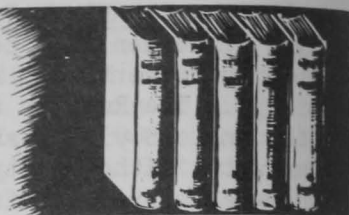




FEDERAL ACTIONS



Department of Commerce

NATIONAL PRODUCTION AUTHORITY

DEFENSE MATERIALS SYSTEM TO REPLACE CONTROLLED MATERIALS PLAN: A new materials control system, limited to assuring deliveries of enough steel, copper, and aluminum for the Department of Defense and the Atomic Energy Commission, was announced by the National Production Authority on March 23. Subject to Congressional extension of Title I of the Defense Production Act, the Defense Materials System will govern the defense distribution of the three metals after July 1, 1953, following the June 30 expiration of the more embracing Controlled Materials Plan (CMP). Under CMP, the Government has been allocating all steel, copper, and aluminum not only for defense purposes, but also for the entire civilian economy. Under DMS, the Government steps out of the civilian side of the materials control picture.

The National Production Authority simultaneously announced that, effective March 23, 1953, controlled materials producers may accept unrated orders for steel, copper and aluminum for delivery after June 30. However, continuing heavy military demands for nickel-bearing stainless steel require maintaining control of this material for use in both the civilian and military economy after July 1. CMP allotment authority for this material is continued for the third calendar quarter of 1953.

For details see: Dir. 11 (Rules Relating to Transition from CMP to DMS) to Rev. CMP Reg. 6 (Construction); Dir. 21 (Rules Relating to Transition from the Controlled Materials Plan to the Defense Materials System) to CMP Reg. 1 (Basic Rules of the Controlled Materials Plan); DMS Reg. 1 (Basic Rules of the Defense Materials System); DMS Reg. 2 (Construction Under the Defense Materials System); and news release NPA-2940; all dated Mar. 23, 1953.

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REGULATIONS ON INVENTORIES OF CONTROLLED MATERIALS REVOKED: CMP Regulation No. 2 (Inventories of Controlled Materials) and NPA Reg. 1 (Inventory Control) were revoked effective May 1, 1953. These revocations appeared in the May 5, 1953, Federal Register.



Department of Defense

POLICY ON PURCHASES OF FISHERY PRODUCTS: The Quartermaster Corps recently issued a statement on the general policy of the Department of Defense in purchasing fishery products for the United States Armed Forces. The statement points out that in accordance with the provisions of the Department of Defense Appropriation Act 1953 and the Buy-American Act, the Quartermaster Corps does not procure fishery products from foreign sources for feeding Armed Forces personnel in the United States. Overseas commands are permitted to procure fishery products for Armed Forces personnel only when the source of supply is indigenous to their command.



Economic Stabilization Agency

OFFICE OF PRICE STABILIZATION

PRICE CONTROLS END: The lifting of all remaining price controls was announced by the Office of Price Stabilization on March 17. This means that there are no price controls on any commodities (including fishery products and byproducts) or services at any level of distribution.

In Amendment 1 to General Overriding Regulation 44, OPS exempted from price control all sales of all commodities and services. The exemption is applicable in the Continental United States, in the Territories and Possessions, and in the Commonwealth of Puerto Rico.

This action is the seventh and final step in compliance with the President's direction for orderly termination of price controls.

Previously, over a period of several weeks beginning February 6, 1953, OPS had issued orders gradually removing from price control a wide range of commodities and services. On March 12, the agency issued General Overriding Regulation 44, which removed price control from all commodities and services except a limited number of items in the chemical and industrial materials field.

OPS officials emphasized that this latest order has no effect on standing requirements calling for the preservation of records of past transactions for specified periods. Business firms need not make or keep records on future transactions but must keep available for inspection whatever records were required by the regulations under which they formerly operated. April 30, 1955, has been specified as the latest date beyond which records need not be retained. The period of retention may be shorter for certain businesses and certain records. For detailed information on records-preservation requirements, businessmen are advised to consult the regulations which have been covering them.

For details see: Amdt. 1 (Termination of Price Controls) to GOR 44 (General Exemptions and Preservation of Records) and news release OPS-GPR-1750, both dated March 17, 1953.

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FISH MEAL, SCRAP, AND SOLUBLES REMOVED FROM PRICE CONTROL: Price ceilings were lifted from all commodities remaining under control except for a small selected list of items. Among the groups of items freed from controls on March 12 by the sixth in a series of orders carrying out the President's directive for orderly elimination of price controls were soybeans and animal feeds. According to information received from OPS, this action decontrols all marine feeds (fish meal, fish scrap, fish solubles, etc.) and revokes CPR 39.

Because of the relatively small number of commodities remaining under price control, this latest order takes the form of a single overriding regulation (GOR 44) providing that sales of all commodities and services in the Continental United States are exempt except those specifically listed as subject to ceilings. There are no fishery products or byproducts among the commodities listed as still subject to ceilings.

Still in effect as far as fishery products are concerned is CPR 51 which establishes ceiling prices for salted cod sales in Puerto Rico.

GOR 44 also specifies that records required under ceiling price regulations need not be preserved after April 30, 1955. This latest clarification regarding the keeping of records spells out the requirement that certain records be kept for the life of the Defense Production Act and two years thereafter. It makes clear that April 30, 1955, is the cutoff date for the required preservation of records. Sellers of decontrolled commodities and services need not, of course, make or keep records of transactions since decontrol.

For details see: News release OPS-GPR-1749; GOR 44 (General Exemptions and Preservation of Records), dated Mar. 12, 1953.

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FISH OILS INCLUDED IN DECONTROL OF FATS AND OILS: Fish oils were included among a broad range of commodities which were removed from price control at all levels of distribution by an action taken by OPS in carrying out the Directive of the President that price controls shall be removed in an orderly manner. This action issued on February 12, 1953, removed price controls on all fats and oils, except oleomargarine. Decontrol of these items was made effective immediately by Amendment 20 to Revision 1 of General Overriding Regulation 7. The announcement, however, points out that all fats and oils still remain under control in the Territories and Possessions.

The action specifically revoked, among others, Ceiling Price Regulation 6, which covered fats and oils.

For details see: News release OPS-GPR-1742; GOR 7, Rev. 1, Amdt. 20, dated Feb. 12, 1953.

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FISH VITAMIN OILS INCLUDED IN DECONTROL OF DRUGS: Fish vitamin oils were included among a long list of commodities and services decontrolled by the Office of Price Stabilization's third action carrying out the President's directive for orderly elimination of price controls. The February 18 decontrol action by OPS removed drugs and cosmetics from price control. According to information received from OPS, this action included fish vitamin oils at all levels of distribution.

For details see: News release OPS-GPR-1744; GOR 3, Rev. 1, Amdt. 3, dated Feb. 18, 1953.



Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

INSPECTION REGULATIONS FOR PROCESSED SHRIMP AND CANNED OYSTERS REVISED: Canned shrimp, fresh and frozen shrimp, and canned oyster revised regulations for voluntary inspection requested by packers and processors under the Federal Food, Drug, and Cosmetic Act (section 702a) appeared in the April 16 Federal Register. The revised regulations issued by the Food and Drug Administration establish a new system for collection of fees; extend inspection services to plants supplying certain raw materials to the inspected establishments; provide for revised processing times and temperatures; conspicuous placement of the inspection legend, if used; and advancement of the application dates to permit more thorough preparation for inspection. The revised regulations were scheduled to take effect on May 16.

The principal change in the regulations has to do with collection of fees for the inspection service. The cost will be met first from standard monthly payments by all voluntary subscribers and then by supplements to the fund as the season progresses, from production deposits based on the cases of oysters packed or the pounds of shrimp received by an establishment. At the end of the fiscal year any excess of money collected over the Food and Drug Administration's total expenses in rendering the inspection service is refunded to the subscribers.

Previously the system of assessing subscribers gave prime importance to the number of cases packed rather than to the monthly payment. FDA states that this could result in a packer with a very large production having to pay a disproportionate share of the cost of the service. Recognizing this, the revised regulations shift emphasis to the fixed monthly charges and make the production deposits secondary. FDA says that this system will more nearly make each individual packer pay for the amount of work actually performed for inspection.

Inspection extends to plants supplying certain raw materials to the inspected establishments under the revised regulations. The service until a few years ago was limited to canned shrimp, but under the revised regulations the voluntary inspection service is now available on all types of processed shrimp, including shrimp products requiring the use of raw materials other than shrimp. Inspection of the sources of raw material supply is authorized under the revised regulations. The cost is placed upon the subscriber.

The types of shrimp products covered are iced or frozen raw headless; raw peeled or cooked peeled (any of which may be deveined); iced or frozen deveined shrimp, partially or completely peeled (which may be covered with batter and breaded before freezing); and canned shrimp. For oysters only the canned product is covered.

Processing times and temperatures in the revised regulations have been changed to conform with present-day commercial practices.

The full text of the order follows:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 702a, 48 Stat. 1204, 49 Stat. 871, 52 Stat. 1040, 1059; 21 U. S. C. 372a), the regulations for the inspection of canned shrimp, fresh and frozen shrimp, and canned oysters (21 CFR 155, 1951 Supp.) are revised and reissued as hereinafter set forth.¹

SUBPART A—INSPECTION OF PROCESSED SHRIMP

- Sec.
- 155.1 Application for inspection service.
- 155.2 Granting or refusing inspection service; cancellation of application.
- 155.3 Inspection periods.
- 155.4 Assignment of inspectors.
- 155.5 Uninspected shrimp excluded from inspected establishments.
- 155.6 General requirements for plant and equipment.
- 155.7 General operating conditions.
- 155.8 Code marking.
- 155.9 Processing.
- 155.10 Examination after processing.
- 155.11 Labeling.
- 155.12 Certificates of inspection; warehousing and export permits.
- 155.13 Inspection fees.
- 155.14 Suspension and withdrawal of inspection service.

SURPART B—INSPECTION OF CANNED OYSTERS

- 155.16 Application for inspection service.
- 155.17 Granting or refusing inspection service; cancellation of application.
- 155.18 Inspection periods.
- 155.19 Assignment of inspectors.
- 155.20 Uninspected oysters excluded from inspected establishments.
- 155.21 General requirements for plant and equipment.
- 155.22 General operating conditions.
- 155.23 Code marking.
- 155.24 Processing.
- 155.25 Examination after canning.
- 155.26 Labeling.
- 155.27 Certificates of inspection; warehousing and export permits.
- 155.28 Inspection fees.
- 155.29 Suspension and withdrawal of inspection service.

