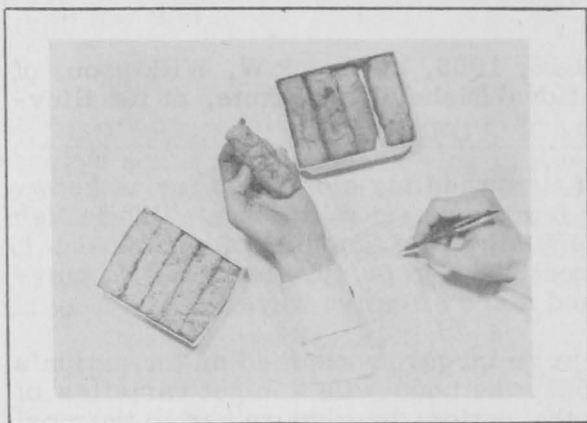


FEDERAL ACTIONS

Department of Agriculture

FISH-STICK STANDARD ESTABLISHED:

Through the combined efforts of the commercial fishing industry, the Department of the Interior, and the Department of Agriculture, quality standards that



Recording score for quality factors of fish sticks.

proved so valuable as a marketing aid for agricultural products will soon become available for fish and fishery products, Secretary of the Interior Fred A. Seaton announced July 25.

Official notice of final rule making for voluntary United States standards for grades for frozen fried fish sticks were published in the Federal Register of July 21, 1956. The standards will become effective on August 20, 1956.

Funds made available by Public Law 466, 83rd Congress, commonly referred to as the Saltonstall-Kennedy Act, have been used to expedite the program of the U. S. Fish and Wildlife Service for the development of voluntary Federal standards. The National Fisheries Institute, acting as a contract research agency for the Fish and Wildlife Service, has supplied the industry liaison essential to the standards program and has supplied

consulting services at meetings and conferences on standards. A committee of industry technologists, representative of fish-stick producers and distributors, actively cooperated with the Service's scientific staff in the studies of frozen fried fish sticks (selected as the product of highest priority by the fishing industry) and of processing procedures required to insure development of realistic and practical standards. The Department of the Interior has developed the standards program for fish and fishery products and conducted research required to develop or revise the standards.

When the standards become effective, the Department of Agriculture will offer an inspection and certification service on a fee basis upon request by any financially-interested party. Such inspections will aid in quality control and in facilitating marketing of the products.

The standards for frozen fried fish sticks apply to whole, rectangular-shaped portions of fish meat, breaded, precooked and frozen. The grades include "U. S. Grade A" and "U. S. Grade B." Quality below these grades would be classified as "Substandard."

Products to be graded must conform to the industry-accepted definition of the product. The most important elements of the definition require that only one species of fish be used in a package, that the fish meat be composed of fillet portions, and that the product consist of at least 60 percent by weight of fish meat.

The standards do not define proper labeling nomenclature for this product. Frozen fried fish sticks, when sold in interstate commerce, must conform to the labeling regulations of the Food and Drug Administration, Department of Health, Education, and Welfare.

The standard as published in the Federal Register follows:

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED FISH STICKS¹

On April 26, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2687) regarding a proposed issuance of United States Standards for Grades of Frozen Fried Fish Sticks.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Fried Fish Sticks are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946. (60 Stat. 1087, et seq., as amended; 7 U. S. C. 1621 et seq.)

PRODUCT DESCRIPTION AND GRADES

- Sec. 52.3141 Product description.
- 52.3142 Grades of frozen fried fish sticks.

WEIGHTS AND DIMENSIONS

- 52.3143 Recommended weights and dimensions.

FACTORS OF QUALITY

- 52.3144 Ascertaining the grade for frozen fried fish sticks.
- 52.3145 Ascertaining the score for the factors which are rated.
- 52.3146 Appearance.
- 52.3147 Defects.
- 52.3148 Character.

DEFINITIONS AND METHODS OF ANALYSIS

- 52.3149 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

- 52.3150 Tolerances for certification of officially drawn samples.

SCORE SHEET

- 52.3151 Score sheet for frozen fried fish sticks.

AUTHORITY: §§ 52.3141 to 52.3151 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.3141 *Product description.* Frozen fried fish sticks are clean, wholesome, rectangular-shaped portions of breaded, pre-cooked, and frozen fish flesh. The portions of fish flesh, composed primarily of large pieces, are coated with a suitable batter and breading; are cooked by frying in suitable oil or fat; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product. Frozen fried fish sticks contain not less than 60 percent, by weight, of fish flesh. All sticks comprising an individual package are prepared from the flesh of only one species of fish.

§ 52.3142 *Grades of frozen fried fish sticks.* (a) "U. S. Grade A" is the quality

of frozen fried fish sticks that possess a good flavor and odor, that possess a good appearance, that are practically free from defects, that possess a good character, and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the frozen fried fish sticks may possess a reasonably good appearance and a reasonably good character if the total score is not less than 85 points.

