribed in section 8 of NPA Reg. 2. This certification constitutes a representation to the recipient and to NPA that the person using the DO-91P rating is authorized to use it as provided in this order.

(b) By ship repair yard. (1) The DO rating and certification on an order by a ship repair yard for materials other than controlled materials shall be applied and certified in accordance with paragraph (a) of this section.

(2) The DO rating and certification on an order by a ship repair yard for controlled materials shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

(c) By foreign flag and Canadian vessels. The DO rating and certification by a foreign flag or Canadian vessel shall be applied and certified in accordance with paragraph (a) of this section and, in addition, the certification shall contain the serial number assigned by NPA in granting the assistance.

SEC. 10. Limitation on application of rating. No person shall apply the DO-91P rating to obtain material:

(a) For any unauthorized purpose or in amounts greater than required for an authorized purpose under this order.

(b) Which can be obtained within the time required without the use of a rating.

(c) The use of which can be eliminated without serious loss of efficiency by substitution of less scarce material.

SEC. 11. Limitation on extension of rating. A supplier or ship repair yard may apply the DO-91P rating assigned by this order and within its limitations, but neither a supplier nor a ship repair yard may extend, either to obtain materials other than controlled materials normally carried in his inventory or to obtain controlled materials, a DO-91P rating received by him from another person.

SEC. 12. Prohibited deliveries. No person shall accept an order for, or sell, deliver, or cause to be delivered, material which he knows, or has reason to believe, will be accepted, held, or used in violation of any provision of this order.

SEC. 13. Application to other orders and regulations. The provisions of NPA Reg. 4, as amended, relating to MRO and minor capital additions, are superseded to the extent that they are inconsistent with this order, except that a DO-91P rating may not be applied under this order to the items listed in list A of NPA Reg. 2, or table I of NPA Reg. 4, as they may be amended from time to time. The provisions of NPA

Reg. 3, as amended, relating to MRO and minor capital additions for persons located in Canada, are superseded to the extent that they are inconsistent with this order.

SEC. 14. Records, reports, audit, and inspection. (a) Each person participating in any transaction covered by this order shall retain in his files, for at least 2 years, records of receipts, deliveries, inventory, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method, nor does it require alteration of the system of records customarily maintained, provided the system provides an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 15. Applications for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor. More particularly, the applicant shall fully describe the nature of his business or other activity, indicating any seasonal or other unusual features, products made or distributed, or services or other activities performed, and the quarterly volume of such business or other activity since January 1, 1950. The applicant shall state the total amount spent for MRO in each quarter since January 1, 1950, and, if increase in quota is requested, specify the amount of increase requested.

SEC. 16. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-70.

SEC. 17. Violations. Any person who

wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against

NOTE: SEE COMMERCIAL FISHERIES REVIEW, MAY 1951, PP. 59-60.

such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on June 19, 1951.

NATIONAL PRODUCTION
AUTHORITY,

MANLY FLEISCHMANN,
Administrator.



Economic Stabilization Agency

SALARY STABILIZATION BOARD AND DIVISION ORGANIZED: With respect to stabilization of salaries of persons who are employed in executive, administrative, professional, or outside salesmen capacities and who are not represented by duly recognized or certified labor organizations, General Order 8 issued on May 10 by the Economic Stabilization Agency redelegates these functions to the Salary Stabilization Board.

The full text of the order follows:

SALARY STABILIZATION BOARD AND SALARY STABILIZATION DIVISION

ORGANIZATION

Sec.

1. Purpose.
2. Legal basis.
3. Organization.
4. Delegation of authority.
5. Functions of the Salary Stabilization Board.
6. Functions of the Salary Stabilization Division.
7. Administrative Services.
8. Effect on other orders.

SECTION 1. Purpose. The purpose of this order is to establish a Salary Stabilization Board and a Salary Stabilization Division and to define their functions.

SEC. 2. Legal basis. (a) The basic authority for the establishment of a program of wage and salary stabilization is contained in Title IV of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.). This authority is implemented by the terms of Executive Order No. 10161 of September 9, 1950; Executive Order No. 10182 of November 21, 1950; Executive Order No. 10205 of January 3, 1951; and Executive Order No. 10233 of April 21, 1951.

(b) Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105) authorizes the Economic Stabilization Administrator to define the internal organization of the Economic Stabilization Agency.

SEC. 3. Organization—(a) Salary Stabilization Board. There shall be a Salary Stabilization Board which shall consist of three public members, one of whom shall be designated as Chairman. The Chairman of the Wage Stabilization Board shall serve as an ex-officio non-voting member of the Salary Stabilization Board, advising the Board in respect to the terms of Section 5 (b) of this order.

(b) **Salary Stabilization Division.** There is hereby established a Salary Stabilization Division. The head of the

Division shall be the Chairman of the Salary Stabilization Board. He shall be assisted by an Executive Director who shall be in charge of the Division in the absence of the Chairman.

SEC. 4. Delegation of authority. (a) The functions delegated to the Economic Stabilization Administrator by the provisions of Part IV of Executive Order No. 10161 of September 9, 1950, as amended by Executive Order No. 10233, dated April 21, 1951, with respect to stabilization of salaries and other compensation of persons who are employed in bona fide executive, administrative, professional or outside salesmen capacities, as each of such terms is defined in Section 6 (b) of this order and who in their relationships with their employer are not represented by duly recognized or certified labor organizations, are hereby redelegated to the Salary Stabilization Board.

(b) There is redelegated to the Chairman, Salary Stabilization Board, such authority of the Administrator under the Defense Production Act of 1950 pursuant to sections 902 and 903 of Executive Order No. 10161 of September 9, 1950, and, except as redelegation may be prohibited therein, such authority of the Administrator pursuant to Executive Order No. 10182 of November 21, 1950, as amended by Executive Order No. 10205 of January 3, 1951, as is necessary to carry out the functions of the Salary Stabilization Board and of the Salary Stabilization Division.

SEC. 5. Functions of the Salary Stabilization Board. (a) Subject to supervision by the Economic Stabilization Administrator, the functions of the Salary Stabilization Board shall be to:

(1) Determine the substantive policies to govern the salary stabilization program, including basic salary stabilization regulations and orders; and

(2) Make such recommendations to the Economic Stabilization Administra-

tor regarding stabilization policies as it may deem appropriate.

(b) In the exercise of its responsibilities and functions, the Salary Stabilization Board shall conform to the regulations, policies, orders and decisions of the Wage Stabilization Board to the fullest practicable extent, to provide a uniform and coordinated program for the stabilization of all wages, salaries, and other compensation of employees under the jurisdiction of both Boards.

SEC. 6. Functions of the Salary Stabilization Division. (a) The Salary Stabilization Division shall have the following duties and functions:

(1) **Regulations and policies.** Administer and enforce the salary stabilization program in conformance to the established policies of the Salary Stabilization Board;

(2) **Requests for rulings.** Receive requests for rulings concerning the application and interpretation of regulations, policies, and orders and make authoritative rulings thereon;

(3) **Application for approval and adjustments.** Receive, process and make authoritative disposition of applications or petitions for approval of increases in or adjustment of such salaries where approval is required;

(4) **Reports and records.** Receive, process and take such action as may be necessary in respect to reports and records which may be required;

(5) **Information and education.** Formulate and conduct informational and educational programs to inform the public regarding the salary stabilization program;

(6) **Compliance.** Make authoritative determinations in respect to whether a salary payment is in contravention of law, regulations, or policies of the Salary Stabilization Board and take such action in respect thereto as may be authorized and appropriate; and

(7) **Board secretariat.** Provide necessary administrative staff and service

facilities for the Salary Stabilization Board, including any panels which the Board may establish.

(b) *Definition.* In applying the terms of Section 4 above, the terms "outside salesmen" and "bona fide executive, administrative, or professional capacity" shall have the same meaning as provided by regulations under section 13 (a) (1) of the Fair Labor Standards Act, as amended, except insofar as the Board, with the concurrence of the Chairman of the Wage Stabilization

Board, may determine that certain categories of such employees properly should be under the jurisdiction of the Wage Stabilization Board.

SEC. 7. Administrative services. The Salary Stabilization Board and Salary Stabilization Division shall share the administrative service facilities of the Wage Stabilization Board relating to budget, fiscal, personnel, supply, space, and other administrative management matters.

SEC. 8. Effect on other orders. Any

other orders or parts of orders the provisions of which are inconsistent with the provisions of this order are hereby superseded or amended accordingly, General Order No. 3 is specifically superseded to the extent that it is inconsistent herewith.

Issued: May 10, 1951.

Effective: May 10, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

OFFICE OF PRICE STABILIZATION

FROZEN FISH AND SHELLFISH EXEMPTED FROM GENERAL CEILING PRICE REGULATION: All frozen fish and shellfish were exempted from the General Ceiling Price Regulation (GCPR) by Amendment 11 to this regulation issued by the Office of Price Stabilization on May 17.

It would appear that this amendment exempts frozen fish and shellfish at all levels of distribution--production, wholesale, retail, etc. Frozen round, drawn, and dressed fish; frozen fillets and steaks; and frozen shellfish, including shucked clams and oysters are exempted from the General Ceiling Price Regulation. However, frozen or unfrozen smoked or cured fishery products, including salted and dried fish; frozen breaded shrimp or fillets; and frozen cooked or prepared fish and shellfish are still in their former category and are apparently governed by the Manufacturers' Ceiling Price Regulation 22.

The full text of the amendment follows:

FROZEN FISH AND SHELLFISH

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this amendment 11 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts frozen fish and shellfish from the General Ceiling Price Regulation. Fresh fish and sea food, because of the unusual marketing factors involved and their seasonal and perishable characteristics, are subject to marked price fluctuations. It was not deemed feasible, therefore, to control fresh fish by the general freeze. Traditionally, fresh and frozen fish are in the same marketing category and move in the same channels of distribution. They are sold competitively with each other. Fresh fish is "frozen" primarily to counteract its perishability and to provide more stable distribution control. Since fresh and frozen fish are substantially identical, uniformity of treatment is desirable. Preferential treatment results in undesirable departures from normal trade practices.

The present exemption of fresh fish from the General Ceiling Price Regula-

tion with frozen fish remaining under price control has resulted in inequities to segments of the fish industry and maladjustments in marketing practices. Some producers of frozen fish in certain areas were able, prior to the base period, to purchase fresh fish at abnormally low prices and the prices of frozen fish during the base period reflected these abnormal purchases. When controls were placed upon frozen fish without the imposition of similar controls upon fresh fish, these producers were adversely affected.