AUTHORITY: §§ 155.1 to 155.29 issued under sec. 701, 52 Stat. 1055; 21 U. S. C. 371.

SUBPART A—INSPECTION OF PROCESSED SHRIMP

§ 155.1 *Application for inspection service.* (a) Applications for inspection service on the processing of shrimp under the provisions of section 702a of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration, hereinafter referred to as the Administration. The processing of shrimp comprises all the operations, including labeling and storage, necessary to prepare for the market shrimp in any of the following

forms: Iced or frozen raw headless, raw peeled or cooked peeled (any of which may be deveined); iced or frozen deveined shrimp, partially or completely peeled (which may be battered and breaded before freezing), and canned shrimp. No application for a regular inspection period filed with the Administration after May 1, preceding such period in any year, shall be considered unless the applicant shows substantial cause for failure to file such application on or before May 1 of such year. A separate application shall be made for each inspection period in each establishment for which the service is applied. Each application for a regular inspection period shall be accompanied by an advance payment of \$500.00 as prescribed by § 155.13 (a) (1). Such payment shall be made in the manner prescribed by § 155.13 (e).

(b) For the purposes of §§ 155.1 through 155.14, an establishment is defined as a factory where shrimp may be processed and warehouses and cold storage plants under the control and direction of the packer where such shrimp is stored.

§ 155.2 *Granting or refusing inspection service; cancellation of application.* (a) The Federal Security Administrator may grant the inspection service applied for upon determining that the establishment covered by such application complies with the requirements of § 155.6.

¹ This order rescinds former §§ 155.0 to 155.13, dealing with canned shrimp; §§ 155.16 to 155.29, dealing with fresh and frozen shrimp; and §§ 155.30 to 155.43, dealing with canned oysters.

(b) The Administrator may refuse to grant inspection service at any establishment for cause. In case of refusal, the applicant shall be notified of the reason therefor and shall have returned all advance payments and deposits made, less any expenses incurred for preliminary inspection of the establishment or for other purposes incident to such application.

(c) The applicant, by written notice to the Administrator, may withdraw his application for inspection service before July 1 preceding the inspection period covered by the application. In case of such withdrawal, the Administrator shall return to such applicant all advance payments and deposits made, less any salary and other expense incurred incident to such application.

§ 155.3 *Inspection periods.* (a) The regular inspection period in each establishment in which inspection service under §§ 155.1 through 155.14 is granted consists of 9 consecutive months. The date of the beginning of such regular inspection period shall be regarded as the date, on or after July 1 but not later than October 1, specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved; but if the Administrator is not prepared to begin the service on the specified date, then the period shall start on the date on which service is begun.

(b) Extension inspection periods shall begin at the close of the preceding inspection period. Extension inspection periods may be granted for periods of 1 month and/or fractional parts of 1 month, but in no case less than 1 day. Extension inspection periods for 1 month may be granted in such establishment if application therefor, accompanied by a payment of \$600.00 as prescribed by § 155.13 (a) (3), is made at least 2 weeks in advance of the close of such preceding inspection period. Applications for extension inspection periods for fractional parts of a month may be accepted when accompanied by the payment prescribed by § 155.13 (a) (3) for such extensions. No regular or extension inspection period shall extend beyond June 30 of any year.

(c) Upon request of the packer, and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(d) The inspection service shall be continuous throughout the inspection period.

§ 155.4 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.1 through 155.14 is granted. Thereafter, the Administration shall adjust the number of inspectors assigned to each establishment and tour of duty of each inspector to the requirements for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment, to plants supplying materials to the inspected establishment, and to all fishing and freight boats and other conveyances catching shrimp for, or transporting shrimp to, such establishment.

§ 155.5 *Uninspected shrimp excluded from inspected establishments.* (a) No establishment to which inspection service has been granted shall at any time thereafter process shrimp which has not been so inspected or handle or store in such establishment any processed shrimp which has not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein or withdrawal therefrom as authorized by § 155.14.

(b) All shrimp and other ingredients entering into the finished product may be subject to inspection prior to delivery to the establishment or at any time thereafter, and all shrimp processed in such establishment shall be subject to certification under § 155.12.

§ 155.6 *General requirements for plant and equipment.* (a) All exterior openings of the establishment shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) Except for raw headless shrimp, which may or may not be deveined, picking and packing rooms shall be separate, provided that this requirement may be waived by the Administration where separation of picking and packing rooms is not necessary for adequate sanitation. Blanching tanks shall not be located in picking room. Fixtures and equipment shall be so constructed and arranged as to permit thorough cleaning. Such rooms shall be adequately lighted and ventilated, and the floors shall be tight and arranged for thorough cleaning and proper drainage. Open drains from picking room shall not enter packing or blanching room. If picking and packing rooms are in separate buildings, such buildings shall be not more than 100 yards apart unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of tanks, belts, tables, flumes, utensils, and other equipment with which either picked or unpicked shrimp come in contact after delivery to the establishment shall be of metal or of other smooth nonporous and easily cleanable materials, provided such materials are not lead or other toxic substances. Metal seams shall be smoothly soldered or smoothly welded.

(d) Adequate supplies of suitable detergents and sanitizing agents approved by the Administration; clean, unpolluted running water; and, if necessary, steam shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type which comply fully with applicable State laws and local ordinances shall be provided.

(f) An adequate number of sanitary washbasins, with liquid or powdered

soap, shall be provided in both the picking and packing rooms. Paper towels shall be provided in the packing room. Provision shall be made for sanitizing the hands of employees by the use of suitable sanitizing agents.

(g) Signs requiring employees handling shrimp to wash and sanitize their hands after each absence from post of duty shall be conspicuously posted in the picking and packing rooms and elsewhere about the premises as conditions require.

(h) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the shrimp before processing.

(i) Suitable containers, flumes, chutes, or conveyors shall be provided for removing offal from picking room.

(j) Picking or heading tables shall be equipped with flumes supplied with clean, unpolluted water or with mechanical conveyors for removing the picked or headed shrimp.

(k) Equipment shall be provided for code-marking cans and other immediate containers and master cartons used in packaging other than canned shrimp.

(l) An automatic container-counting device shall be installed in each cannery line.

(m) Each sterilizing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2° F. For steam cook such thermometers shall be installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. For water cook such thermometers shall be installed in the door or shell of the retort below the water level. If the thermometer is installed within a fitting such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least 1/8-inch in diameter. If the thermometer is installed within the door or shell of the retort, the bulb shall project at least two-thirds of its length into the principal chamber.

(3) A recording thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2° F. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds, with scale divisions not greater than 1 pound and diameter of not less than 5 inches. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) For steam cook, a blow-off vent of at least 3/4-inch inside diameter in the top of the retort.

(6) For steam cook, a 1/8-inch bleeder in top of retort.

(n) Each cold storage compartment

shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperature.

(2) An indicating thermometer so installed as to indicate accurately the temperature within the storage compartment.

(3) A recording thermometer so installed as to indicate accurately the temperature within the compartment at all times. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(o) Provision shall be made for water-glazing where such glazing is necessary to maintain the quality of frozen shrimp. Glazing shall be done with clean, unpolluted water.

(p) Provision shall be made for immediate icing or cold storage of all packaged shrimp which is destined for sale as unfrozen shrimp.

(q) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

§ 155.7 General operating conditions.

(a) Plants supplying raw headless or frozen raw headless shrimp to an inspected establishment, decks and holds of all boats catching shrimp for or transporting shrimp to an inspected establishment, and the bodies of other conveyances so transporting shrimp shall be kept in a sanitary condition.

(b) Inspected establishments, plants supplying inspected establishments, freight boats, and other conveyances serving such establishments shall accept only fresh, clean, sound shrimp. The shrimp shall be iced or refrigerated immediately after they are caught, and shall be kept adequately iced or refrigerated until delivery to the establishment.

(c) After delivery of each load of shrimp to the establishment, decks and holds of each boat and the body of each other conveyance or container making such delivery shall be washed down with clean unpolluted water, and all debris shall be cleaned therefrom before such boat or other conveyance or container leaves the establishment premises.

(d) Before being headed, picked, or deveined, the shrimp shall be adequately washed with clean, unpolluted water and then passed over the inspection belt and culled to remove all shrimp that are filthy, decomposed, putrid, or otherwise unfit for food, and all extraneous material.

(e) Offal from picking tables shall not be piled on the floor, but shall be placed in suitable containers for frequent removal, or shall be removed by flumes, conveyors, or chutes. Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the establishment.

(f) Shrimp shall be picked into flumes that immediately remove the picked meats from the picking tables; except that shrimp may be picked into seamless containers of not more than 3 pints capacity if the picked meats are not held in such containers for more than 20 minutes before being flumed or conveyed

from the picking tables. If shrimp are picked into such containers, the containers shall be cleaned and sanitized as often as may be necessary to maintain them in a sanitary condition, but in no case less frequently than every 2 hours. Whenever a picker is absent from his or her post of duty, the container used by such picker shall be cleaned and sanitized before picking is resumed. For the purposes of this paragraph, the term "picked" shall include the operation whereby a portion of the shell is removed, leaving the tail in place, and the back of the shrimp is sliced open to remove the alimentary canal or vein.

(g) Picked shrimp being transported from one building to another shall be properly covered and protected against contamination.

(h) From the time of delivery to the establishment up to the time of final processing, shrimp shall be handled expeditiously and under such conditions as to prevent contamination or spoilage. Shrimp other than that to be canned shall be precooled immediately after the final cleaning or blanching operation to a temperature not exceeding 50° F. if it is to be packaged immediately, or to a temperature not exceeding 40° F. if it is not to be packaged immediately. If such shrimp are to be frozen, they shall be placed in the freezing compartment within 1 hour after final preparation.

(i) If batter is employed, it shall be used within 1 hour after it is prepared. The temperature of the batter shall not exceed 50° F.

(j) The packer shall destroy for food purposes under the immediate supervision of the inspector all shrimp in his possession condemned by the inspector as filthy, decomposed, putrid, or otherwise unfit for food. Shrimp condemned on boat or unloading platform shall not be taken into the icebox or picking room.

(k) Raw materials other than shrimp that enter into the finished product shall not be used if condemned by the inspector as unfit for food. Such condemned raw materials shall be segregated from usable materials and be held for disposal as directed by the inspector, or they may be destroyed forthwith by the packer if he so desires.