(b) "U. S. Grade B" is the quality of frozen fried fish sticks that possess a reasonably good flavor and odor, that possess a reasonably good appearance, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the frozen fried fish sticks may fail to possess a reasonably good appearance and fail to possess a reasonably good character if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried fish sticks that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 52.3143 *Recommended weights and dimensions.* The recommended weights and dimensions of frozen fried fish sticks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purposes of these grades. It is recommended that the largest dimension of a fish stick be at least three times that of the next largest dimension and that the average weight of the individual sticks be not less than 3/4 ounce and not greater than 1 1/4 ounces.

FACTORS OF QUALITY

§ 52.3144 *Ascertaining the grade—* (a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Appearance	35
Defects	40
Character	25
Total score	100

(b) The grade of frozen fried fish sticks is ascertained by observing the product in the frozen state and after it has been heated in a suitable manner.

(c) *Good flavor and odor.* "Good flavor and odor" means that the product has the good flavor and odor of properly prepared breaded fish sticks. The flesh portion has the good flavor and odor of properly prepared fish of the particular species. The coating has the good flavor and odor obtained when all components

have been properly prepared, used, and maintained. The product is free from rancidity, bitterness, and staleness, from bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

(d) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" means that the product may be somewhat lacking in good flavor and odor, but is free from rancidity and from objectionable bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

§ 52.3145 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive. (For example, "21 to 25 points" means 21, 22, 23, 24, or 25 points.)

§ 52.3146 *Appearance—*(a) *General.* The factor of appearance refers to the uniformity of size and shape of the frozen sticks, the color of the heated sticks, and the continuity of the coating of the product after heating.

(b) (A) *classification.* Frozen fried fish sticks that possess a good appearance may be given a score of 30 to 35 points. "Good appearance" means that the sticks are practically uniform in size and shape; that the product after heating possesses a practically uniform light brown to golden brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not more than slightly affected by cracking or slipping.

(c) (B) *classification.* Frozen fried fish sticks that possess a reasonably good appearance may be given a score of 25 to 29 points. "Reasonably good appearance" means that the sticks are reasonably uniform in size and shape; that the product after heating possesses a reasonably uniform light brown to golden-brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not materially affected by cracking or slipping.

(d) (SStd.) *classification.* Frozen fried fish sticks which fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points, and shall not be graded above U. S. Grade B regardless of the total score of the product (this is a partial limiting rule).

§ 52.3147 *Defects—*(a) *General.* The factor of defects refers to the degree of freedom from bones, broken sticks, damaged sticks, and from blemishes.

(1) *Bones.* "Bones" means any bones that can be separated from the product, can be identified, and are of such character as to be potentially harmful.

(2) *Broken stick.* "Broken stick" means a fish stick which is separated in two or more parts or is strained apart to the extent that it cannot be readily handled as one stick.

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(3) *Damaged stick.* "Damaged stick" means a fish stick which has been crushed or otherwise mutilated to the extent that its appearance is materially affected.

(4) *Blemished.* "Blemished" means the presence (in or on the fish flesh) of blood spots, bruises, skin, protein curd spots, and objectionable dark layer fat, and (on or in the coating) of burned material, dark carbon specks, and other harmless extraneous material.

(5) *Seriously blemished.* "Seriously blemished" means blemished to the extent that the appearance is seriously affected.

(b) (A) *classification.* Frozen fried fish sticks that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that:

- (1) None of the sticks are broken;
- (2) The sticks may be blemished to only a minor degree; and

(3) Not more than a total of 20 percent, by count, of the sticks may be damaged or contain bones: *Provided*, That bones may be present in not more than 10 percent, by count, of all the sticks.

(c) (B) *classification.* Frozen fried fish sticks that are reasonably free from defects may be given a score of 28 to 33 points. Frozen fried fish sticks that fall into this classification may not be graded above U. S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than a total of 30 percent, by count, of the sticks may be defective because of bones, or are damaged sticks, broken sticks, or seriously blemished sticks: *Provided*, That

- (1) Not more than 10 percent, by count, may be broken sticks;
- (2) Not more than 30 percent, by count, may be damaged sticks;
- (3) Not more than 20 percent, by count, of the sticks may contain bones; and

(4) Not more than 10 percent, by count, of the sticks may be seriously blemished.

(d) (SStd.) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points, and may not be graded above substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3148 *Character*—(a) *General.* The factor of character refers to the presence or absence of free oil in the package and its effect on the condition of the package; the ease of separating the frozen sticks without damaging the coating or breaking the sticks; the tendency of the sticks to remain whole and unbroken when they are heated, handled, and served in the normal manner; the degree of freedom of the breading from either an oiliness or crumbliness; the tenderness and moistness of the flesh; the consistency of the breading in the heated product; and the adherence of the coating of the heated product.