This distortion of the normal price relationship between fresh and frozen fish has created a problem of geographical distribution. Coastal states are receiving more than their normal supply of fresh fish while inland states (where fresh fish cannot be shipped) are receiving abnormally small supplies of frozen fish. This dislocation of distribution is depriving the public in the areas affected of a low-priced protein food and will materially injure many retail outlets who have in the last few years built up their frozen fish sales and who have no present facilities for the handling of fresh fish.

Stocks of frozen fish in 1950 were the largest ever reported. Present cold storage stocks are the heaviest in history. As of March 1, 1951, there were 106 million pounds of fish in storage as compared to 105 million pounds for the

corresponding period last year. The maximum production season for all fish is now approaching. Import conditions seem very favorable and should substantially increase the market supply. The fact that supplies are ample makes it possible to restore the normal relationship between fresh and frozen fish without material increases in price. Some increases may be anticipated in those cases where ceilings are abnormally low but these are justified in order to maintain future frozen fish production at desirable levels.

For these reasons the Director of Price Stabilization finds that the exemption of frozen fish and shellfish from the provisions of the General Ceiling Price Regulation will be in accord with the objective of the Defense Production Act.

AMENDATORY PROVISIONS

Section 14 (s) (8) of the General Ceiling Price Regulation is hereby amended to read as follows:

(8) Fresh fish, seafood and game and frozen fish and shellfish.

Effective date: This amendment shall be effective May 22, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 17, 1951.

CEILING PRICES FOR CERTAIN SALES AT RETAIL AND WHOLESALE: Pending issuance of a general wholesaler regulation, the Office of Price Stabilization on May 28 took interim action to permit adjustment of some wholesale and retail ceiling prices by sellers still pricing under the General Ceiling Price Regulation (GCPR) by issuing Supplementary Regulation 29 to GCPR (Ceiling Prices for Certain Sales at Retail and at Wholesale). This regulation became effective May 28.

Some fishery products and supplies are still under GCPR. This action is not an across-the-board lifting of the GCPR freeze. Rather, it is of limited application, taken to meet two urgent needs.

1. IT PROVIDES FOR A FOLLOW-THROUGH ON THE UPWARD AND DOWNWARD CHANGES IN PRICES EXPECTED TO RESULT FROM OPERATION OF THE MANUFACTURERS' REGULATION (CPR 22) AND OTHER SIMILAR MANUFACTURERS' REGULATIONS WHICH HAVE BEEN OR WILL BE ISSUED.

In this situation, a wholesaler or retailer buying from a manufacturer who has increased his price under CPR 22, or similar regulations, may recompute his ceiling price upward. Likewise, if the manufacturer has decreased his price, the wholesaler or retailer must recompute his ceiling price downward. He does this by applying to his new net invoice cost the percentage markup which his freeze price yielded over his base period cost.

2. IT TAKES WHOLESALERS AND RETAILERS OUT OF SQUEEZES IN WHICH THEY WERE CAUGHT BY THE GCPR OF JANUARY 26 WHICH FROZE PRICES AT THE HIGHEST DELIVERED PRICE IN THE BASE PERIOD DECEMBER 19, 1950, THROUGH JANUARY 25, 1951. A TYPICAL SQUEEZE SITUATION WHICH THIS ACTION IS INTENDED TO RELIEVE IS WHERE A SELLER, AT THE TIME OF THE GCPR FREEZE, HAD NOT YET RAISED HIS OWN PRICE TO REFLECT A HIGHER PRICE CHARGED BY HIS SUPPLIER. THUS HE WAS CAUGHT WITH A CEILING TOO LOW TO REFLECT IN FULL THE COST OF REPLACING HIS STOCKS.

The regulation relieves these squeezes by permitting wholesalers and retailers to use their base period markups over their supplier's new higher selling prices.

This interim action applies only in the two situations described above. It is not intended to apply broadly as will a more permanent general wholesalers' regulation. But, OPS said, since it is clear that no attempt will be made in any permanent wholesaler regulation to perpetuate reduced markups resulting from the random and uneven operation of the replacement squeeze, correction of this situation at once seemed desirable. Also, action to take account of price changes resulting from CPR 22 and similar manufacturers' regulation is urgently needed.

Retailers may recompute their ceiling prices upward on a commodity where a wholesaler has increased his price to the retailer under this supplementary regulation. Likewise, the retailer must recompute his ceiling price downward on a commodity, if the wholesaler has reduced his price under this supplementary regulation.

Examples of computing price adjustments are contained in the regulation.

The regulation permits single adjustments of GCPR prices rather than providing any change in the method of pricing. Thus it does not provide continuing relief, but only single recalculations to offset increases in suppliers' prices.

This action does not apply to most food commodities; in most cases distributors are covered by CPR's 14, 15, and 16. The relatively small inventories carried by most food distributors, has tended to lessen the replacement squeeze in the food field. In addition, OPS is engaged in extending its specific regulations with respect to food distributors. However, some fishery products and supplies are still under GCPR either on a mandatory or voluntary basis.

Another provision in the new supplementary regulation permits a manufacturer who customarily suggested uniform resale prices at wholesale for his branded commodities, and which commodities have customarily been sold at wholesale at those prices, to continue that practice. The manufacturer must submit to OPS for approval suggested wholesale prices before they can be put into effect.

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SPECIFIC CEILING PRICE FOR FISH OILS ESTABLISHED: A specific ceiling price of 16 cents a pound f.o.b. producer's plant has been established for leading types of crude fish oils by Amendment 7 to Ceiling Price Regulation 6, issued by the Office of Price Stabilization on May 15. The full text of the amendment follows:

CPR 6—FATS AND OILS

FISH OIL

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Ceiling Price Regulation 6 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes a specific ceiling price of 16¢ a pound for leading types of crude fish oil. It provides that sellers of other grades are to apply normal market differentials to the 16¢ price in order to arrive at their ceilings for those grades. The basic purposes achieved by this amendment are to bring fish oil prices into line with those of competing oils and to eliminate the differences in ceiling prices which prevail from one seller to another under the General Ceiling Price Regulation. The issuance of this amendment at the present time is particularly important since the fishing fleets will shortly be going out for the current season and a firm basis must be provided to permit the fish oil producers to contract for the catch.

From a technical point of view, fish oils may be used in a wide variety of products. Of the total production of 166 million pounds in the United States last year, 77 million pounds were exported. In foreign countries these oils are principally used in such edible products as margarine and shortening. In this country, by contrast, the remaining supply is used almost entirely for industrial purposes. To determine logical ceiling prices for fish oils, therefore, attention must be focused primarily upon competitive relationships to other industrial oils.

A review of the ceiling prices established by sellers under the General Ceiling Price Regulation established the fact that only scattered sales were made in the base period, December 19, 1950 to January 25, 1951. This base period was unrealistic with respect to these oils since it came well past the end of the marketing year for the bulk of the supply from the 1950 catch. Those who made sales in the base period established ceilings around the 18¢ level, others who did not sell in the base period established these

18¢ ceilings for later sales under section 6 of the GCPR.

At the 18¢ level, fish oils were clearly out of line with the prices of competing industrial oils and fats.

The leading domestic use of fish oils is in the paint and varnish industry where, after removing the stearine and cold pressing, they compete with raw linseed oil, treated soybean oil, and other oils in the drying oil class. Detailed cost analyses used in the industry indicate that fish oils cannot be priced at more than about 16¢ and remain on an equal competitive basis with these drying oils.

A second channel of use of fish oils is in the manufacture of fatty acids and in this channel they compete with tallow. Analyses by this Office indicates that on a 16¢ crude basis, fish oil fatty acids will be in a fair competitive position as against animal fatty acids.

While the 16¢ ceilings represent a reduction from somewhat higher ceiling prices established under GCPR, they nevertheless are double the average obtained from the 1950 supply.

In formulating this regulation, the Director obtained the views of the members of an Industry Advisory Committee, convened to consider this problem and in addition sought advice from a number of individual producers and users. He has given full consideration to all the recommendations made by these industry representatives. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 6 is amended by adding a new section 18, to read as follows:

SEC. 18. *Ceiling prices for the sellers of fish oils.* The ceiling prices of fish oils shall be as follows:

(a) Fish oils: Loaded on buyers' tank cars, tank trucks, or barge:

	Cents per pound
Menhaden oil, crude, f. o. b. producer's plant, Atlantic and Gulf Coasts.....	16
Sardine oil, crude, f. o. b. producer's plant, Atlantic Coast.....	16
Sardine oil, crude, f. o. b. producer's plant, Pacific Coast.....	16
Pilchard oil, crude, f. o. b. producer's plant, Pacific Coast.....	16
Herring oil, crude, f. o. b., Seattle.....	16
Herring oil, crude, f. o. b. producer's plant, Atlantic Coast.....	16
Crude tuna oil, mackerel oil, red fish oil, seal oil, halibut fish oil, bottom fish oil, or other fish body oils produced by the reduction of the whole fish or the offal of such fish, f. o. b. plant of production.....	16

(b) If you import any of the oils specified in paragraph (a) of this section, your ceiling prices for the sale of such fish oils shall be the above ceiling prices, f. o. b. port of entry. These ceiling prices include all import duties and taxes.

(c) The usual and customary differentials for grades above or below these prices for basic grades shall continue to apply.

(d) The usual or customary differentials for types of conveyance or container shall continue to apply.

(e) Sales contracts for the grade and type of fish oil to be delivered, after the effective date of this amendment may be performed only at a price that does not exceed the ceiling prices set forth in paragraph (a) of this section.

(f) If you are a seller of fish oils to be sold at any of the price differentials specified in paragraphs (c) and (d) of this section, you must file, within thirty days from the effective date of this order, with the Fats and Oils Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., a schedule of prices which will indicate the customary industry differentials from the ceiling price of crude oil which you intend to apply in accordance with paragraphs (c) and (d) of this section.

(g) If you have customarily charged a premium for sales of fish oil to be used as a carrying medium for vitamins, you may apply in writing to the Fats and Oils Branch, Food and Restaurant Division, OPS, Washington, D. C., for an adjustment in your ceiling price for such sales.

This application must be filed in duplicate and contain all pertinent information indicating the name and address of the buyer; documentary evidence that you have customarily charged the premium; and the proposed selling price for which you are seeking adjustment.

(Sec. 704, Pub. Law, 81st Cong.)

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall be effective May 19, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

MAY 15, 1951.

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SMALL RETAILERS HAVE CHOICE OF PRICING UNDER GCPR OR CPR 7: Many small retailers throughout the country have a choice between pricing their goods under CPR 7 or continuing for the time being to price under the General Ceiling Price Regulation (GCPR) issued last January. This choice has been given to retailers by the Office of Price Stabilization by Amendment 5 to Ceiling Price Regulation 7, issued May 28.