(l) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(m) All floors and other parts of the establishment, including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in a sanitary condition. Containers for mixing or holding batter shall be adequately cleaned and sanitized before they are used for a new batch of batter. Equipment for applying batter shall be adequately cleaned and sanitized at least once each hour while in operation.

(n) The packer shall require all employees handling shrimp to wash and sanitize their hands after each absence from post of duty, and to observe other proper habits of cleanliness.

(o) The packer shall not knowingly employ in or about the establishment any person afflicted with an infectious or contagious disease, or with any open sores on exposed portions of the body.

§ 155.8 Code marking. (a) Perma-

nently legible code marks shall be placed on all immediate containers at the time of packaging. Such marks shall show at least:

- (1) The date of packing;
- (2) The establishment where packed; and
- (3) The size of the shrimp when such shrimp are graded for size and are not in containers through which they are clearly visible.

Corresponding code marks shall also be placed on the master cartons containing individual packages of shrimp other than canned.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection, with a space of not less than 6 inches between stacks of each lot. For the purposes of the regulations in this part, all cans or other containers bearing the same code marks shall be regarded as comprising a lot.

§ 155.9 Processing. (a) The closure of the can or other immediate container and the time and temperature of sterilizing the canned shrimp shall be adequate to prevent bacterial spoilage.

(b) The following times and temperatures shall be the minimums employed for the containers indicated:

DRY PACK

Kind of container and liner	Size	Initial temperature	Time	
			at 240° F.	at 250° F.
Tin: 1-piece liner	211 x 400 and smaller	70° F.	Minutes 80	Minutes 60
No liner	-----do-----	70° F.	70	50
	307 x 208	70° F.	70	50
	307 x 400	70° F.	75	55

WET PACK

Kind of container and size	Initial temperature	Time		
		at 240° F.	at 250° F.	
Tin:	211 x 400 (and smaller)-----	90° F.	25	13
	307 x 208-----	90° F.	25	13
	307 x 400-----	90° F.	25	13
	502 x 510-----	90° F.	27	16
	Glass: 2 to 9 fluid ounces, inclusive-----		22	14

For wet-pack shrimp in cans 307 x 400 and smaller, a cook of 12 minutes at 250° F., and for wet-pack shrimp in cans 502 x 510, a cook of 15 minutes at 250° F. may be approved if adequate provisions are made to insure an initial temperature of not less than 120° F. in each individual can. For the purposes of this section, initial temperature is defined as the average temperature of the contents of the container at the moment steam is admitted to the sterilizing retort.

(c) For steam cook, blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire cooking period.

(d) The method of freezing is not specified by the regulations in this part. Whatever method is used must be such as will produce a hard-frozen product in a sufficiently short time to prevent de-

composition. Bulk packages containing 5 pounds or more of shrimp per package shall be hard frozen within 24 hours; smaller packages should be hard frozen within 12 hours. After freezing, the shrimp shall be stored in such a manner that its temperature does not exceed 0° F., and shall be handled in such manner as will maintain the hard-frozen condition.

(e) The storage temperatures for shrimp that are not frozen or canned are as follows:

(1) Cooked and peeled shrimp shall be stored at a room temperature not exceeding 35° F.

(2) Raw headless shrimp shall be stored at a room temperature not exceeding 35° F., except that it may be stored at a higher room temperature if sufficiently iced at all times to prevent spoilage.

(f) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(g) The packer shall keep for at least 1 year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.10 *Examination after processing.* (a) Adequate samples shall be drawn by the inspector from each lot of processed shrimp and shall be examined to determine whether or not such processed shrimp conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all processed shrimp condemned by the inspector as not complying with § 155.9 (a), or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.11 *Labeling.* (a) Labels on shrimp packed and certified under §§ 155.1 through 155.14 may bear a mark attesting to such packing and certification. Depending upon the type of processing, such marks, if used, shall read as follows:

(1) For canned shrimp: "Production supervised by U. S. Food and Drug Administration."

(2) For frozen shrimp: "Packing and freezing supervised by U. S. Food and Drug Administration. Perishable product—Not warranted against mishandling after freezing."

(3) For fresh, iced, or refrigerated shrimp: "Packing supervised by U. S. Food and Drug Administration. Perishable product—Not warranted against mishandling after packing."

Such marks if used shall be plainly and conspicuously displayed in type of uniform size and style on a strongly contrasting uniform background. The marks referred to in subparagraphs (2) and (3) of this paragraph shall not be used on the master carton unless such marks will be defaced by the opening of the cartons.

(b) Labels on inspected processed shrimp, other than canned shrimp, not bearing the marks referred to in paragraph (a) (2) and (3) of this section, and all master cartons for inspected shrimp other than canned shrimp, shall bear the statement "Perishable—Keep frozen" or "Perishable—Keep refrigerated," whichever is applicable to the product.

(c) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected shrimp, or on or within the cases therefor, shall be submitted to the Administration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing. The Administration is authorized to approve labeling for use on or with processed shrimp inspected under §§ 155.1 through 155.14; approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labeling for processed shrimp intended for export under the provisions of § 155.12 (e).

(d) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (c) of this section and bearing the marks described in paragraph (a) of this section, and no labeling simulating any such approved labeling, shall be used, after such approval, on processed shrimp other than that which has been handled, prepared, packed, and stored in compliance with all provisions of §§ 155.1 through 155.14; but this section shall not apply to any packer's labeling not bearing such mark after termination of inspection or withdrawal thereof as authorized by § 155.14 or to any distributor's labeling not bearing such mark after written notice by the owner thereof to the Administration that the use of such labeling on inspected processed shrimp has been discontinued and will not be resumed.

(e) Shrimp labeling authorized by paragraph (a) of this section or approved under paragraph (c) of this section shall be used only as authorized by §§ 155.1 through 155.14. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Federal Food, Drug, and Cosmetic Act, as amended.

§ 155.12 *Certificates of inspections; warehousing and export permits.* (a) After finding that the processed shrimp comprising any parcel has been handled, prepared, and packed in compliance with all provisions of §§ 155.1 through 155.14, bears labeling approved as authorized under § 155.11 (c), and complies with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such processed shrimp so complies. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size of the shrimp, the size and kind of containers, the type of pack,

the commercial brand name on the labels, the quality grade of the shrimp if it is fancy, the condition of the shrimp if it is broken or if it is substandard in fill and the destination of the lot if known. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced, or if mishandling, improper storage, or other circumstances so change the product that it no longer complies with the requirements for the issuance of a certificate; but such processed shrimp may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, it complies with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, processed shrimp shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.10 (b).

(c) Applications to move unlabeled processed shrimp for storage in a warehouse or cold storage plant elsewhere than in the establishment where such shrimp was processed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse or cold storage plant in which such processed shrimp is to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse or cold storage plant that inspectors shall have free access at all times to all processed shrimp so stored and that conditions which will preserve the identity of each parcel of such processed shrimp shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the processed shrimp comprising any parcel has been packed in compliance with §§ 155.1 through 155.14 and conforms, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such processed shrimp. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the shrimp, the size and kind of containers, the type of pack, whether or not it is fancy grade, the condition of the shrimp if it is broken or if it is substandard in fill, and, if such be the case, that it is intended for export under paragraph (e) of this section. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing or cold storage which accompanied such agreement.

(d) Unless covered by certificate, processed shrimp stored under the authority of paragraph (c) of this section shall be moved from the warehouse or cold storage plant where stored only for restorage under such authority, or for return upon written permission of the

inspector to the establishment where processed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.10 (b).

(e) An application to export processed shrimp under the provisions of section 301 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if required by the Administration, evidence showing that such processed shrimp is not in conflict with the laws of the country to which it is intended for export; and, if shipment of labeled processed shrimp is specified or directed, eight specimens of the labeling therefor. If processed shrimp prepared or packed according to such specifications is not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such processed shrimp comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such processed shrimp was packed in compliance with the requirements of §§ 155.1 through 155.14 regarding sanitary conditions and processing; is not filthy, decomposed, putrid, or otherwise unfit for food; accords to such specifications; and is labeled on the outside of the shipping package to show that it is intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such processed shrimp was packed under sanitary conditions, is wholesome, and accords to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such processed shrimp.

§ 155.13 *Inspection fees.* (a) (1) Except as otherwise provided by the regulations in this part, an initial payment of \$500.00 shall accompany each application; thereafter, eight additional advance payments of \$500.00 shall be made on or before the first day of each month beginning July 1 and continuing through February 1 for the regular inspection period; except that the Administration may require the full amount of advance payments prescribed by this paragraph to accompany the application of an applicant who has defaulted in any payment due for any prior packing season.

(2) Whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity, to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance payments falling due after such calamity shall be required from the packer for that fiscal year; but whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been so damaged by any such calamity that operations must be suspended temporarily, but can be resumed before the end of the fiscal year then current, advance payments falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed, and thereupon shall be paid in equal monthly installments during the

period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total payments and deposits made by the packer involved shall be charged with the cost of the service made available for the establishment without regard to the method provided hereinafter for computing charges against payments and deposits for shrimp received, and the balance of the total payments and deposits for shrimp received remaining after such charges shall be refunded by the Administration to the packer after the completion of the fiscal year.

(3) Each application for an extension inspection period of 1 month shall be accompanied by a payment of \$600.00, and at subsequent monthly intervals thereafter additional payments of \$600.00 shall be made; but if the final payment is to cover a period of less than 30 days, then such payment shall be at the rate of \$20.00 for each day of such period.

(b) (1) In addition to the payments prescribed in paragraph (a) of this section, advance deposits based upon the quantity of shrimp received by the subscribing establishment shall be made to underwrite adequately the cost of the inspection service. Such deposits shall be paid in advance in amounts of not less than \$300.00, unless the Administration on an estimate of receipt of shrimp authorizes other amounts, and shall be computed at the rate of 20 cents per 100 pounds of whole raw shrimp, or 35 cents per 100 pounds of raw headless shrimp, received by the plant. For the purposes of this section, the quantity of shrimp received by an establishment shall be determined by weighing on a suitable scale immediately after such shrimp leaves the initial inspection belt: *Provided, however*, That other arrangements for determining accurately the weight of shrimp received may be employed if approved in advance by the Administration. A record of such weights shall be maintained and made available to the inspector upon his request. Any advance deposits in excess of those required for actual shrimp received for the fiscal year (July 1 through June 30) shall be refunded to the packer by the Administration after the completion of the fiscal year.

(2) Deposits for shrimp received as computed under paragraph (b) (1) of this section, together with production deposits prescribed for oysters canned under § 155.28 (b) (1), shall be charged with the balance of the total cost of the inspection service that has not been provided for by the combined total payments under paragraph (a) of this section and paragraph (a) of § 155.28, in the case of canned oysters. The balance of the deposits remaining for shrimp received after such charges have been made shall be refunded by the Administration to the packers after the completion of the fiscal year, in the ratio which each packer's deposits for shrimp received and production deposits for oysters canned bears to the combined total of such deposits for shrimp received and oysters canned by all packers for the fiscal year.

(3) When inspection service is withdrawn from an establishment as authorized under § 155.14 (a), the Administration shall not return to the packer any advance payments and/or deposits required to the date of withdrawal of the service. Such payments and/or deposits shall be charged with the cost of the service made available for the establishment, without regard to the method described in this section, and the balance which would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the United States Government, for salary, travel, subsistence, and other purposes incident to inspection described under § 155.4 (b) of suppliers of any materials to establishments under the inspection service or for the purpose of issuing a certificate or warehousing or export permit on processed shrimp stored or held at any place other than an establishment to which a sea food inspector is then assigned.

(d) When the processing plant and the warehouse or cold storage plant of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay a separate fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.1 (a), shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after appropriate records thereof have been made, they shall be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) All refunds to the packers shall be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.14 *Suspension and withdrawal of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment:

(1) Upon failure of the packer to comply with any applicable provision of §§ 155.1 through 155.14; or

(2) Upon the dissemination by the packer or any person in privity with him of any representation that is false or misleading in any particular regarding the application to any sea food of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the

Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

SUBPART B—INSPECTION OF CANNED OYSTERS

§ 155.16 *Application for inspection service.* (a) Applications for inspection service on canned oysters under the provisions of section 702a of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration, hereinafter referred to as the Administration. No application for a regular inspection period filed with the Administration after September 1 preceding such period in any year shall be considered unless the applicant shows substantial cause for failure to file such application on or before September 1 of such year. The opening date of the canning season in each State shall be the date set by the State agency responsible for controlling the opening date of the canning season in that State. A separate application shall be made for each inspection period in each establishment for which the service is applied. Each application for a regular inspection period shall be accompanied by a payment of \$600.00 as prescribed by § 155.28 (a) (1). Such deposit shall be paid in the manner prescribed by § 155.28 (e).

(b) For the purpose of §§ 155.16 through 155.29, an establishment is defined as a factory where oysters may be processed and warehouses under the control and direction of the packer where such canned oysters are stored.

§ 155.17 *Granting or refusing inspection service; cancellation of application.* (a) The Federal Security Administrator may grant the inspection service applied for upon determining that the establishment covered by such application complies with the requirements of § 155.21.

(b) The Administrator may refuse to grant the inspection service at any establishment for cause. In case of refusal the applicant shall be notified of the reason therefor and shall have returned to him all advance payments and production deposits made, less any expenses incurred for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by written notice to the Administrator, may withdraw his application for inspection service before an inspector is assigned to the establishment. In case of such withdrawal, the Administrator shall return to such applicant all advance payments and production deposits made, less any salary and other expense incurred incident to such application.

§ 155.18 *Inspection periods.* (a) The regular inspection period in each establishment in which inspection service under §§ 155.16 through 155.29 is granted consists of 4 consecutive months. The date of the beginning of such regular inspection period shall be regarded as the date, on or after October 1 but not later than March 1, specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved; but if the Administrator is not prepared to begin the

service on the specified date then the period shall start on the date on which service is begun.

(b) Extension inspection periods shall begin at the close of the preceding inspection period. Extension inspection periods may be granted for periods of 1 month and/or fractional parts of 1 month, but in no case less than 1 day. Extension inspection periods for 1 month may be granted in such establishment if application therefor, accompanied by a payment of \$600.00, as prescribed by § 155.28 (a) (3), is made at least 2 weeks in advance of the close of such preceding inspection period. Applications for extension inspection periods for fractional parts of a month may be accepted when accompanied by the payment prescribed by § 155.28 (a) (3) for such extensions. No regular or extension inspection period shall extend beyond June 30 of any year.

(c) Upon request of the packer, and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(d) The inspection service shall be continuous throughout the inspection period.

§ 155.19 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.16 through 155.29 is granted. Thereafter, the Administration shall adjust the number of inspectors assigned to each establishment and tour of duty of each inspector to the requirements for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances dredging oysters for or transporting oysters to such establishments.

§ 155.20 *Uninspected oysters excluded from inspected establishments.* (a) No establishment to which inspection service on canned oysters has been granted shall at any time thereafter can oysters that have not been so inspected, or handle or store in such establishment any canned oysters that have not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein, or withdrawal therefrom as authorized by § 155.29.

(b) All oysters delivered to or held in an inspected establishment may be subject to inspection, but certificates of inspection shall be issued under § 155.27 only on canned oysters.

§ 155.21 *General requirements for plant and equipment.* (a) All exterior openings of the cannery, including those of the shucking sheds, shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) Shucking sheds and packing rooms shall be separate, and fixtures and equipment shall be so constructed and arranged as to permit thorough cleaning. Such sheds and rooms shall be adequately lighted and ventilated, and the floors shall be tight and arranged for thorough cleaning and proper drainage. Open drains from shucking shed shall not enter packing room. If shucking shed and packing room are in separate buildings, such buildings shall be not more than 100 yards apart, unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of washers, tanks, belts, tables, flumes, utensils, and other equipment with which unshucked or shucked oysters come in contact after delivery to the establishment shall be of metal or of other smooth nonporous and easily cleanable material, provided such materials are not lead or other toxic substances. Metal seams shall be smoothly soldered or smoothly welded. Shucking tables shall be so constructed as to preclude contamination of working surfaces or products thereon from foot traffic or wheel-barrows or other containers used in delivering steamed oysters to such tables.

(d) Adequate supplies of suitable detergents and sanitizing agents approved by the Administration; clean, unpolluted running water; and steam shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type which comply fully with applicable State laws and local ordinances shall be provided.

(f) An adequate number of sanitary washbasins, with liquid or powdered soap, shall be provided in both the shucking shed and the packing room. Paper towels shall be provided in the packing room.

(g) Signs requiring employees handling oysters to wash their hands after each absence from post of duty shall be conspicuously posted in the shucking shed and packing room and elsewhere about the premises as conditions require.

(h) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the oysters before delivery for steaming or other means of opening.

(i) If steam boxes are used for opening the oysters, they shall be provided with adequate steam inlets, exhausts, drains, a safety valve, and a pressure gauge.

(j) Suitable means shall be provided for removing shells and debris from shucking shed.

(k) One or more suitable devices shall be provided for removing shell and grit from shucked oysters, for washing such oysters, and for their subsequent drainage.

(l) One or more suitable inspection belts shall be installed for the inspection of shucked oysters.

(m) Equipment shall be provided for code-marking cans.

(n) An automatic container-counting device shall be installed in each cannery line.

(o) Each sterilizing retort shall be

fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F., with scale divisions not greater than 2° F., installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. If the thermometer is installed within a fitting, such fitting shall communicate with the chamber of the retort through an opening at least 1-inch in diameter. Such fitting shall be equipped with a bleeder at least 1/8-inch in diameter. If the thermometer is installed within the door or shell of the retort, the bulb shall project at least two-thirds of its length into the principal chamber.

(3) A recording thermometer of a range from 170° F. to 270° F., with scale divisions not greater than 2° F. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds, with scale divisions not greater than 1 pound and diameter of not less than 5 inches. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) A blow-off vent of at least 3/4-inch inside diameter in the top of the retort.

(6) A 1/8-inch bleeder in top of the retort.

(p) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples and for the safekeeping of records and equipment.

§ 155.22 *General operating conditions.* (a) The decks and holds of all boats tonging or dredging oysters for or transporting oysters to an inspected establishment, and the bodies of other conveyances so transporting oysters shall be kept in a sanitary condition. Such boats shall be equipped with adequate means for protecting the oysters against contamination with bilge water.

(b) Inspected establishments, freight boats, and other conveyances serving such establishments shall accept only live, clean, sound oysters taken from unpolluted areas. When necessary, ice or other suitable refrigeration shall be provided to prevent spoilage.

(c) After delivery of each load of oysters to the establishment, decks and holds of each boat and the body of each other conveyance or container making such delivery shall be washed down with clean, unpolluted water, and all debris shall be cleaned therefrom before such boat or other conveyance or container leaves the establishment premises.

(d) Before being steamed or opened by other means, the oysters shall be washed with clean, unpolluted water and then passed over the inspection belt, and culled to remove dirty, muddy, dead, or decomposed oysters and extraneous material. Muddy oysters may be returned to the washer for rewashing.

(e) As often as is necessary to maintain sanitary conditions, unloading plat-

forms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(f) Shells shall be removed from the shucking shed continuously.

(g) Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in the cannery or, except for shells, about the premises. Shells shall not be allowed to accumulate about the premises in such a manner as to create a nuisance.

(h) The delivery of steamed oysters to shuckers by means of manually rolling, trundling, or wheelbarrowing such oysters on or above shucking tables will not be permitted.

(i) Shucking knives and shucking cups shall be thoroughly washed with soap and water and chlorinated before use each day. Chlorine solution shall be maintained at a strength of 200 parts per million.

(j) No shucked oysters shall be returned to shucker after delivery to the weigher. Shucking cups shall be cleaned and sanitized after each delivery to the weigher.

(k) Shucked oysters being transported from one building to another shall be properly covered and protected against contamination.

(l) The shucked oysters shall be washed, separated from the shell and grit by suitable devices, and then immediately drained. The time of washing shall not exceed the minimum time necessary for cleansing.

(m) From the time of delivery to the cannery up to the time of final processing, oysters shall be handled expeditiously and under such conditions as to prevent contamination or spoilage.

(n) The packer shall destroy for food purposes under the immediate supervision of the inspector all oysters in his possession condemned by the inspector as filthy, decomposed, putrid, or unfit for food. Oysters condemned on the boat or on the unloading platform shall not be taken into the cannery, but shall be either destroyed or returned to a bedding ground.

(o) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(p) All floors and other parts of the establishment including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in a sanitary condition.

(q) The packer shall require all employees handling oysters to wash their hands after each absence from post of duty and to observe other proper habits of cleanliness.

(r) The packer shall not knowingly employ in or about the establishment any person afflicted with an infectious or contagious disease or with any open sores on exposed portions of the body.