Whether a retailer is eligible to choose between CPR 7 and GCPR depends upon his sales volume and the types of commodities sold.

Among the numerous types of retailers listed are those handling sporting goods: fishing tackle; fishing rods; and other fishing accessories. If a retailer handling these types of goods has a sales volume (net dollar volume) of \$60,000, that retailer does not have to file a pricing chart under CPR 7, but may elect to price his goods under GCPR issued last January. If these same retailers handle other goods besides those that fall under the sporting goods category and an individual retailer's total sales of everything in his store are less than \$100,000, that retailer does not have to file a pricing chart under CPR 7, but may elect to price under GCPR. Those retailers who were eligible and elected to price under GCPR were not required to file a price chart under CPR 7 by the deadline date established by OPS.

It is believed that in addition to retailers who handle sporting goods, some grocery stores may also be eligible to choose between CPR 7 and GCPR.

Retailers of sporting goods were brought under CPR 7 by Amendment 2¹/₂ issued on April 5.

¹/SEE COMMERCIAL FISHERIES REVIEW, MAY (1951), P. 63.

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METAL CONTAINERS COST-OF-MATERIALS CUT-OFF DATE EXTENDED: Food packers who use metal containers are being given the same cost-of-materials cut-off date under the Office of Price Stabilization's Manufacturers Ceiling Price Regulation (CPR 22) as those who use glass containers.

CPR 22 set March 15, 1951, as the cut-off date for calculating ceiling prices of covered food products on the basis of increased cost of glass containers, while the date for calculating increased costs of metal containers was limited to December 31, 1950.

Amendment No. 4 to CPR 22, issued May 25 and effective May 28, extends the cut-off date for increased costs of metal containers to March 15 to correspond with the glass container cut-off date.

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SHIPS INCLUDED UNDER CPR 30: CPR 30--Machinery and Related Manufactured Goods-- was amended on June 20 by the Office of Price Stabilization to include ships, among

other new categories of manufactured industrial goods. Amendment 4 to CPR 30 became effective June 19. Because the manufacturers of ships have pricing problems similar to others covered by the regulation, ships were included. Ships are defined as "any ship or boat powered by an inboard engine and barges and cargo carrying barges whether powered or not."

The amendment to the order permits manufacturers to consider their increased cost, between the end of their base periods and March 15, 1951, caused by required payments under the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and any state or local unemployment compensation law. It is also made clear that retroactive wage increases or fringe benefits granted after March 15, even though before the date the regulations were issued and even though under prior contracts, cannot be included in labor cost adjustments. In addition, the amendment provides additional optional methods for determining the costs of manufacturing material.

Sales of ships by others than manufacturers are covered by GCPR.

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CEILING PRICES ON MARINE FEEDS (FISH MEAL, SCRAP, AND SOLUBLES): Uniform dollars and cents ceiling prices for fish scrap, fish meal, fish solubles, and special fish feed products at the processor, importer, and distributor levels were established by the Office of Price Stabilization on May 25.

A special Ceiling Price Regulation (CPR 39) was issued for these products to smooth out price variations within the industry under the General Ceiling Price Regulation freeze. The new order became effective May 29, 1951.

Fish scrap and fish meal ceiling prices are established on the basis of protein content, and they increase as the protein content increases.

The importer-processor price chart is the same for Atlantic and Gulf coasts, and Pacific coast. It starts at \$90.40 a ton, bulk, f.o.b. for meal and \$84.40 for scrap of 40 percent protein content. The \$6.00 difference allows a margin to processors of scrap into meal.

For each additional percentage point of protein content, an addition of \$2.26 per ton in price is permitted.

Since the standard practice on the Atlantic and Gulf coasts is to price scrap and meal on the basis of 60 percent protein content, no premium is allowed for products with more than 60 percent protein.

Standard practice on the Pacific coast is to price scrap and meal according to the actual protein content and without regard to a standard base. The \$2.26 rate of increase per percentage point of protein content applies to West Coast scrap and meal with protein content between 40 and 80 percent. No premium is permitted on Pacific Coast sales for protein content above 80 percent.

Distributor prices are based on the markups of individual distributors which prevailed in the July 1, 1949, to June 24, 1950, base period in the regulation.

The ceiling price for fish solubles of 50 percent solids by weight is set at 5 cents a pound. This was the most frequent price quoted during the General Ceiling Price Regulation base period.

The full text of CPR 39 without the "Statement of Considerations" follows:

REGULATORY PROVISIONS

- Sec.
1. What this regulation does.
 2. Applicability; exemptions.
 3. F. o. b. ceiling prices for sales by processors.
 4. F. o. b. ceiling prices for sales by importers.
 5. F. o. b. loading point ceiling prices for sales by distributors.
 6. F. o. b. ceiling prices for sales at retail.
 7. F. o. b. ceiling prices for sales in less than carload or tank car quantities.
 8. Ceiling prices for delivered sales.
 9. Charges for sacks or other containers.
 10. Sellers who cannot price under other sections.
 11. Definitions.
 12. Certificates and tags.
 13. Records.
 14. Prohibitions; penalties.
 15. Petitions to amend this regulation.

AUTHORITY: Sections 1 to 15 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., and E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this regulation does. This regulation establishes ceiling prices for fish scrap, fish meal, fish solubles and certain specialty fish feed products at the processor, importer and distributor levels. This regulation does not establish prices for crab meal, shrimp meal, dried fish solubles product, homogenized condensed fish, fish residue meal or fish solubles processed and sold for use as fertilizer. These new ceiling prices, after the effective date of this regulation, will supersede the ceiling prices established under any other price regulations or orders heretofore issued by the Office of Price Stabilization.

Sec. 2. Applicability; exemptions—(a) Applicability. The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

(b) Exemptions—(1) Export sales. This regulation shall not apply to export sales. The General Ceiling Price Regulation or other applicable regulations shall govern such sales.

(2) Sales at retail by persons other than processors, importers or distributors. This regulation shall not apply to sales at retail by persons other than processors, importers or distributors. The General Ceiling Price Regulation is applicable to such sales.

(3) Manufactured feeds in which a marine feed product is an ingredient. This regulation shall not apply to sales by manufacturers, wholesalers or retailers of manufactured feeds in which fish meal, fish solubles or a specialty fish feed product is an ingredient. Supplementary Regulation 7 to the General Ceiling

Price Regulation or other applicable regulations shall govern such sales.

(4) Sales and deliveries made pursuant to prior contracts. This regulation shall not apply to sales and deliveries made pursuant to contracts entered into before the effective date of this regulation if such contracts complied with the ceiling price provisions of the then applicable regulations of the Office of Price Stabilization.

Sec. 3. F. o. b. ceiling prices for sales by processors—(a) Ceiling prices for fish meal and fish scrap in carload quantities, per ton, bulk, f. o. b. processing plant or at the processor's customary loading point—(1) Schedule of ceiling prices. If you are a processor, your ceiling prices for sales of fish meal and fish scrap in carload quantities, per ton, bulk, f. o. b. your processing plant or customary loading point are determined in accordance with the appropriate columns of the schedule set forth in Table A.

TABLE A

Percentage of protein per ton	Fish Meal		Fish Scrap	
	Atlantic and Gulf coast points	Pacific coast points	Atlantic and Gulf coast points	Pacific coast points
40.....	90.40	90.40	84.40	84.40
41.....	92.66	92.66	86.66	86.66
42.....	94.92	94.92	88.92	88.92
43.....	97.18	97.18	91.18	91.18
44.....	99.44	99.44	93.44	93.44
45.....	101.70	101.70	95.70	95.70
46.....	103.96	103.96	97.96	97.96
47.....	106.22	106.22	100.22	100.22
48.....	108.48	108.48	102.48	102.48
49.....	110.74	110.74	104.74	104.74
50.....	113.00	113.00	107.00	107.00
51.....	115.26	115.26	109.26	109.26
52.....	117.52	117.52	111.52	111.52
53.....	119.78	119.78	113.78	113.78
54.....	122.04	122.04	116.04	116.04
55.....	124.30	124.30	118.30	118.30
56.....	126.56	126.56	120.56	120.56
57.....	128.82	128.82	122.82	122.82
58.....	131.08	131.08	125.08	125.08
59.....	133.34	133.34	127.34	127.34
60.....	135.60	135.60	129.60	129.60
61.....	(1)	137.86	(1)	131.86
62.....		140.12		134.12
63.....		142.38		136.38
64.....		144.64		138.64
65.....		146.90		140.90
66.....		149.16		143.16
67.....		151.42		145.42
68.....		153.68		147.68
69.....		155.94		149.94
70.....		158.20		152.20
71.....		160.46		154.46
72.....		162.72		156.72
73.....		164.98		158.98
74.....		167.24		161.24
75.....		169.50		163.50
76.....		171.76		165.76
77.....		174.02		168.02
78.....		176.28		170.28
79.....		178.54		172.54
80.....		180.80		174.80

¹ No increase in ceiling price permitted for percentage of protein over 60.

(2) Adjustment in ceiling price for fractions of a unit percentage of protein content. If the protein content of your lot of fish meal or fish scrap contains a fraction of a unit percentage of protein, you shall round out such fraction to the

nearest half unit percentage and determine and adjust your per ton, bulk, f. o. b. ceiling prices as follows:

(i) Determine your per ton ceiling price for the number of whole units percentage of protein of your meal or scrap in accordance with the appropriate column of Table A, above.

(ii) Make the following adjustments in your ceiling price for fractions in accordance with Table B:

TABLE B

Fraction of a unit percentage of protein (expressed in decimals)	Adjustments in per ton Ceiling Price
0.0-0.25.....	No adjustment in your ceiling price
0.26-0.75.....	Add \$1.13 per ton to your ceiling price
0.76-0.99.....	Add \$2.26 per ton to your ceiling price

(3) Ceiling prices on failure to fulfill minimum protein guarantees. If you fail to fulfill your minimum protein guarantee with respect to any lot of fish meal or fish scrap, your per ton, bulk, f. o. b. ceiling price is the ceiling price based upon the actual units percentage of protein or fraction thereof, as determined under subparagraphs (1) and (2) of this paragraph.

(b) Ceiling prices for fish solubles in tank car quantities, f. o. b. the processor's plant or customary loading point. If you are a processor, your ceiling prices for sales of fish solubles in tank car quantities, f. o. b. your processing plant or customary loading point are as follows:

(1) Ceiling price for fish solubles containing 50 percent or more than 50 percent solids by weight. Your ceiling price for fish solubles containing 50 percent or more than 50 percent solids by weight is 5¢ per pound.

(2) Ceiling price for fish solubles containing less than 50 percent solids by weight. If your fish solubles contain less than 50 percent solids by weight, your ceiling price is determined as follows:

(i) From the price of 5¢ per pound deduct 2 percent for each full unit percentage by which the solid content of your particular lot of fish solubles is below 50 percent.

(ii) The calculation established in subdivision (i) of this subparagraph, constitutes your ceiling price.

(3) Adjustments in ceiling price, determined under subparagraph (2) for fractions of a unit percentage of solids by weight. If the solids content of your lot of fish solubles contains a fraction of a unit percentage of solids by weight, you

shall round out such fraction to the nearest half unit percentage and adjust your ceiling price in the following manner:

(i) Determine your per pound ceiling price for the number of whole units percentage of solids by weight, in accordance with subparagraph (2), of this paragraph.

(ii) Make the following adjustments in your ceiling price for fractions in accordance with Table C:

TABLE C

Fraction of a unit percentage of protein (expressed in decimals)	Adjustments in per pound Ceiling Price
0.0-0.25-----	No adjustment in your ceiling price.
0.26-0.75-----	Add $\frac{1}{20}$ of a cent to your per pound ceiling price.
0.76-0.99-----	Add $\frac{1}{10}$ of a cent to your per pound ceiling price.

(4) *Ceiling prices on failure to fulfill minimum solids by weight guarantees.* If you fail to fulfill your minimum solids by weight guarantee with respect to any lot of fish solubles, your per pound, f. o. b. ceiling price is the ceiling price based upon the actual units percentage of solids by weight or fraction thereof, as determined under subparagraphs (2) and (3) of this paragraph.

(c) *Ceiling prices for specialty fish feed products, bulk, carload or tank car quantities, f. o. b. processing plant or customary loading point—(1) Per ton, bulk, f. o. b. ceiling prices for specialty products that are solid in form.* If your specialty product is solid in form, your per ton, bulk, f. o. b. ceiling price shall be determined as follows:

(i) Take the per ton, bulk f. o. b. ceiling price for fish meal of a particular percent protein content for the coastal area in which your plant is located or which is nearest to your plant. This ceiling price is to be selected from Table A of this section.

(ii) Determine the average dollars and cents difference between the per ton, bulk, f. o. b. prices you charged for your specialty product in any three consecutive months during the period July 1, 1949 to June 24, 1950, and the average per ton, bulk, market price during the same three months for fishmeal of the same protein content you selected in subdivision (i), of this subparagraph.

The market whose f. o. b. prices you use must be an Atlantic or Gulf Coast market, if you selected an Atlantic or Gulf Coast ceiling price in subdivision (i), of this subparagraph, or a Pacific

Coast market, if you selected a Pacific Coast ceiling price. You are limited, in your calculations, to those markets whose prices or other quotations are listed in the following government or trade publications: The Feed Market Review (published by the U. S. Department of Agriculture); The Feed Situation (published by the U. S. Department of Agriculture); Fishery Products Report (published by the Fish and Wildlife Service, U. S. Department of Interior); Oil, Paint and Drug Reporter (published by the Schnell Publishing Co., Inc., New York City, New York).

In determining your average dollars and cents difference, market prices which are quoted on a per ton basis in sacks shall be converted to a per ton, bulk basis by deducting \$5.50 per ton for sacks. If you charged prices for lots in sacks or other containers, you shall deduct your charge or cost for furnishing such sacks or other containers in order to determine your per ton, bulk, prices.

(iii) Add the dollars and cents difference determined in subdivision (ii), of this subparagraph, to the ceiling price which you selected in subdivision (i) of this subparagraph. The result is your ceiling price.

(2) *Per pound, f. o. b. ceiling prices in tank car quantities for specialty fish feed products that are liquid or semi-liquid in form.* If your specialty fish feed product is liquid or semi-liquid in form, your per pound, f. o. b. ceiling price in tank car quantities shall be determined as follows:

(i) Determine the average cents per pound difference between your cents per pound, f. o. b. prices in tank car quantities in any three consecutive months during the period July 1, 1949 to June 24, 1950, and the price of 5 cents per pound.

(ii) Add the cents per pound difference, determined in subdivision (i) of this subparagraph to the price of 5 cents per pound. The result is your ceiling price.

(3) *Filing of Reports.* If you determine your ceiling price for specialty fish feed products under subparagraphs (1) or (2) of this paragraph, you must file the following information with the Director of Price Stabilization, Washington 25, D. C., within 30 days of the effective date of this regulation:

(i) Your name and address;

(ii) The location of your plant or plants at which you process your specialty fish feed product;

(iii) The name of your product, including brand name, if any, and a description of the product, including a statement as to whether it is a solid, liquid or semi-liquid, and any characteristics pertaining to its feeding value.

(iv) A statement showing: The average dollars and cents difference, if your product is solid in form, or the average cents per pound difference, if your product is liquid or semi-liquid in form, which you used in arriving at your ceiling price, together with the list of the months for which such difference was calculated; price lists, invoices or other evidence indicating your f. o. b. prices during the period chosen; and, if your specialty product is solid in form, the market quotations (together with the location of the market, and the name of the publication in which such quotations were listed) which you used in determining the average difference between your prices and such market prices.

(v) Your ceiling price for your specialty fish feed product, as determined under this regulation.

(4) *When you may begin to sell your specialty fish feed product, disapproval of your ceiling price.* You may begin to sell your specialty fish feed product as soon as you have mailed your report pursuant to subparagraph (3) of this paragraph. Thereafter, you may sell your specialty product unless and until notified by the Director of Price Stabilization that your ceiling price has been disapproved or that more information is required. The Director of Price Stabilization may disapprove of your ceiling price if such price is not established in accordance with subparagraph (1) or (2) of this paragraph; or he may disapprove of your ceiling price if he decides, after taking into consideration the nutritional value of your specialty product, among other factors, that your ceiling price is not in line with the prices otherwise established by this regulation.

In the event that more information is required, you may not sell your specialty product until 15 days after mailing the additional information.

In case, however, you sold or offered your specialty product for sale prior to the effective date of this regulation upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until July 1, 1951, even though your ceiling price determined under this regulation has been disapproved or more information is requested.

SEC. 4. *F. o. b. ceiling prices for sales by importers.* If you are an importer of fish scrap or fish meal your ceiling prices per ton, bulk, f. o. b. port-of-entry, for imported fish meal or fish scrap are as follows:

(a) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into Atlantic or Gulf Coast ports-of-entry.* If you import fish meal or fish scrap into

the continental United States through an Atlantic or Gulf coast port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry, for each grade of fish meal or fish scrap is the same as the per ton, bulk, f. o. b. ceiling price of Atlantic or Gulf coast processors for fish meal or fish scrap of the same protein content, as determined pursuant to the applicable provisions of section 3 (a) of this regulation.

(b) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into Pacific coast ports-of-entry.* If you import fish meal or fish scrap into the continental United States through a Pacific coast port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry, for each grade of fish meal or fish scrap, is the same as the per ton, bulk, f. o. b. ceiling price of Pacific coast processors for fish meal or fish scrap of the same protein content, as determined pursuant to the applicable provisions of Section 3 (a) of this regulation.

(c) *Per ton, bulk, f. o. b. ceiling prices for fish scrap or fish meal imported into interior ports-of-entry.* If you import fish meal or fish scrap into the continental United States through an interior port-of-entry, your ceiling price per ton, bulk, f. o. b. port-of-entry shall be determined as follows:

(1) Determine the per ton, bulk, f. o. b. ceiling price for fish meal or fish scrap of the same protein content (under the applicable provisions of section 3 (a) of this regulation) at the Atlantic, Gulf or Pacific Coast processing plant nearest to the interior port-of-entry through which your shipment moves.

(2) Add to the price obtained in subparagraph (1) of this paragraph, the lowest applicable domestic carload freight rate, including tax, from that domestic processing plant to that interior port-of-entry, based on the rates in effect prior to March 15, 1951.

(3) The price computed in subparagraph (2) of this paragraph, constitutes your ceiling price.

SEC. 5. F. o. b. loading point ceiling prices for sales by distributors—(a) *F. o. b. loading point ceiling price.* If you are a distributor, you shall calculate your f. o. b. loading point ceiling price for each product after each customary purchase you make in the following manner:

(1) For each product, determine your average dollars and cents differential between your per ton, or per pound f. o. b. loading point prices (excluding your charges or costs for furnishing sacks or other containers in connection with the sale of any lot which you bought in bulk or in tank car quantities) and your sup-

pliers' per ton or per pound prices to you (including transportation charges paid by you) during any three consecutive months of the period July 1, 1949 to June 24, 1950.

(2) Add this dollars and cents differential, as determined in subparagraph (1) of this paragraph, to the price, per ton or per pound, of your most recent customary purchase (including transportation charges paid by you).

(3) The price determined under subparagraph (2) of this paragraph, constitutes your per ton or per pound f. o. b. loading point ceiling price.

(b) *Ceiling prices for distributors who cannot determine ceiling prices under paragraph (a) of this section.* (1) If you are a distributor and you cannot determine your ceiling price for a product under paragraph (a) of this section, you shall determine your ceiling price, after each customary purchase you make, in the following manner:

(i) Determine the dollars and cents difference between the per ton or per pound f. o. b. ceiling price of your most closely competitive seller of the same class selling the same product to the same class of purchaser and the price per ton or per pound (including transportation charges paid or incurred by you) of that customary purchase which you made at or about the time your most closely competitive seller sold at his ceiling price.

(ii) Add the dollars and cents difference, determined in subdivision (i) of this subparagraph to the price, per ton or per pound of your most recent customary purchase (including transportation paid or incurred by you).

(iii) The price determined under subdivision (ii) of this subparagraph constitutes your ceiling price.

(2) When you may begin to sell; report: (i) You may sell your product at your ceiling price, as determined under this paragraph (b), as soon as you have mailed a report to the Director of Price Stabilization, Washington 25, D. C. You may continue to sell your product at your proposed ceiling price until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(ii) In case, however, you sold or offered your product for sale prior to the effective date of this regulation upon the basis of a ceiling price determined under the General Ceiling Price Regulation, you may continue to use your GCPR ceiling price until July 1, 1951.

(iii) Your report should state the name and address of your company; the reasons why you cannot determine your price under paragraph (a) of this sec-

tion; the name and address of your most closely competitive seller of the same class; a statement of his ceiling price which you selected together with the date or dates when he sold at that ceiling price, and his differentials to each of his classes of customers; the prices of the customary purchases which you used in determining your ceiling price in accordance with paragraph (b) (1) of this section, together with information concerning the dates thereof, the quantities bought and the names and addresses of your suppliers for such purchases. Your report should also include: A statement of your customary price differentials; your proposed ceiling price; the classes of customers to whom you sell or plan to sell; and a statement showing that your proposed ceiling price will not exceed the ceiling price your customers paid to their customary sources of supply.