§ 155.23 *Code marking.* (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least:

- (1) The date of packing;
- (2) The establishment where packed;
- (3) The conveyance; and
- (4) The size of the oysters when such

oysters are graded for size.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection, with a space of not less than 6 inches between stacks of each lot. For the purposes of the regulations in this part all cans or other containers bearing the same code marks shall be regarded as comprising a lot.

§ 155.24 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of sterilizing the canned oysters shall be adequate to prevent bacterial spoilage.

(b) The following times and temperatures shall be the minimum employed for the containers indicated:

CANNED OYSTERS			
Size	Initial temperature (°F.)	Time at 240° F.	Time at 250° F.
211 x 212	70	24	14
211 x 300			
211 x 306			
211 x 400	130	23	13
307 x 400	70	28	14
307 x 409	130	27	13

For the purposes of this section, initial temperature is defined as the average temperature of the contents of the container at the moment steam is admitted to the sterilizing retort.

(c) The blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire cooking period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least 1 year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.25 *Examination after canning.*

(a) Adequate samples shall be drawn by the inspector from each lot of canned oysters and shall be examined to determine whether or not such canned oysters conform to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all canned oysters condemned by the inspector as not complying with § 155.24, or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.26 *Labeling.* (a) Labels on canned oysters packed and certified under §§ 155.16 through 155.29 may bear the mark "Production Supervised by the U. S. Food and Drug Administration." Such mark, if used, shall be plainly and conspicuously displayed, in type of uniform size and style, on a strongly contrasting, uniform background.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected canned oysters or on or within the cases

therefor shall be submitted to the Administration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing. The Administration is hereby authorized to approve labeling for use on canned oysters inspected under §§ 155.16 through 155.29. Approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also authorized to revoke any such approval for cause. The Administration shall not approve labeling for canned oysters intended for export under the provisions of § 155.27 (e).

(c) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (b) of this section and bearing the mark described in paragraph (a) of this section, and no labeling simulating any such approved labeling, shall be used after such approval on canned oysters other than those that have been handled, prepared, and packed in compliance with all provisions of §§ 155.16 through 155.29; but this section shall not apply to any packer's labeling not bearing such mark after termination of inspection or withdrawal thereof as authorized by § 155.29 or to any distributor's labeling not bearing such mark after written notice by the owner thereof to the Administration that the use of such labeling on inspected canned oysters has been discontinued and will not be resumed.

(d) Canned-oyster labeling authorized by paragraph (a) of this section or approved under paragraph (b) of this section shall be used only as authorized by §§ 155.16 through 155.29. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Food, Drug, and Cosmetic Act, as amended.

§ 155.27 *Certificates of inspection; warehousing and export permits.* (a) After finding that the canned oysters comprising any parcel have been handled, prepared, and packed in compliance with all provisions of §§ 155.16 through 155.29; bear labeling approved as authorized under § 155.26 (b); and comply with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned oysters so comply. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size and kind of containers, the commercial brand name on the labels, the condition of the oysters if they are broken or if they are substandard in fill, and the destination of the lot, if known. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned oysters may be relabeled under supervision of an inspector and recertified if the inspector finds that, after being relabeled, they comply with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned oysters shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.25 (b).

(c) Applications to move unlabeled canned oysters for storage in a warehouse elsewhere than in the establishment where such oysters were packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned oysters are to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned oysters so stored, and that conditions which will preserve the identity of each parcel of such canned oysters shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned oysters comprising any parcel have been packed in compliance with §§ 155.16 through 155.29 and conform, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned oysters. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the place from and to which such parcel is to be moved, the size of the oysters, the size and kind of containers, and the condition of the oysters if they are broken or if they are substandard in fill and, if such be the case, that they are intended for export under paragraph (e) of this section. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned oysters stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for re-storage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.25 (b).

(e) An application to export canned oysters under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if required by the Administration, evidence showing that such canned oysters are not in conflict with the laws of the country to which they are intended for export; and, if shipment of labeled canned oysters is specified or directed, eight specimens of the labeling therefor. If canned oysters prepared or packed according to such specifications are not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an ex-

port permit covering such canned oysters comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned oysters were packed in compliance with the requirements of §§ 155.16 through 155.29 regarding sanitary conditions and processing; are not filthy, decomposed, putrid, or otherwise unfit for food; accord to such specifications and are labeled on the outside of the shipping package to show that they are intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such canned oysters were packed under sanitary conditions, are wholesome, and accord to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned oysters.

§ 155.28 *Inspection fees.* (a) (1) Except as otherwise provided by the regulations in this part, an initial payment of \$600.00 shall accompany each application; thereafter, three additional advance payments of \$600.00 each shall be made, as follows: One payment on or before the date of the beginning of the regular inspection period specified in the application for inspection; the remaining two payments on or before the first day of each succeeding month, except that the Administration may require the full amount of all advance payments prescribed by this paragraph to accompany the application of an applicant who has defaulted in any payment due for any prior packing season: *Provided*, That a packer who is concurrently receiving inspection service and making payments under the regulations for the inspection of processed shrimp shall not make any additional payments under this subparagraph.

(2) Whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance payments falling due after such calamity shall be required from the packer for that fiscal year; but whenever it is determined, without hearing, by the Administration that an establishment having the inspection service has been so damaged by any such calamity that operations must be suspended temporarily; but can be resumed before the end of the fiscal year then current, advance payments falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed, and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total payments and production deposits made by the packer involved shall be charged with the cost of the service made available for the establishment, without regard to the method provided hereinafter for computing charges against payments and

production deposits, and the balance of the total payments and deposits remaining after such charges shall be refunded by the Administration to the packer after the completion of the fiscal year.

(3) Each application for an extension inspection period of 1 month shall be accompanied by a payment of \$600.00, and at subsequent monthly intervals thereafter additional payments of \$600.00 shall be made; but if the final payment is to cover a period of less than 30 days, then such payment shall be at the rate of \$20.00 for each day of such period.

(b) (1) In addition to the payments prescribed in paragraph (a) of this section, advance deposits based upon the quantity of oysters canned by the subscribing establishment shall be made to underwrite adequately the cost of the inspection service. Such deposits shall be paid in advance in amounts of not less than \$300.00, unless the Administration on an estimate of production authorizes other amounts, and shall be computed at the rate of 15 cents for each case of 48 cans, size 211 x 300. Any advance production deposits in excess of those required for actual oysters canned for the fiscal year (July 1 through June 30) shall be refunded to the packers by the Administration after the completion of the fiscal year.

(2) Production deposits as computed under subparagraph (1) of this paragraph, together with deposits for shrimp received as prescribed under § 155.13 (b) (1), in the case of processed shrimp, shall be charged with the balance of the total cost of the inspection service which has not been provided for by the combined total payments under paragraph (a) of this section and paragraph (a) of § 155.13, in the case of processed shrimp. The balance of the production deposits remaining after such charges have been made shall be refunded by the Administration to the packers after the completion of the fiscal year in the ratio which each packer's production deposits for oysters canned and deposits for

shrimp received bears to the combined total of such deposits for oysters canned and shrimp received by all packers for the fiscal year.

(3) When inspection service is withdrawn from an establishment as authorized under § 155.29 (a), the Administration shall not return to the packer any advance payments and/or deposits required to the date of withdrawal of the service. Such payments and/or deposits shall be charged with the cost of the service made available for the establishment, without regard to the method described in this section, and the balance that would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses incurred in accordance with the regulations of the United States Government, for salary, travel, subsistence, and for other purposes incident to inspection for the purpose of issuing a certificate or warehousing or export permit on canned oysters stored or held at any place other than an establishment to which a sea food inspector is then assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay a separate fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.16 (a), shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after appropriate records

thereof have been made they shall be transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) All refunds to packers shall be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.29 *Suspension and withdrawal of inspection service.* (a) The Administrator may suspend and the Administrator may withdraw inspection service in any establishment upon failure of the packer to comply with any applicable provision of §§ 155.16 through 155.29 or upon the dissemination by the packer or any person in privity with him of any representation that is false or misleading in any particular regarding the application to any sea food of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments, in part, adjust the basis of fees which it is necessary to charge in order to provide, equip, and maintain a self-liquidating sea food inspection service as required by law, and make minor changes in previous regulations.

Dated: April 10, 1953.

[SEAL] OVETA CULP HOBBY,
Federal Security Administrator.



Department of the Interior

FARLEY NAMED DIRECTOR OF FISH AND WILDLIFE SERVICE: The appointment of John L. Farley of Seattle, Washington, as Director of the Fish and Wildlife Service was announced on April 17 by Secretary of the Interior Douglas McKay. He will succeed Albert M. Day, who has been offered another position in the Service.

Farley was born in Oxford, Ohio, April 9, 1892, and was graduated from State Teachers College, River Falls, Wisconsin, in 1910. He taught science in the Black River Falls, Wisconsin, high school for a short time and then served as superintendent of schools there. He later entered the University of Wisconsin and graduated with a B. S. in Electrical Engineering in 1917. He was commissioned as a second lieutenant in August 1917 and continued in the Army as a regular officer until December 1922.

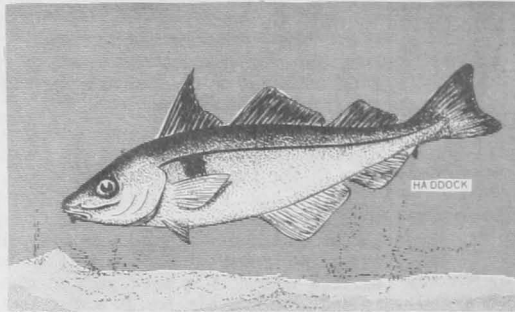
After military service, Farley was employed for 5½ years by the Pacific Gas and Electric Company in California as a sales engineer and in public relations work. From 1929 to 1935 he was executive officer of the California Division of Fish and Game; and until 1940 he was in community relations work with the Crown Zellerbach Corporation in Seattle, Washington.

Farley returned to the Army in September 1940 and commanded the 250th CA. He was commissioned a colonel in February 1942. He commanded regiments in Alaska and was Alaskan Department artillery officer. He left active Army Service in 1945 and returned to Crown Zellerbach. He retired as a colonel AUS in May 1952.

Farley is a member of the American Fisheries Society; past vice president of the International Association of Game and Fish Commissioners. He is a brother of Admiral Joseph F. Farley, former commandant of the United States Coast Guard.