(c) *Limitations on distributor markups.* No more than two distributor markups are permitted in connection with the sale of any product. Consequently, if you are a distributor and you buy a lot from your distributor, who, in turn, purchased that lot from his distributor, your ceiling price for that lot is your distributor's price, and you may not add your markup upon resale.

(d) *Ceiling prices for products processed by a distributor.* Even if you are customarily regarded as a distributor, you are deemed to be a processor, with respect to any lot or other quantity of fish meal, fish solubles or a specialty fish feed product which you process or manufacture, and your ceiling price for that lot or other quantity is a processor's ceiling price, as determined under the applicable provisions of this regulation.

SEC. 6. F.o.b. ceiling prices for sales at retail. If you are a processor, importer or distributor, and you make a sale at retail, your f.o.b. ceiling price for such sale is your f.o.b. ceiling price, as determined under the applicable provisions of this regulation.

SEC. 7. F.o.b. ceiling prices for sales in less than carload or tank car quantities. If, prior to the effective date of this regulation, you customarily sold at an increased price for sales in less than carload or tank car quantities, your f.o.b. ceiling prices for fish scrap, fish meal, fish solubles or specialty fish feed products, when sold in less than carload or tank car quantities, shall be determined as follows:

(a) Determine your f.o.b. ceiling price for the particular product in accordance with the applicable provisions of this regulation.

(b) Add to your f.o.b. ceiling price, the dollars and cents differential between your f.o.b. carload or tank car prices and the f.o.b. prices (excluding your charges or costs for furnishing sacks or other containers in connection with the sale of any lot which you bought in bulk or in tank car quantities) which you customarily charged for each particular quantity and class of buyer during the period July 1, 1949 to June 24, 1950.

(c) The f.o.b. prices, determined under paragraph (b) of this section constitute your f.o.b. ceiling prices for sales in less than carload quantities.

SEC. 8. *Ceiling prices for delivered sales.* Your ceiling price for the delivered sale of any lot is your f. o. b. ceiling price plus the transportation charges paid or incurred by you (excluding loading charges not customarily included in transportation charges) in shipping that lot from its original loading point to its point of final delivery.

SEC. 9. *Charges for sacks or other containers.* If you furnish sacks or other containers in connection with the sale of any lot which you process or buy in bulk or in tank car quantities, you may add to your ceiling price a charge consisting of the price, per sack, or per other container of your most recent customary purchase times the number of sacks or other containers which you furnish.

SEC. 10. *Sellers who cannot price under other sections.* If you are unable to determine your ceiling price for a product under any of the foregoing provisions of this regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under the provisions of this regulation; all pertinent information describing your product: your proposed ceiling price and the method used by you to determine it; and the reason why you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell your product until the Director of Price Stabilization notifies you, in writing, of your ceiling price.

SEC. 11. *Definitions—(a) Transportation and shipping terms—(1) Carload quantity.* Carload quantity means any quantity which, if it were moved by rail, would take a carload rate under the applicable railroad tariff requirements.

(2) *Tank car quantity.* Tank car quantity means that quantity which, if it were moved by rail, would take a tank car rate under the applicable railroad tariff requirements.

(3) *Customary loading point.* A customary loading point is any point in the vicinity of a processor's plant where all or a part of his shipments are customarily loaded for delivery.

(4) *Coastal ports of entry.* A coastal port of entry is a port located on the Atlantic, Gulf of Mexico or Pacific Coast and through which products are imported into the continental United States by means of water transportation.

(5) *Interior port of entry.* An interior port of entry is a point located in the interior of the continental United States, through which the original entry of products into the continental United States is made by means of rail or inland waterway transportation.

(b) *Sellers—(1) Processors.* A processor, with respect to a particular lot, means a person who manufactures fish scrap, fish meal, fish solubles or specialty fish feed products either from whole fish, fish cuttings, fish scrap, press-water or fish solubles.

(2) *Distributor.* A distributor, with respect to a particular lot, means a jobber or a wholesaler.

(3) *Jobber.* A jobber, with respect to a particular lot, means a person who buys and takes title to a product covered by this regulation, and who resells the product without having previously unloaded it into a warehouse or store to a person other than a feeder.

(4) *Wholesaler.* A wholesaler, with respect to a particular lot, means a person who buys and takes title to a product covered by this regulation, stores it in a warehouse, and then resells the product without substantially changing its form to a person other than a feeder.

(5) *Most closely competitive seller of the same class.* Your most closely competitive seller of the same class, with respect to any product covered by this regulation, is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of product to the same classes of purchasers in similar quantities on similar terms and with approximately the same amount of service.

(c) *Marine feed products—(1) Fish scrap.* Fish scrap is the clean, dried, unground tissues of undecomposed whole fish or fish cuttings, either or both, with or without the extraction of part of the oil.

(2) *Fish meal.* Fish meal is the clean, dried, ground tissues of undecomposed whole fish or fish cuttings, either or both, with or without the extraction of part of the oil.

(3) *Fish solubles.* Fish solubles is the product obtained by condensing the

press-water resulting from the extraction of oil from fish.

(4) *Specialty fish feed products.* Specialty fish feed products are those products processed entirely from whole fish, fish cuttings, press-water or fish solubles, either singly or in combination, which because of the nature of the raw materials used or the processing method employed, have special feeding values.

(5) *Crabmeal.* Crabmeal is the undecomposed, ground dried waste of the crab and contains the shell, viscera and part or all of the flesh.

(6) *Shrimp meal.* Shrimp meal is the undecomposed, ground dried waste of shrimp and contains the head, hull or whole shrimp, either singly or in a mixture.

(7) *Dried fish solubles product.* Dried fish solubles product is the material obtained by drying and grinding the precipitate of fish press-water.

(8) *Homogenized condensed fish.* Homogenized condensed fish is a partially dehydrated, homogeneous product made from whole fish or fish cuttings, either or both, from which a part of the oil may have been removed.

(9) *Fish residue meal.* Fish residue meal is the clean, dried, undecomposed residue from the manufacture of glut from nonoily fish.

(d) *Miscellaneous—(1) Sale at retail.* A sale at retail means, with respect to any transaction, a sale to a feeder.

(2) *Feeder.* A feeder, with respect to a particular lot, means a person who uses any product covered by this regulation for feeding animals or poultry.

(3) *You.* The pronoun you, as used in this regulation, indicates the person subject to the regulation.

(4) *Person.* A person includes an individual, corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of any of the foregoing.

SEC. 12. *Certificates and tags.* Whenever you sell fish meal or fish solubles, a statement of analysis shall accompany your invoice of sale except when you sell in sacks or other containers to which are attached a label or tag showing the guaranteed minimum percentage of protein or solids therein, as the case may be.

SEC. 13. *Records.—(a) General provision.* If you make a purchase or sale of fish scrap, fish meal, fish solubles or specialty fish feed products in the course of your trade or business or otherwise deal

therein, after the effective date of this regulation, you shall keep for inspection by the Office of Price Stabilization for a period of not less than two years, accurate records of each such purchase or sale, including the date thereof, the name of your purchaser or seller, the amount sold or purchased, the price paid or received, the grade of fish scrap, fish meal, fish solubles, and the brand and characteristics of the specialty fish feed products you sell or buy, and whether or not the lot sold moved in a carload or tank car quantity shipment. You shall, in the same manner and for the same period of time, keep accurate records of each purchase of sacks and other containers, including the date thereof, the price paid, the name of your supplier, the number, grade and type of such sacks or other containers, and all other records and information upon which you determined your charges for such sacks or other containers pursuant to section 9 of this regulation.

(b) *Wholesalers and jobbers.* If you

are a wholesaler or jobber, you shall, in addition, keep for inspection by the Office of Price Stabilization for a period of not less than two years, all invoices, quotations, receipts, price lists, and other information upon which you determined your average dollars and cents differential for each product you sold, as described in section 5 (a) of this regulation.

(c) *Premiums for sales in less than carload or tank car quantities.* If you have established ceiling prices for sales in less than carload or tank car quantities pursuant to section 7 of this regulation, you shall, in addition, keep for inspection by the Office of Price Stabilization for a period of not less than two years, all invoices, quotations, receipts, price lists and other information upon which you determined your dollars and cents differentials for such sales.

SEC. 14. Prohibitions; penalties—(a) Prohibitions. On and after the effective date of this regulation you shall not, in the course of business or trade, sell or deliver, or purchase or receive fish scrap,

fish meal, fish solubles, or specialty fish feed products at prices exceeding the ceiling prices established by this regulation.

(b) *Penalties.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions and suits for damages provided for by the Defense Production Act of 1950.

SEC. 15. Petitions to amend this regulation. Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Price Procedural Regulation No. 1.

Effective date. This regulation is effective May 29, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

MAY 24, 1951.

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GOR 10 PROVIDES ADJUSTMENTS OF CEILING PRICES FOR MANUFACTURERS: General Overriding Regulation 10, issued on May 11 by OPS, permits a manufacturer to apply for an upward adjustment of his ceiling prices established under any other regulation, if as a result of such ceiling prices the manufacturer would be forced to operate at a loss with respect to his over-all manufacturing operations. This regulation does not, however, prevent a manufacturer, who is eligible for an adjustment under some other regulation, from applying for an adjustment under that regulation.

CPR 22--Manufacturers' General Ceiling Price Regulation, issued on April 25, 1951, provides for individual adjustments for manufacturers who cannot operate without losses under their ceiling prices. Many manufacturers are, however, not covered by CPR 22 and will not, therefore, have available to them the adjustment provision in that regulation. This general overriding regulation was issued to make individual adjustments available to any manufacturer who finds himself in a loss position as a result of a ceiling price imposed by any regulation.

The provisions of this regulation will apply to all manufacturers whether covered by CPR 22 or by any other ceiling price regulation, but a manufacturer will not be prevented thereby from taking advantage of any special adjustment provisions of any other regulation which may be applicable to him.

Like CPR 22, this regulation is intended to provide for individual adjustments, under certain circumstances, for a manufacturer who cannot operate under ceiling price regulations without a loss on his over-all operations. As under CPR 22, the manufacturer must show that his loss is due or will be due to ceiling price limitations. It is not intended to provide adjustments for losses resulting from factors other than ceiling prices, such as seasonal, temporary, or nonrecurring factors, un-economical operations, illegal wage payments, and the like; nor is it intended to provide an inefficient manufacturer with a level of prices substantially in excess of that which is adequate for the bulk of his competitors.

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GOR 10 AMENDMENT 1 PROVIDES ADJUSTMENT FOR LOSSES AT SEPARATE PLANT OR FACTORY: Manufacturers who are experiencing losses in the operation of separate plants or factories may appeal to the Office of Price Stabilization for upward adjustments of their ceiling prices under the provisions of Amendment 1 to General Overriding Regulation 10, effective June 7, 1951.

Prior to issuance of the amendment, manufacturers could apply for relief under GOR 10 only if they experienced over-all losses because of ceiling price regulation.

This amendment also revises the definition of manufacturer so as to make it clear that the regulation applies to any seller who is engaged in business other than as a wholesaler or retailer. This definition is the same as the definition of manufacturer in the General Ceiling Price Regulation.

* * * * *

GOR 10 EXTENDED TO INCLUDE TERRITORIES AND POSSESSIONS: Amendment 2 to General Overriding Regulation (GOR) 10 issued by the Office of Price Stabilization and effective on June 13, 1951, extends to the manufacturer in the territories and possessions of the United States the same permission to request an upward adjustment of ceiling prices in the event he is being forced to operate his business at a loss, as has already been granted manufacturers in the 48 states and the District of Columbia.

Although Amendment 1 to GOR 10 made it possible to ask for an adjustment of ceiling prices in the event of a loss due to the price ceilings, manufacturers in the territories and possessions of the United States were not included.

* * * * *

NO CEILING PRICES FOR FRESH ALASKA SALMON SOLD TO CANNERIES: Ceiling prices for fresh Alaska salmon sold to canneries will not be established at present, the Office of Price Stabilization announced on May 9.

The Agency explained that some contracts have already been completed between fishermen and canners fixing the amount which canners will pay fishermen for fresh salmon, while other contracts are being negotiated.

In view of this situation and the fact the 1951 season has already opened, OPS feels that no useful purpose will be served by imposition of a ceiling price on fresh salmon at this time.

The Agency announced, however, that it will not permit further increases in canned salmon prices over those frozen in January under the General Ceiling Price Regulation.

As this year's catch progresses, OPS said it may undertake to lower canned salmon prices if anticipated production is forthcoming.

The Alaska salmon season opened May 1.

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PAPERBOARD SHALLOW CONTAINERS INDUSTRY REQUESTS TAILORED PRICE REGULATION: Members of the Paperboard Shallow Containers Industry Advisory Committee told OPS officials on May 28 that they desired a tailored price regulation for their industry drawn up on the lines of OPA's MPR 359, which spelled out dollars and cents prices.

The committeemen at their first meeting suggested cost increases in the industry could be determined by cost studies on certain key items.

Committeemen undertook to report materials used in these items which will be included in forms which OPS will prepare for the industry. On these forms cost data over seven quarters commencing July 1, 1949, will be reported to OPS.

* * * * *

BUSINESS LICENSING AUTHORITY SOUGHT BY OPS EXPLAINED: A memorandum has been filed with the House and Senate Banking and Currency Committees by the Office of Price Stabilization setting forth in detail the reasons why the agency is seeking licensing authority, a June 8 OPS news release states.

This memorandum makes it clear that every business firm would have "an absolute right to a license," that it would not give OPS the authority to prevent persons from going into business, and that only the courts would have the power to suspend a license.

The proposal to grant the OPS licensing authority is contained in a pending amendment to legislation extending the Defense Production Act of 1950, on which hearings are currently being held.

"This amendment, which is offered as a general enforcement device for price control only, provides that a license must be given as an absolute right to anyone engaged or desiring to engage in business," the memorandum points out.

"No license can be required under the amendment of (a) farmers and fishermen, or (b) newspapers, radio and television stations."

The OPS memorandum points out that the agency is not seeking an unprecedented power, but that more than 20 Federal statutes having no relationship to wartime emergencies contain licensing provisions as a necessary aid in securing compliance, and that the amendment follows almost word for word provisions contained in the Emergency Price Control Act of 1942.

Stressing the need for flexibility in enforcement provisions, the memorandum states: "The proposed licensing system provides a method whereby there can be taken into account in connection with each violation the degree of wilfulness involved, the seriousness of the violation, the nature of the violator's business, and the importance of his business to the community as a whole."

The memorandum concludes by pointing out that the licensing system is not designed to punish the initial violator, but to "restrain the persistent violator." The mere existence of this authority, it contends, would prove a major deterrent to violations, especially in the case of "a small group of wilful businessmen who regard financial penalties as merely 'taxes' to be paid for a continuing unlawful profit."

From the inception of price control in 1942 through March 31, 1945, there were 32,118 license warnings issued, but as of May 1, 1945, only 325 license suspension suits had been filed in court; out of 116 suits completed on that date, 101 resulted in orders of suspension varying from two days to one year.

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POSTED PRICES ON CONTROLLED ITEMS: An important development in price control of consumer items, intended to benefit the consumer and the business community, and to make enforcement of regulations easier, is now under way throughout the nation, OPS announced on May 31.

This concerns requirements for public posting or item marking of legal ceiling prices, or of selling prices asserted to be at or below ceilings, enabling customers to tell at a glance just what price can be charged legally by the retailer. Such public posting will also, Office of Price Stabilization officials pointed out, simplify the task of enforcement since the publicly displayed prices can easily be checked against records to prove that they conform, and OPS can be certain that items are not being sold at a higher level as long as customers know what the legal ceiling is.

These posted prices take several forms. Where it has been possible to establish specific dollars and cents ceiling for items, identical for all sellers of the same class in a region, the posting can be in the form of a printed placard listing them. When, however, prices must vary from store to store and are established on a cost markup basis, which may change from time to time, they are displayed by the businessman himself, either ticketed on at or near the items to be sold or, as in the case of the service regulation, posted in a placard prepared by the operator.

Several retail categories are already operating with publicly displayed prices under regulations pertaining to them and others are required to begin doing so in the near future.

By the beginning of summer, posted or ticketed prices will be displayed for commodities and services representing a major portion of the individual's consumer good expenditures.

Beginning on April 30, and continuing each succeeding Monday, food stores are obliged to mark their selling prices on or near all items covered by CPR 15 and 16 (butter, packaged cheese, baby food, cocoa, breakfast cereals, coffee and tea, flour mixes, canned and frozen fruits and vegetables, jams and jellies, lard, mayonnaise and salad dressing, shortenings, canned meats and canned fish, etc.) Such displayed selling prices must always be at or below ceiling prices. By each Monday henceforth, the grocer must re-figure and put into effect a new ceiling price on any item whose net cost is different from the net cost on which his existing ceiling was based.

It is planned that dollars and cents prices will be ordered posted for retail grocery items in communities throughout the country as soon as possible after costs of raw products now below parity can be stabilized.

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TIMETABLE FOR COMPLIANCE WITH OPS REGULATIONS: Recently a timetable for compliance with regulations of the Office of Price Stabilization was issued. The following affect the fishery and allied industries:

JULY 2 - MANUFACTURERS - CPR 22 - CEILING PRICES UNDER GENERAL MANUFACTURERS REGULATION GO INTO EFFECT. LAST DATE FOR FILING FORM 8 REPORTS WITH OPS, WASHINGTON.

JULY 15 - IMPORTER-RETAILERS - CPR 31 - EFFECTIVE DATE FOR DETERMINING AND FILING PRICING DATA ON IMPORTS. SELLERS WHO FILED UNDER ORIGINAL MAY 9 DATE SHOULD START PRICING AS OF TIME OF FILING.

WAGE STABILIZATION BOARD

BASE-PERIOD ABNORMALITY CASES RESOLUTION ON WAGES: The Wage Stabilization Board announced May 25 that wage increases made after January 15, 1950, to comply with the 1949 amendments of the Fair Labor Standards Act may be incorporated into a company's base period pay level for the purpose of computing allowable increases under General Wage Regulation 6.

Employers desiring to incorporate the Fair Labor Standards Act increases into their base period pay level must obtain advance approval of the Board before making such a change.

The Board adopted a resolution concerning the Fair Labor Standards Act adjustments and also setting forth other policies for operating under Section 4 of Regulation 6. This section deals with base pay period abnormalities.

Employers desiring to apply the new policies under Section 4 of Regulation 6 must obtain prior Board approval. Petitions for such approval should be submitted on Form WS-6(b) to the nearest Wage-Hour Division field office for transmission to the WSB.

The resolution deals with seasonal establishments not in substantial operation on January 15, 1950; plants established between January 15, 1950, and January 26, 1951; establishments in which job classifications are substantially different because of conversion or other reasons; establishments which have experienced wide swings in employment since January 15, 1950, and the Fair Labor Standards Act adjustments.

Heretofore, employers in seasonal industries have been permitted to select as a base pay period the first payroll period following January 15, 1950, when the employee unit involved reached 75 percent of its normal size, provided that the wage rates paid in such period were not greater than the wage rates in effect at the conclusion of the 1949 season; or if the rates were greater, the last period in 1949 when the employee unit was no less than 75 percent of its normal size.

By Section 1(a) of the Resolution, permission to use such base pay period without Board approval is withdrawn, effective on June 25, 1951, and thereafter seasonal establishments will be required to secure Board approval for the selection of a base pay period.



Department of the Interior
DEFENSE FISHERIES ADMINISTRATION

EAST AND GULF COAST FISH CANNERS MEET WITH DEFENSE OFFICIALS: Ways and means of solving shortages of manpower and materials now facing the cannery industry products on the East and Gulf Coasts were discussed at a meeting in Washington on May 7 when industry representatives met with officials of the Defense Fisheries Administration and other defense agencies.

This was the second in a series of Government-fishing industry meetings. These fish cannery firms from the areas in question constitute the industry Advisory Committee

for East Coast and Gulf Canned Fish named recently by the Defense Fisheries Administration of the Department of the Interior, the Office of Price Stabilization, and the Department of Agriculture. The meeting was held in the Department of the Interior building under the joint auspices of the three agencies.

At the conclusion of the opening remarks made by Albert M. Day, Administrator of the Defense Fisheries Administration, Maurice Rattray, Deputy Administrator, took over the discussion of production problems at the morning session which was devoted primarily to the canning of Maine sardines. An estimated pack of 2½ million cases of Maine sardines was predicted for the 1951 season. The record pack of 3.8 million cases of this food product was achieved in 1950. How the fishing industry might fare under the Controlled Materials Plan, if adopted, was also explained by DFA officials.

The same group, in the afternoon, discussed price control difficulties with Alger Pike, Chief, Fish Section, OPS, presiding.