FISH AND WILDLIFE SERVICE

HADDOCK FISHING REGULATIONS FOR NORTHWEST ATLANTIC: Regulations (effective June 1-December 31, 1953) affecting the taking of haddock (*Melanogrammus aeglefinus*) in the Northwest Atlantic were published by the U. S. Fish and Wildlife Service in the April 24 Federal Register. Taking of haddock by trawl nets or nets having a diagonally-stretched mesh less than 4½ inches when wet is prohibited in the Northwest Atlantic north of latitude 39°00' N. and west of longitude 42°00' W. by these Federal regulations.



The full text of the regulations as they appeared in the Federal Register follows:

Subchapter I—Northwest Atlantic Commercial Fisheries

PART 155—HADDOCK PROVISIONS

Basis and purpose. At its meeting held in St. Andrews, New Brunswick, Canada, June 30-July 9, 1952, the International Commission for the Northwest Atlantic Fisheries, a body created pursuant to Article II of the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, adopted a proposal recommending that the Contracting Governments, in the interest of permitting an adequate escapement of immature haddock, take appropriate action to prohibit the taking of haddock in Sub-area 5 of the Convention waters with a trawl net having a mesh size of less than four and one-half inches. The proposal recommended further the adoption of a specific method of measuring mesh size and the exemption of vessels taking haddock for the purposes of scientific investigation from the proposed mesh restrictions. In its letter of July 15, 1952, which submitted the proposal to the Contracting Governments pursuant to Article VIII of the Convention, the Commission drew attention to the experimental nature of the proposed mesh size regulation and outlined a suggested research program to determine the effectiveness of the regulation following its adoption.

On February 13, 1953 the proposal was accepted by the Governments of the United States and Canada, in accordance with Article VII (7) of the International Convention for the Northwest Atlantic Fisheries and, in accordance with Article VIII (8) of the Convention, the proposal will become effective for all Contracting Governments on June 13, 1953. In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067, 16 U. S. C., 1946 ed., Supp. V, 981) regulations proposed by the Secretary of the Interior to implement the proposal were submitted to the Advisory Committee to the United States Commissioners of the International Convention for the Northwest Atlantic Commission on December 2, 1952, at which time the proposed regulations received the unanimous approval of the members of the Advisory Committee in attendance.

By notice of proposed rule making published in the FEDERAL REGISTER on December 30, 1952 (17 F. R. 11823), the public was invited to submit written data, views or arguments in connection with the proposed regulations to Albert M. Day, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 60 days from the publication of the Notice in the FEDERAL REGISTER. Careful consideration has been given the views, data, and arguments received, and it has been determined that the regulations appear-

ing below should be promulgated to govern the use of trawling nets in the haddock fishery in the area described in the said regulations.

Effective midnight May 31, 1953, the following regulations, constituting new Subchapter I—Northwest Atlantic Commercial Fisheries, Part 155—Haddock Provisions, are prescribed for the year 1953 only:

Sec.	Meaning of terms.
155.1	Vessel.
155.2	Haddock.
155.3	Haddock fishing.
155.4	Trawl net.
155.5	Period of application.
155.7	Restriction on fishing gear.
155.9	Measurement of mesh size.
155.10	Employment of devices to reduce mesh size prohibited.
155.11	Illegal possession of haddock.
155.15	Certain vessels exempted.
155.16	

AUTHORITY: §§ 155.1 to 155.16 issued under sec. 7, 64 Stat. 1069; 16 U. S. C. 986.

§ 155.1 *Meaning of terms.* When used in the regulations in this part, unless the content otherwise requires, terms shall have the meanings ascribed hereinafter in this part.

§ 155.2 *Vessel.* The word "vessel" denotes every kind, type, or description of watercraft, aircraft, or other contrivance, subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

§ 155.3 *Haddock*. The word "haddock" denotes any fish of the species *Melanogrammus aeglefinus*.

§ 155.4 *Haddock fishing*. The words "haddock fishing" mean the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any fish of the species *Melanogrammus aeglefinus*.

§ 155.5 *Trawl net*. The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

§ 155.7 *Period of application*. The regulations in this part shall cease to have effect at midnight, December 31, 1953.

§ 155.9 *Restriction on fishing gear*. The use, for the purpose of taking haddock in the northwest Atlantic Ocean north of 39°00' north latitude and west of 42°00' west longitude, of a trawl net or nets, parts of nets or netting having in any part thereof a mesh size less than four and one-half inches is prohibited.

§ 155.10 *Measurement of mesh size*. For the purpose of § 155.9 mesh size shall

be deemed to be the average of any ten consecutive meshes of the trawl net selected at the discretion of the enforcement officer and measured individually stretched diagonally while wet, with a flat wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch, inserted into the mesh under a pressure of twelve pounds.

§ 155.11 *Employment of devices to reduce mesh size prohibited*. The use from any vessel engaged in haddock fishing in the area described in § 155.9 of any device or method which will obstruct the meshes of the trawl net or which will otherwise, in effect, diminish the size of said meshes is prohibited: *Provided*, That a protective covering may be attached to the underside only of the cod end alone of the net to reduce and prevent damage thereto.

§ 155.15 *Illegal possession of haddock*. The possession or transportation on any vessel at any one time of both a trawl net or nets, parts of nets or netting, the use of which is prohibited by § 155.9, and haddock in amounts in excess of five

thousand pounds or ten percent of all the fish on board such vessel, whichever is larger, is prohibited.

§ 155.16 *Certain vessels exempted*. Nothing contained in the regulations in this part shall apply to:

(a) Any vessel having in possession haddock in amount less than five thousand pounds or ten percent of all the fish on board such vessel, whichever is larger, taken incidentally to fishing for other species of fish.

(b) Any vessel duly authorized by the Director of the Fish and Wildlife Service to engage in haddock fishing for scientific purposes.

(c) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

Issued at Washington, D. C., this 18th day of April 1953.

DOUGLAS MCKAY,
Secretary of the Interior.

Originally the regulations were scheduled to take effect March 15, 1953. However, since a sufficient number of larger-mesh nets were not available to supply all vessels requiring them, the effective date was postponed until June 1, 1953.

* * * * *

ALASKA FISHING REGULATIONS FOR 1953 ISSUED: The commercial fishing regulations for the 1953 season in Alaska were issued March 13, by Secretary of the Interior Douglas McKay. Although a large number of changes have been made, only a few are significant; the remainder being either minor or of an editorial nature.

Changes include the closing of the Nushagak district of Bristol Bay because of the extremely poor condition of the red salmon runs there. To help alleviate any attendant hardship, the personal-use restrictions have been relaxed and the industry has been requested voluntarily to do everything possible to absorb the labor supply in adjoining districts of Bristol Bay where good runs are anticipated.

Because of a relatively poor escapement in the parent cycle, a small run of pink salmon is anticipated in Prince William Sound this year. Accordingly, a curtailed season extending from July 13 to August 5 has been adopted, along with the temporary closure of 17 trap sites and some curtailment of mobile gear by the industry. The runs will be watched with special care and additional closed time will be applied to field announcement, if such is necessary to secure an adequate escapement.



All indications point to good pink salmon runs in southeastern Alaska where the odd-year cycle has been rehabilitated and some relaxation in the seasonal restrictions is possible this year. The seasonal dates have been adjusted to conform with the time of occurrence of the runs in the various districts. An early season from June 24 to July 11 has been provided in the northern part of southeastern Alaska to allow harvesting of the early chum salmon runs. In addition, two more bays have been added to those open for fall fishing.

Copies of the printed regulations are available in Seattle, Juneau, and the various Alaskan district offices of the U. S. Fish and Wildlife Service.

NOTE: DETAILS ON AMENDMENTS FOR 1953 APPEARED IN THE FEDERAL REGISTER, MARCH 13, 1953, P. 1448.



Office of Defense Mobilization

CIVILIAN DISTRIBUTION CONTROL OF STEEL, COPPER, AND ALUMINUM NOT PLANNED AFTER JUNE 30: In response to questions regarding the use after June 30, 1953, of the Controlled Materials Plan in the distribution of steel, copper, and aluminum to the civilian economy, the Office of Defense Mobilization issued this statement on February 24:

"The Government does not intend to continue to control the distribution of steel, copper, and aluminum in the civilian economy after June 30, 1953, under the Controlled Materials Plan. Thereafter, if the necessary statutory authority is provided, materials controls will be used vigorously to assure completion of the military buildup but general distribution will be directed only of scarce and critical items essential to the national defense. Advance allotments of steel, copper, and aluminum under the Controlled Materials Plan for delivery after June 30, 1953 are being re-examined and all such allotments which do not meet the foregoing requirements will be cancelled within the next few weeks. Until cancelled, all allotments continue in full force and effect."



U. S. Tariff Commission

REPORT ON TUNA INDUSTRY: The U. S. Tariff Commission on March 23 issued a report (Tuna Fish--Report on Investigation Conducted Pursuant to a Resolution by the Committee on Finance of the United States Senate dated June 26, 1952) on the domestic tuna industry. The Senate resolution which called for the study was the outgrowth of defeat in the Senate of H. R. 5693, 82nd Congress, which provided for a temporary duty of 3 cents per pound on fresh or frozen tuna pending studies by the Tariff Commission and the Department of the Interior. H. R. 5693 had already been passed by the House of Representatives (October 15, 1951) and had been reported favorably by the Senate Finance Committee.

In transmitting the resolution to the Tariff Commission, Chairman Walter F. George of the Senate Committee on Finance stated that "...action of the Senate should probably be delayed until a thorough study has been made... (and)... that an investigation by ...(the Tariff Commission)... would be of great help should any future action be considered." The resolution directed the Commission to set forth the facts relative to the production, trade, and consumption of tuna in the United States, and to take into account all relevant factors, including the interests of consumers, processors, and producers. The principal objective of the resolution was to obtain such factual information as would "assist the Congress in determining what change, if any, shall be made in the tariff status of fresh or frozen tuna."

Although the resolution of the Senate Committee on Finance did not request such an investigation by the Secretary of the Interior, six Senators representing the Pacific Coast States addressed a joint communication to the Secretary of the Interior asking him to make the investigation that was proposed in H. R. 5693. In response

to that request, the U. S. Fish and Wildlife Service also made an investigation, but members of the staffs of the Fish and Wildlife Service and of the Tariff Commission have consulted with each other with a view to minimizing duplication of effort.

With reference to the conclusions of the report, Chairman Brossard of the Tariff Commission made the following statement: "I do not approve these 'Conclusions' as they have been revised by the majority of the Commission. This whole tuna report must be submitted to the Senate Committee on Finance by March 20, 1953, which leaves me no time to prepare an adequate dissenting report, but only time to make this statement disclaiming responsibility for this section of the report as it now reads.

"I suggest to those persons interested in the differences in the opinions of the members of the Commission on the question of whether imports are injuring the domestic tuna industry that they read the Tariff Commission's report of November 1952 on Bonito Canned in Oil, and Tuna and Bonito, Canned not in Oil, made under the escape clause provisions of the Trade Agreements Extension Act of 1951."

Some of the leading statements contained in the conclusions follow:

"1. The difficulties confronting the domestic tuna fisheries and the domestic tuna canneries in recent years have been similar to those confronting many other industries that have been obliged to make postwar adjustments to the resumption or expansion of competition from abroad....

"2. ...On the basis of financial returns covering operations of five tuna canneries (which accounted for over one-fifth of total United States production in 1951-52), for periods ranging from 4 to 8 months of the calendar year 1952, it appears that sales of tuna (including those of tunalike fishes), as well as of other fish packed by tuna canners, will be greater in the fiscal year 1952-53 than they were in 1951-52, and that the profit experience of the tuna packers will be more favorable in 1952-53 than in 1951-52.

"3. ...domestically caught fish in all postwar years have accounted for two-thirds or more of the total quantity of tuna and tunalike fishes consumed in canned form in the United States. Of the total apparent consumption of tuna and tunalike fishes in all forms in 1952, the domestic catch supplied 340 million pounds (67 percent), imports of fresh or frozen fish 69 million pounds (13 percent), and imports of canned fish (in terms of round weight equivalent) 101 million pounds (20 percent). Some considerable part of the last-mentioned class of imports consists of tuna and bonito in brine, which are lower-priced items of which there is no corresponding domestic production.

"4. The domestic tuna-fishing interests have generally been more concerned with the imports of fresh or frozen tuna,^{1/} all of which enter free of duty, than with the imports of the canned tuna and tunalike fishes, all of which are dutiable. Imports of fresh and frozen tunalike fishes, most of which are dutiable at 1 cent per pound, have been insignificant and therefore have attracted little attention....

^{1/}VIRTUALLY ALL SUCH IMPORTS ARE FROZEN.

"The extent to which the domestic tuna fisheries are exposed to foreign competition is actually governed by imports of both the raw and canned fish. The particular forms in which the imports enter the United States are largely influenced by the comparative incidence of the applicable rates of duty, some of which have been changed recently. The existing tariff structure appears to be most restrictive of imports of tuna canned in oil and least restrictive of imports of fresh or frozen tuna and of tuna and bonito canned in brine.

"The share of the total apparent consumption of all tuna and tunalike fishes in the United States which has been supplied by the domestic tuna fishery ranged between 82 percent and 87 percent in most years during the decade preceding World War II but fell to a low of 66 percent in 1933. The ratio rose to as high as 99 percent during the war period but declined thereafter, reaching a postwar low of 67 percent in 1952. The absolute quantity supplied by the domestic tuna fishery in that year was higher than in any preceding year before 1949, and was almost 80 percent higher than in 1939, a year in which the domestic fishery supplied 87 percent of the domestic consumption.

"5. Commercial fishing for tuna and tunalike fishes involves somewhat greater entrepreneurial risks than most other domestic enterprises. In good seasons, tuna fisheries receive high returns and in poor seasons they may sustain losses. Most domestic tuna fishermen participate in fishing ventures as entrepreneurs; they do not work for wages. Their income, which is usually a share of the net realization from the sale of fish, consequently varies considerably from year to year. Returns to boat owners vary even more, since they assume greater financial risks than do crew members.

"The large amounts of capital invested in the domestic tuna fishery and the general reluctance of tuna fishermen to change occupations tends to encourage fishing operations even when a given season's prospective earnings will not be high. Vessel owners will operate at a loss over a considerable period rather than sustain the even greater loss that would result from tying up their vessels and losing their crews....

"6. Whether it would be desirable as a matter of public policy to impose restrictions or additional restrictions on imports of tuna and tunalike fishes in the fresh, frozen or canned forms, is not a matter on which the Commission undertakes to pass. In considering this question, however, the Congress may wish to take into account, among other things, the following facts with regard to the manner in which such restrictions would operate and their possible effects upon the domestic tuna fishery.

"A sharp curtailment of imports of tuna and tunalike products, whether through tariffs or quotas, would probably benefit in the immediate future the domestic tuna fishery but might also, by encouraging the expansion of the domestic fleet, contribute to a later recurrence of essentially the same combination of circumstances that brought such distress to the domestic tuna fishery in 1951.

"There are no means whereby the Commission can determine, even approximately, what increase in domestic prices for fresh tuna would result from the imposition of a duty of any given height on imports of the raw fish (in conjunction with the aforementioned compensatory tariff adjustments on the canned fish products). Under present conditions, Peru and Japan, which are United States' two principal foreign suppliers, might well absorb some part of a United States duty on fresh or frozen tuna (together with the compensatory portion of the duties on the canned fish products) in order to maintain their tuna fishing and tuna canning operations;^{2/} these provide employment for their nationals, earnings for their industries, revenue for their governments and dollar exchange for their economies. Both countries are gradually increasing their exports of tuna and tunalike products to other markets, but at present they still rely principally on the United States market. Most of the tuna and tunalike products which those countries export to the United States are of the species or qualities processed primarily for the United States market and would not be produced to supply their respective home markets.

"It follows from what has been said that any desired limitation on imports of fresh or frozen tuna by the United States could probably be accomplished much more certainly under present conditions by means of quotas than by duties. The application of quotas, however, would impose difficult problems. Quotas on raw fish would probably have to be apportioned among the different foreign suppliers and might also have to be allocated among the various domestic canners. Limitation of imports of the raw fish by quota would probably necessitate the particularly difficult task of formulating the appropriate compensatory duties or quotas to apply to the imports of the canned products processed from the aforementioned fishes.

"7. The domestic tuna canning interests have been concerned about the tariff treatment applicable to imports of tuna and tunalike fishes in all their forms. The measure of tariff protection they receive depends primarily on the spreads between the duties applicable to the raw fish and the various rates applicable to the different packs of the canned fish. Some packers have been fearful of the possibility

^{2/}THE ABILITY OF JAPAN TO ABSORB AT LEAST SOME PART OF A UNITED STATES DUTY ON FROZEN TUNA, AS WELL AS AN INCREASED DUTY ON TUNA IN BRINE, IS INDICATED BY JAPAN'S PRESENT NEED TO IMPOSE RESTRICTIONS ON THE VOLUME AND MINIMUM PRICES OF EXPORTS OF THESE PRODUCTS TO THE UNITED STATES. PERU'S CORRESPONDING ABILITY IS INDICATED BY THE EXISTENCE OF A PERUVIAN TAX ON EXPORTS OF FROZEN AND CANNED TUNA AND TUNALIKE FISHES.

that a duty would be imposed on fresh or frozen tuna without any compensatory adjustment in rates applicable to the canned products. Such action would have a damaging effect on the domestic tuna packers, particularly those that rely largely on foreign sources of supply for raw fish. Even if no tariff changes were made for the benefit of the tuna packers, they would quite properly expect appropriate compensatory adjustments in the tariff treatment applicable to certain canned tuna and tunalike fishes (notably tuna in brine) to accompany the imposition of a duty or quota on fresh or frozen tuna for the benefit of the domestic tuna fishery.

"The reversion of the United States duty on tuna in oil to 45 percent ad valorem on January 1, 1951 operated primarily to lower the aggregate imports of the canned products and to increase the importation of the raw fish. The same tariff action, however, did cause importers to shift from tuna in oil to canned items dutiable at much lower duties, primarily tuna in brine, which is dutiable at 12½ percent ad valorem. A substantial part of the increased sales of tuna and bonito in brine, of which there is no corresponding domestic pack, did not displace equivalent quantities of tuna and tunalike fishes prepared in oil, foreign or domestic. To a considerable degree these imports of lower-priced tuna and tunalike products have created their own market. Restriction of imports of those packed in brine would operate to increase consumption of domestically-packed tuna and tunalike products canned in oil, but not to the extent that the imports of the products canned in brine would thereby be curtailed.

"Although the share of the total domestic consumption of canned tuna and tunalike fishes which has been supplied by imports has risen sharply in postwar years, domestic output of such canned products reached a record high in 1952, amounting to 179 million pounds. About 17 percent of that total was processed from imported raw fish, but the quantity processed from domestic fish was higher in 1952 than in any earlier year.

"8. The Tariff Commission only recently had occasion to determine whether the domestic industry that packs tuna and tunalike fishes was being seriously injured, within the meaning of the escape-clause provisions of the Trade Agreement Extension Act of 1951, by increased imports of certain canned products processed from such fish. A number of tuna-fishing and tuna-canning interests filed an application with the Tariff Commission on November 28, 1951, requesting it to conduct an escape-clause investigation covering tuna in brine and bonito in oil and in brine. The application did not include fresh or frozen tuna or tuna canned in oil, since those products were not the subject of any trade agreement tariff concessions. In that investigation, the Tariff Commission found, with Commissioners Brossard and Gregg dissenting,^{3/} that the items covered were not being imported in such increased quantities, either actual or relative, as to cause or threaten

^{3/}THE BASIS OF THE DISSENT BY COMMISSIONERS BROSSARD AND GREGG WAS NOT THAT IMPORTS OF THE CANNED ITEMS WERE CAUSING SERIOUS INJURY TO THE DOMESTIC TUNA PACKERS AS DISTINGUISHED FROM THE DOMESTIC TUNA FISHERY, BUT RATHER THAT SUCH IMPORTS WERE CAUSING INJURY TO THE WHOLE DOMESTIC TUNA INDUSTRY, WHICH IN THEIR VIEW EMBRACED BOTH THE TUNA FISHING AND TUNA-PACKING INTERESTS. THE MAJORITY OF THE COMMISSION CONSIDERED ONLY WHETHER IMPORTS OF THE ABOVE DESCRIBED CANNED PRODUCTS WERE CAUSING OR THREATENING SERIOUS INJURY TO THE DOMESTIC TUNA PACKERS. THE MAJORITY FELT THAT FURTHER RESTRICTION OF IMPORTS OF THE CANNED PRODUCTS WHICH WERE THE SUBJECT OF THE ESCAPE-CLAUSE INVESTIGATION WOULD OPERATE PRINCIPALLY TO INCREASE IMPORTS OF FRESH AND FROZEN FISH AND THEREFORE COULD NOT BE OF BENEFIT TO THE DOMESTIC TUNA FISHERY.

en serious injury to the domestic industry producing like or directly competitive products. The only commercially important canned tuna product not covered by that investigation was tuna packed in oil, imports of which had already declined sharply following restoration of the 45-percent duty on January 1, 1951. Therefore, even if tuna in oil had been the subject of a trade-agreement concession and had been included with the other items in the escape-clause action, the Commission's finding would presumably have been no different from what it was.