The majority of the members in attendance at the meeting arranged to stay over in Washington to attend the joint defense council called by Secretary of the Interior Oscar L. Chapman for May 9. Interior Department defense agencies and advisory committees heard vital aspects of the national emergency production job discussed by President Truman, Defense Mobilization Administrator Charles E. Wilson, and National Production Authority Administrator Manly Fleischmann.

* * * * *

INTER-AGENCY COMMITTEE ESTABLISHED TO STUDY FISHERY INDUSTRY: Pursuant to a request from the Economic Stabilization Agency, Maurice Rattray, Deputy Administrator of the Defense Fisheries Administration, has been designated to serve on an inter-agency committee to study the fishery industry of the United States and recommend to Eric Johnston procedures under which various parts of the industry can best be brought under the appropriate provisions of the stabilization program.

Johnston's memorandum of designation requested that first attention be given to problems of the Alaska salmon fishing industry. Members are also being designated to serve on this committee from the Wage Stabilization Board and the Office of Price Stabilization.

FISH AND WILDLIFE SERVICE

ALASKA COMMERCIAL FISHING SEASONS AUTHORITY REDELEGATED: Authority to shorten, lengthen, or reopen for limited periods any closed fishing period in Alaska has been redelegated to the Regional Director, Assistant Regional Director, and Fishery Management Supervisor of Region 6, according to an order issued by Albert M. Day, Director of the U. S. Fish and Wildlife Service, on May 4, 1951. The full text of the order follows:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

REGIONAL DIRECTOR, ASSISTANT REGIONAL DIRECTOR, AND FISHERY MANAGEMENT SUPERVISOR OF REGION 6

REDELEGATION OF AUTHORITY TO ADJUST ALASKA COMMERCIAL FISHING SEASONS

MAY 4, 1951.

Pursuant to § 102.3a of the regulations for the protection of the commercial fisheries of Alaska, as published in the FEDERAL REGISTER March 8, 1951 (16 CFR 2154) and for the purpose of implementing said section, there is hereby redelegated to the Regional Director, Assistant Regional Director, and Fishery Management Supervisor of Region 6, authority

to shorten, lengthen, or reopen limited periods any closed fishing period. Any such extension or curtailment of fishing shall be based on a finding of fact as to the abundance of fish warranting such action.

(44 Stat. 752; 48 U. S. C. 221-224)

ALBERT M. DAY,
Director

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INTERIOR FILM EXPERT TO REPRESENT U. S. AT EUROPEAN FILM FESTIVAL: The selection by the Department of State of Elliot A. Macklow, motion picture expert of the Fish and Wildlife Service, to serve as the official United States delegate to the Fifth International Edinburgh Film Festival to be held in Scotland from August 19 to September 9, was announced today by Service Director Albert M. Day.

Macklow, who is in charge of the motion picture program of the Service's Branch of Commercial Fisheries, recently completed the production of the 16 mm. sound and color film, The Story of Menhaden, which was chosen by the Department of State for showing this year at the Edinburgh festival as well as at the 12th International Exhibition of Cinematographic Art which is to be held in Venice, Italy, from August 8 to 18.

As United States delegate he will sponsor the films selected to represent the United States Government for showings at the festival and will discuss with film producers, film critics, and educators of the countries represented new motion picture techniques for the purpose of improving the production of motion pictures of that type in this country.

In 1949 another film, It's the Maine Sardine, won first prize in the public relations category at the 10th International Exhibition in Venice.

By appointment of the Secretary of the Interior, Macklow has served as Interior's representative on the Department of State's Audio-Visual Aid Review Committee since 1948.

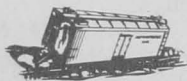
NOTE: ALSO SEE P. 44 OF THIS ISSUE.



Interstate Commerce Commission

DECISION ON EXPRESS CHARGES FOR REICING SEAFOODS: Division 2 of the Interstate Commerce Commission has issued a report and order, dated June 19, in docket I. and S. No. 5804--Reicing Seafoods and Other Perishables--Express. Schedules filed by the Railway Express Agency, Inc., proposing to establish certain rules and charges to govern its practice of reicing perishable less-than-carload traffic or of handling that traffic in iced refrigerator cars were found by Division 2 of ICC to be unjust and unreasonable. However, the report expressed certain views indicating what type of schedules covering Charges for Reicing Seafoods could be considered just and reasonable.

The order directed the Railway Express Agency to cancel the previously filed schedules on or before July 26, on one day's notice, and discontinued the proceeding, without prejudice to the filing of new schedules in conformity with views expressed in the report.



Department of Labor

CRITICAL OCCUPATIONS LIST REVISED: The Labor Department's revised list of critical occupations was announced May 7 by the Secretary of Labor. The new list of critical occupations was prepared for use in connection with the revised list of essential activities released April 8 by the Secretary of Commerce (see p. 78 of this issue). The Labor Department's revised list is based on newly established criteria

relating to plans for partial mobilization. It replaces the list issued August 3, 1950.

The new list of critical occupations, covering 58 job titles and certain related occupations, will be used by the Department of Defense in considering requests for delay in call to active duty of reservists and members of the National Guard. The Selective Service System is making the list available to all local draft boards to assist them in making determinations on requests for occupational deferments.

The following are some of the occupational titles included in the list of critical occupations which may be of interest to the fishing and allied industries:

CHEMIST
 ENGINEERS, MARINE; CHIEFS AND ASSISTANTS (DOES NOT INCLUDE THOSE ABOARD FISHING VESSELS)
 ENGINEER, PROFESSIONAL (ALL BRANCHES, INCLUDING MARINE ARCHITECT)
 FOREMAN (CRITICAL OCCUPATIONS ONLY)
 LAY-OUT MAN, MARINE
 LOFTSMAN
 MACHINIST (INCLUDES MARINE MACHINIST)
 SHIP RIGGER
 SHIPFITTER
 SHIPMASTER, SHIP PILOT, AND MATES (THIS TITLE INCLUDES ONLY MASTER 0-88.02; SHIP PILOT 0-88.31; MATE, FIRST 0-88.03; MATE, SECOND 0-88.03; AND MATE, THIRD 0-88.03; BUT DOES NOT INCLUDE PORT CAPTAIN; TUGBOAT CAPTAIN; MATE, FISHING VESSEL; TUGBOAT MATE; DREDGE MATE; DREDGE CAPTAIN; AND FERRYBOAT CAPTAIN).

It is the intention of the Department of Labor that men in critical occupations and employed in essential activities should be considered for deferment, but it does not necessarily follow that all persons engaged in these occupations will be given automatic deferment. Each request for deferment is considered individually by the Department of Defense in cases involving reservists or by Selective Service boards in cases of draft registrants.

In announcing the revised list of critical occupations, the Secretary of Labor said each occupation included had been determined on the basis of the following criteria:

- (A) UNDER THE FORESEEABLE MOBILIZATION PROGRAM AN OVER-ALL SHORTAGE OF WORKERS IN THE OCCUPATION EXISTS OR IS DEVELOPING WHICH WILL SIGNIFICANTLY INTERFERE WITH EFFECTIVE FUNCTIONING OF ESSENTIAL INDUSTRIES AND ACTIVITIES.
- (B) A MINIMUM ACCELERATED TRAINING TIME OF 2 YEARS (OR THE EQUIVALENT IN WORK EXPERIENCE) IS NECESSARY TO THE SATISFACTORY PERFORMANCE OF ALL THE MAJOR TASKS FOUND IN THE OCCUPATION.
- (C) THE OCCUPATION IS INDISPENSABLE TO THE FUNCTIONING OF THE INDUSTRIES OR ACTIVITIES IN WHICH IT OCCURS.

The list of critical occupations is subject to change. Revisions will be made from time to time in order that the list will be continually consistent with foreseeable plans for mobilization.

Job definitions found in the Dictionary of Occupational Titles (1949 Edition) published by the United States Employment Service, have served as the basis for most of the definitions of occupations now on the critical list.

NOTE: SEE COMMERCIAL FISHERIES REVIEW, SEPTEMBER 1950, PP. 59-62.



Department of State

PROCLAMATION OF RESULTS OF TORQUAY TARIFF NEGOTIATIONS: The President signed on June 2, 1951, a proclamation to give effect to the tariff negotiations undertaken by the United States at Torquay, England, from September 1950 to April 1951. The results of these negotiations were made public on May 9, 1951.^{1/}

Pursuant to procedure provided for in the proclamation, the President also signed on June 2 a letter to the Secretary of the Treasury identifying concessions in Schedule XX (United States) to the Torquay Protocol, which will become effective on June 6, 1951. These are for the most part the concessions negotiated with the Benelux Customs Union, Canada, France, and the Dominican Republic, all of which countries have undertaken to give effect to their concessions to us on June 6. Further letters will be issued giving effect to other concessions as and when other countries with which we negotiated such concessions undertake to give effect to the concessions they granted to the United States.

The proclamation and the letter indicate certain resultant adjustments in the list of Cuban products entitled to preferential treatment pursuant to the exclusive agreement of October 30, 1947, between the United States and Cuba. It announces that, on account of the provision in the Philippine Trade Act of 1946 preventing the conclusion of a trade agreement with the Philippines at this time, the United States has invoked Article XXXV of the General Agreement on Tariffs and Trade to prevent the application of that agreement between the United States and the Philippines, which it is expected will accede to the agreement as a result of negotiations at Torquay.

^{1/}SEE COMMERCIAL FISHERIES REVIEW, MAY 1951, PP. 10-20.

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SOME TORQUAY TARIFF CONCESSIONS PUT INTO EFFECT: United States tariff concessions initially negotiated at Torquay, England, with the Benelux Customs Union (Belgium, the Netherlands, and Luxembourg), Canada, France, and the Dominican Republic will, under the provisions of the Torquay Protocol to the General Agreement on Tariffs and Trade, be put into effect on June 6, 1951. All these countries except Canada joined the United States in signing the protocol on April 21, the opening date for signature of the document, the Department of State announced in May. Canada signed at New York on May 7.

Concessions granted by the United States to the eleven other countries with which we negotiated at Torquay will, in practically all cases, be withheld until the thirtieth day after each of these countries signs the protocol. A few United States concessions negotiated initially with those 11 countries will, however, be put into effect on June 6, for technical and other reasons, but no fishery items are included in this action.

As soon as possible, and before the effective date, the President is expected to issue a proclamation for the purpose of making effective the new United States tariff rates which will go into effect on June 6.

On June 6, also, the countries other than the United States which have already signed the Torquay Protocol will be required by that document to put into effect any concessions they made to the United States, as well as those which they made to each other. They may also put into effect concessions which they had granted to other countries.