"Since the Tariff Commission made the aforementioned escape-clause finding, the financial position of the domestic industry which packs tuna and tunalike fishes appears to have improved. Presumably, therefore, less basis exists now than existed when the escape clause investigation was made for increasing duties or applying quotas on any imports of canned tuna and tunalike fishes in order to prevent serious injury to the domestic industry which packs such fish. Even if no tariff or quota action should be taken for the benefit of domestic tuna packers, however, it might be necessary to apply increased duties or quotas on at least some canned tuna and tunalike fishes if duties or quotas should be placed on imports of fresh or frozen tuna for the benefit of the domestic tuna fishery. The scope and nature of the compensatory adjustments on the canned items would depend on the height of the duties, or the size of the quotas, on the fresh and frozen fish.

"9. To the extent that imports of fresh or frozen tuna would be restricted by either tariffs or quotas, the domestic canneries that rely on foreign sources for all or part of their supply of raw fish might be placed at a competitive disadvantage in comparison with those that obtain most or all of their supplies from domestic fisheries. The domestic canneries most dependent on foreign sources of supply

are located in the Pacific Northwest, the Atlantic Coast States, and Hawaii.

"Overall restriction of imports of the raw fish would also operate to reduce the supply of albacore, available to domestic canneries. The domestic catch of albacore, which varies widely from year to year, is not nearly large enough to meet requirements of domestic canneries for producing their premium packs of white meat tuna.

"To the extent that the imposition of a duty or quota on fresh or frozen tuna would result in higher costs to domestic canneries, the wholesale prices of canned fish would advance and the retail prices would advance disproportionately more. The cost of raw fish currently averages over 60 percent of the factory cost of producing canned tuna in the United States.

"10. The tariff treatment applicable to fresh or frozen bonito and yellowtail, tuna canned in brine, and bonito and yellowtail canned in oil or brine are now the subject of tariff commitments under trade agreements with various countries; but imports of fresh or frozen tuna and tuna in oil are not the subject of any such commitments. Any changes in the tariff treatment of imports now subject to these commitments would therefore require modification of the agreements with one or more of the following countries: Iceland and the contracting parties of GATT, of which Cuba, Peru, Canada, and Chile would probably be the countries principally concerned.

"Although the United States has no specific obligations to Japan with respect to the tariff treatment applicable to United States imports of tuna and tunalike products, Japan has an important interest in that matter. The export of frozen and canned tuna and tunalike fishes to the United States by foreign countries, particularly Japan and Peru, provides employment for their nationals, some revenue for their governments, and a supply of needed dollar exchange."



Eighty-Third Congress (First Session)

MARCH 1953

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

BILLS AND RESOLUTIONS INTRODUCED:

Distribution of Fishery Products: H. R. 4303 (Lane) - A bill to further encourage the distribution of fishery products, and for other purposes; to the Committee on Merchant Marine and Fisheries. This bill provides that from funds available to the Secretary of Agriculture to carry out the provisions of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, \$3,000,000 a year shall be transferred to the Secretary of the Interior to be used to encourage domestic consumption of surplus fishery products "by acquiring them and providing for

their distribution through Federal, State, and private relief channels." From the total funds, the sum of \$750,000 "shall be used to promote the free flow of domestically-produced fishery products in commerce by conducting a fishery educational service and fishery technological and related research programs;" and \$250,000 to develop and increase markets for domestic fishery products.

Export and Import Controls: H. R. 2949 (Gross) - To amend the Export Control Act of 1949, so as to provide for import controls and modify the provisions relating to export controls for the protec-

tion of American agriculture, labor, and industry, and for other purposes; to the Committee on Banking and Currency.

Fishermen's Old-age and Survivors Insurance Coverage Extension: H. R. 3688 (Bolton) - A bill to extend the old-age and survivors insurance system to certain service performed by fishermen, including service performed by them aboard vessels of 10 tons or less; to the Committee on Ways and Means.

Hawaii Statehood, H. R. 3575 (Saylor) - Same as those previously introduced.

Imports from Guam: H. R. 3798 (Patterson) - To amend section 27 of the Organic Act of Guam (Public Law 630, Eighty-first Congress) to provide that articles imported into the United States from Guam and containing foreign materials to the value of more than 20 per centum of their total value, shall be dutiable; and for other purposes; to the Committee on Interior and Insular Affairs.

International Food Reserve: S. J. Res. 56 (Murray and 23 others) - Joint resolution to provide for the creation of an International Food Reserve; to the Committee on Foreign Relations.

Labeling of Foreign-Produced Trout Packages: H. R. 4201 (Budge) - A bill relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear on the menus of public eating places serving such trout; to the Committee on Interstate and Foreign Commerce. Provisions same as S. 1114 reported in Commercial Fisheries Review, March 1953, Page 72.

Natural Resources Policy: S. 1412 (McCarran) - A bill to establish a national natural resources policy; to create a Natural Resources Council; to provide for a natural resources inventory; and for other purposes; to the Committee on Interior and Insular Affairs. Fishery or aquatic resources not included.

Striped Bass Protection: H. R. 3720 (Wolverton) - A bill to protect striped bass; to the Committee on Merchant Marine and Fisheries. This bill makes it unlawful for anyone to catch striped bass by the use of a net, seine, or any other contrivance, except a hook and line, within U. S. territorial waters.

Titles of States to Lands and Resources Beneath Navigable Waters: H. R. 4198 (Graham) - A bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer Continental Shelf; to the Committee on the Judiciary.

Titles of States to Lands and Resources Beneath Navigable Waters: S. 1252 (Anderson for himself and 17 other Senators) - A bill relating to the rights of the several States in tidelands and in lands beneath navigable inland waters, and to the recognition of equities in submerged lands of the Continental Shelf adjacent to the shores of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

Trade Agreements Extension Act of 1953, H. R. 4294 (Simpson) - A bill to extend the authority

of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended, and for other purposes.

BILLS REPORTED:

Titles of States to Lands and Resources Beneath Navigable Waters: Reported to the House was H. R. 4198, to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said land and resources and the resources of the outer Continental Shelf; filed March 27 (H. Rept. 215).

Titles of States to Lands and Resources Beneath Navigable Waters: Reported to the Senate was S. J. Res. 13, to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources, with amendments (S. Rept. 133).

BILLS PASSED:

Hawaii Statehood: By a vote 274 to 138 the House of Representatives passed H. R. 3575, 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. The bill was reported to the House by the Committee on Interior and Insular Affairs (H. Rept. 109). The Committee on Rules granted an open rule for general debate (H. Rept. 124).

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.

Enabling 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, House Report No. 109 (March 3, 1953), 83d Congress, 1st Session), 73 p., printed, to accompany H. R. 3575. The Committee on Interior and Insular Affairs reported favorably on the bill with amendments, and recommended passage.

Submerged Lands Act, House Report No. 215 (March 27, 1953, 83d Congress, 1st Session), 124 p., printed. This is a report from the Committee on the Judiciary to accompany H. R. 4198, to confirm and establish the titles of the states to lands beneath navigable waters within state boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources and the resources of the outer continental shelf. The Committee recommended passage of the bill without amendment. The bill defines "lands beneath navigable waters" to mean the lands which were within State boundaries and covered by nontidal waters which were navigable under Federal law at the time the State entered the Union, or acquired sovereignty over them later up to ordinary high water mark as modified in the past or future by accretion, erosion, and reliction. "Natural resources" is described to include without limiting the generality thereof, oil, gas, all other minerals, fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life. The "continental shelf" is also defined. The report discusses

the need for legislation, the history of the bill, the purpose of legislation, and an analysis of the bill. An appendix contains House Report No. 695, to H. R. 4484, 82d Congress, 1st Session; House Report No. 1778 to H. R. 5992, 80th Congress, 1st Session; list of proponents during hearings on S. 1988, H. R. 5992, and related measures; approximate areas of submerged lands within State boundaries; minority views to H. R. 5992; opinions of the Supreme Court in various pertinent cases; minority report to H. R. 4484; Senate Document No. 139, 82d Congress, 2d Session, veto message--title to submerged lands (S. J. Res. 20); Executive Order 10426, issued January 16, 1953, setting aside submerged lands, additional views, and additional separate statement of views on H. R. 4498.

Submerged Lands Act, Senate Report No. 133, Part 1, (March 27, 1953, 83d Congress, 1st Session), 81 p., Printed. This is a report from the Committee on Interior and Insular Affairs to accompany S. J. Res. 13, a joint resolution to confirm and establish the titles of the states to lands beneath navigable waters within state boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to confirm the jurisdiction and control of the United States over the natural resources of the seabed of the continental shelf seaward of state boundaries. Committee recommended passage with an amendment in the form of a clean bill. The only change of substance from the original bill is in section 9, in which the jurisdiction and control of the Federal Government over the natural resources of the seabed of the continental shelf seaward of historic state

boundaries is confirmed. The report contains the clean bill, a discussion of the purpose of the bill and legislation for the continental shelf, analysis of the bill, Committee amendments, and the history of the legislation. The Committee points out that "the majority is fully aware that in proposing legislation applying only to submerged lands inside State boundaries, there remains a large and important area requiring congressional action, namely, the Continental Shelf seaward of state boundaries." The bill as amended deals "with this vast area only to the extent that it gives statutory confirmation to the jurisdiction and control of the United States over the resources of the seabed and subsoil of the continental shelf which was asserted in 1945 by the Presidential proclamation. It does not attempt to provide for the administration and development of the area and the mechanics of control." An appendix contains the Proclamation by the President of the United States of Sept. 28, 1945, stating the policy of the United States with respect to the natural resources of the subsoil and seabed of the continental shelf; Executive Order 9633, Sept. 28, 1945, reserving and placing certain resources of the continental shelf under the control and jurisdiction of the Secretary of the Interior; text of Supreme Court decisions in various pertinent cases; Senate Report No. 1592, 80th Congress, 2d Session; and Memorandum Brief by National Association of Attorneys General.

Submerged Lands Act (America's Stake in Off-shore Oil), Senate Report No. 133, Part 2 (April 1, 1953), 138 p., Printed. Contains the minority views.



FLOW CHART of the COMMERCIAL FISHERIES - 1952