The countries with which the United States initially negotiated concessions at Torquay are indicated in the Analysis of Torquay Protocol Schedules, and Related Documents. (Fishery items and country negotiated with are listed in the May 1951 issue of Commercial Fisheries Review, starting on page 18.)

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SWEDEN AND CZECHOSLOVAKIA SIGN TORQUAY PROTOCOL TO GATT: The United States Government has been notified by the headquarters of the United Nations that Sweden on June 7, 1951, signed the Torquay Protocol to the General Agreement on Tariffs and Trade, at New York. Czechoslovakia signed the protocol on June 8.

The protocol provides that the United States and Sweden shall put into effect on July 7, the tariff concessions negotiated between the two countries at the recent conference at Torquay, England. These concessions are in addition to those exchanged between the two countries at Annecy, France, in 1949.

Since the United States and Czechoslovakia did not negotiate any new concessions at Torquay, no changes in United States tariff rates will result from Czechoslovakia's signature of the protocol.

NOTE: SEE COMMERCIAL FISHERIES REVIEW, MAY (1951), PP. 10-20.



Eighty-Second Congress (First Session)

MAY 1951

Listed below are public bills and resolutions introduced and referred to committees, or passed by the Eighty-Second Congress (First Session) and signed by the President, that affect in any way the fisheries and allied industries. Public bills and resolutions are shown in this section only when introduced and if passed when they are signed by the President. The more pertinent reports, hearings, or chamber actions on some of the bills shown in this section from month to month are also listed.

BILLS AND RESOLUTIONS INTRODUCED:

Fats and Oils Import Controls: H. R. 4297 (Andresen) - A bill to continue for a temporary period certain powers, authority, and discretion for the purpose of exercising, administering, and enforcing import controls with respect to fats and oils (including butter), and rice and rice products; to the Committee on Banking and Currency.

Food, Drug, and Cosmetic Act Amendment: H. R. 4242 (Priest) - A bill to amend section 801 (d) of the Federal Food, Drug, and Cosmetic Act, as amended, in relation to exports; to the Committee on Interstate and Foreign Commerce.

Licensing of Exporters: H. R. 4267 (Combs) - A bill to amend the Federal Food, Drug, and Cosmetic Act, so as to provide for the licensing of exporters of food, drugs, devices, and cosmetics, and to prescribe standards applicable to such articles when exported; to the Committee on Interstate and Foreign Commerce.

Lobster Definition: S. 1514 (Brewster and Mrs. Smith of Maine) - A bill to fix a reasonable definition and standard of identity of lobsters; to the Committee on Interstate and Foreign Commerce. (According to this bill and for the purposes of the Federal Food, Drug, and Cosmetic Act the word "lobster" shall mean, "and be included in the common and usual name of, only that species of decapod crustaceans of the genus *Homarus* known as *Homarus americanus* and found in the Atlantic waters contiguous to the North American coast line from the vicinity of Henly Harbor, Labrador, on the north, to the vicinity of Cape Hatteras, North Carolina, on the south. This species is distinguished from others in having twenty pairs of gills and in having its first three pairs of legs terminating in chelae, or pincers, the first pair of which are large and massive. The word "lobster" shall not be included in the common and usual name of (1) such similar species of Homaridae as the *Nephrops norvegicus*, commonly found in the waters of Norway, and the *Homarus gammarus*, common to the waters of Europe; (2) members of the family Palinuridae, including the representative genera *Palinurus* and *Palinurus*).

lirus, Jasus, and Palimurus which have sometimes been called by such terms as rock lobster, spiny lobster, sea-crawfish, red lobster, thorny lobster, langouste, crayfish, Sydney crayfish and Kreef; (3) members of the Scyllaridae family, sometimes referred to as the Spanish lobster or bear crab; or (4) the fresh water crayfish, or crawfish of the Austroastacidae, Parastacidae, and Estacidae families."

Also: H. R. 4174 (Fellows)...
H. R. 4175 (Hale)...
H. R. 4177 (Nelson)...

Mollusks Entry Prevented: S. 1489 (McFarland) - A bill to establish and prescribe regulations governing the entry of infested mollusks into the United States; to the Committee on Agriculture and Forestry.

Shrimp Import Duty: H. R. 4064 (Willis) - A bill to provide for an ad valorem duty on the importation of shrimp; to the Committee on Ways and Means

Tidelands Jurisdiction: H. R. 4147 (Teague) - A bill to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

Also: H. R. 4196 (Burlinson)...
H. R. 3936 (Hillings)...

Water Pollution Prevention: S. 1472 (Kefauver) - A bill to encourage the prevention of water pollution by allowing amounts paid for industrial waste treatment works to be amortized at an accelerated rate for income-tax purposes; to the Committee on Finance.

BILLS PASSED - SENATE:

Trade Agreements: By 72 yeas to 2 nays, Senate passed with amendments H. R. 1612, to extend for 2 years the authority of the President under section 350 of the Tariff Act of 1930 to enter into foreign trade agreements, after taking the following action on certain floor amendments among which were included: Case amendment requiring prompt investigation by U. S. Tariff Commission as to whether any particular concession threatens serious injury to domestic industry; and Langer amendment requiring report by Tariff Commission within 1 year after application for any concession that threatens serious injury to domestic industry. Senate asked for a conference and appointed conferees.

CHAMBER ACTIONS - SENATE:

Alaska Statehood: S. 50, statehood for Alaska, was reported with amendments (S. Rept. 315).

Hawaii Statehood: S. 49, statehood for Hawaii, was reported with amendments (S. Rept. 314).

Trade Agreements: Conference report on H. R. 1612, to extend for 2 years the authority of the President under section 350 of the Tariff Act of 1930 to enter into foreign trade agreements was adopted.

CHAMBER ACTIONS - HOUSE:

Fish and Wildlife Service Appropriations Cut: The House passed by voice vote, H. R. 3790, the Department of the Interior appropriation bill for 1952. Among several amendments adopted prior to its passage, the following two are of particular interest: (1) cuts \$171,000 from the Fish and Wildlife Service funds for investigations of fish and wildlife resources; (2) permits the filling on only 25 percent of the vacancies that occur in the Department of the Interior in 1952, with certain exceptions.

Trade Agreements: Disagreed to Senate amendments to H. R. 1612, to extend the authority of the President under section 350 of the Tariff Act of 1930 to enter into foreign trade agreements; agreed to a conference requested by the Senate; and appointed conferees.

CONGRESSIONAL HEARINGS:

Tidelands Jurisdiction: Committee on Interior and Insular Affairs: On May 15 by vote of 7 to 4, the committee agreed to proceed upon the principle of the proposed amendments by Senator Long which would place supervision of operation of submerged lands in the hands of State authorities with certain cooperation by the Secretary of the Interior; the amendments would have effect of giving to coastal States supervision of the Continental Shelf beyond the seaward boundaries of States. The committee then directed Senators Long and Cordon to revise the proposed amendments in the nature of a substitute for S. J. Res. 20 and present a clean bill to the committee for its consideration.

Interior Appropriations: Committee on Appropriations: Subcommittee on Interior Appropriations began hearings on H. R. 3790, Interior Department appropriations for 1952 (Fish and Wildlife Service appropriations are included in this bill).

Trade Agreements: Conferees reached agreement to file a conference report on the differences between the House- and Senate-passed versions of H. R. 1612, to extend for 2 years the authority of the President under section 350 of the Tariff Act of 1930 to enter into foreign trade agreements. As agreed upon the House conferees receded from and concurred in all of the Senate amendments except on two points, including the following: conferees agreed to a slight modification in the so-called escape-clause amendment to provide for use or application of the clause whenever there is an actual increase in imports or an increase relative to domestic production.

CONGRESSIONAL REPORTS:

Committee reports on bills reported in this section of interest to the fishery and allied industries (available only from the committee submitting the report):

Federal Wildlife Conservation Activities, 1950, Senate Report No. 317 (May 9, 1951, 82nd Congress, 1st Session), 241 p., printed. This is a report of the Subcommittee to Investigate Wildlife Conservation submitted by the Committee on Expenditures in the Executive Department. Among the reports of the various agencies connected with wildlife conservation activities is that of the U. S. Fish and Wildlife Service. The activities of the Service's Branch of Commercial Fisheries are summarized in this report, as well as those of the Branch of Fishery Biology, the Branch of

Alaska Fisheries, the Office of Foreign Activities, and others.

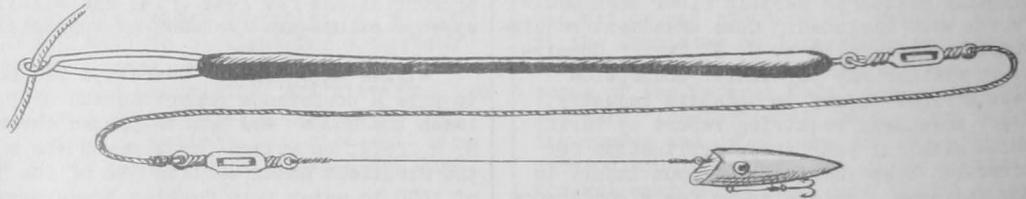
Providing for the Admission of Alaska into the Union, Senate Report No. 315, (May 8, 1951, 82nd Congress, 1st Session), 54 p., printed, pursuant to S. 50 (82nd Congress, 1st Session), to provide for the admission of Alaska into the Union. Committee recommended passage of the bill as amended. Minority views are included in this report.

Statehood for Hawaii, Senate Report No. 314, (May 8, 1951, 82nd Congress, 1st Session), 69 p., printed, pursuant to S. 49 (82nd Congress, 1st Session), to enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States. Committee recommended passage of the bill as amended. Minority views are included in this report.



COMMERCIAL SALMON TROLLING

In the fifty years following the discovery that king or chinook, and silver or coho salmon would strike a moving lure or bait, the troll fishery has developed into one of the most extensive fisheries on the Pacific Coast. It now extends from central California to southeastern Alaska, and during recent years has involved as many as 3,400 United States trolling craft. Probably the most important reasons for this phenomenal growth are the sporting nature of the fishery, the relatively independent life lead by the troll fishermen, the fact that effective operations can be conducted either by an individual or, at most, a crew of two, and the fairly dependable financial return from the comparatively small investment required to outfit and operate a boat.



Troll fishing essentially involves the use of a moving lure or baited hook at a desired depth in the water. Commercial trolling craft vary considerably in size and design, but the usual length is from 30 to 60 feet. Whereas the earlier craft were generally of a double-end design, i.e., both the bow and stern pointed, the recent trend has been toward the horseshoe-type stern. Irrespective of size and design, however, a trolling craft can always be identified by the long upright poles which are used to keep the lines clear of the boat.