(b) (A) *classification.* Frozen fried fish sticks that possess a good character may be given a score of 21 to 25 points. "Good character" means that oil from the product does not more than slightly

damage the package; that there may be present not more than a very small amount of loose breading in the package; that the sticks may be separated easily; that the sticks are not more than very slightly damaged by the normal handling incident to heating and serving; that no excess oil remains on the cooking utensil; that the breading is not more than slightly oily; that the flesh after heating has a good texture which is firm, tender and moist, characteristic of properly fried fish sticks for the species used; and that after heating the coating has a good crisp, tender texture not more than slightly affected by blistering or wrinkling.

(c) (B) *classification.* Frozen fried fish sticks that possess a reasonably good character may be given a score of 17 to 20 points. "Reasonably good character" means that oil from the product does not materially damage the package; that there may be present not more than a reasonable amount of loose breading in the package; that the sticks may be separated with only moderate damage to the coating; that the sticks are not more than moderately damaged by the normal handling incident to heating and serving; that the breading is not more than moderately oily; that the flesh after heating has a reasonably good texture which is not more than moderately tough, stringy, crumbly, mushy or spongy; and that after heating the coating has a reasonably good texture which may be not more than moderately pasty, mushy, tough, or crumbly and is not materially affected by blistering or wrinkling.

(d) (SStd.) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above U. S. Grade B regardless of the total score for the product (this is a partial limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.3149 *Definitions and methods of analysis*—(a) *Percent of fish flesh.* "Percent of fish flesh" means the percent, by weight, of fish flesh in an individual package as determined by the following method:

- (1) *Equipment needed.* (i) Water bath (2 to 3 liter beaker).
- (ii) Balance, accurate to 0.05 gm.
- (iii) Paper towels.
- (iv) Spatula, small with curved tip.

(2) *Procedure.* (i) Remove from 0° F. storage and obtain the weight of each stick in the package while still in a hard frozen condition.

(ii) Place each stick individually in the water bath (maintained at 17° to 30° C.—63° to 86° F.) and allow to remain for 25 seconds. Remove from the bath; blot off lightly with double thickness paper toweling; scrape off coating with spatula; and weigh the fish flesh portion of the stick.

(iii) Calculate the percent of fish flesh in the package by the following formula:

$$\frac{\text{Total weight of fish flesh}}{\text{Total weight of frozen sticks}} \times 100 = \text{percent fish flesh.}$$

(c) *Heating in a suitable manner.* "Heating in a suitable manner" means

heating in accordance with the recommendations accompanying the product. However, if specific instructions are lacking, the product should be heated as follows:

(1) Place the product while still in the frozen state on a flat or shallow pan of sufficient size that at least 10 ounces of the product can be spread evenly on the pan with no portion of a stick closer than ¼ inch to another or to the edge of the pan.

(2) Place the pan and frozen contents in a properly ventilated oven pre-heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

LOT CERTIFICATION TOLERANCES

§ 52.3150 *Tolerances for certification of officially drawn samples.* (a) The grade of a specific lot from which samples have been officially drawn may be certified on the basis of such samples: *Provided*, That (1) all packages contain one species of fish; (2) all packages meet applicable provisions of the Federal Food, Drug, and Cosmetic Act in effect at the time of the aforesaid certification; *And provided further*, That, with respect to those factors which are rated by score points, such grade will be determined by averaging the total scores, if:

(i) Not more than one-sixth of the packages fail to meet the grade indicated by the average of such total scores;

(ii) None of the packages fall more than one grade below the grade indicated by the average of such total scores; and

(iii) The average score of all packages for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the packages comprising the sample.

SCORE SHEET

§ 52.3151 *Score sheet for frozen fried fish sticks.*

Label.....
Size and kind of container.....
Species of fish.....
Container mark or identification.....
Size of lot.....
Number of samples.....
Net weight (ounces).....
Number of sticks per container.....

Factors	Score points
Appearance.....	35 (A) 30-35 (B) 25-29 (SStd.) 10-24
Defects.....	40 (A) 34-40 (B) 28-33 (SStd.) 10-27
Character.....	25 (A) 21-25 (B) 17-20 (SStd.) 10-16
Total score.....	100
Grade.....	
Flavor.....	

¹ Indicates partial limiting rule.
² Indicates limiting rule.

Effective time. The United States Standards for Grades of Frozen Fried Fish Sticks (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: July 18, 1956.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

Department of the Interior

FISH AND WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE REORGANIZATION DEFERRED PENDING CONGRESSIONAL ACTION:

Because Congress is considering legislation affecting the Fish and Wildlife Service, administrative reorganization of that Service, scheduled to go into effect July 1, was temporarily deferred, with the President's approval, Secretary of the Interior Fred A. Seaton announced July 3.

The Department has been working out details of the reorganization plan since June 4, when a White House directive spelled out the objectives of the Administration's proposal to provide new forms of assistance to the commercial fishing industry and to bolster other services performed by the Fish and Wildlife Service.

Secretary Seaton said the Department had decided to postpone completion of the reorganization until Congress has had an opportunity to act on pending legislation designed to accomplish essentially the same things as the administration's program.

The Secretary said H. R. 11570 is generally in accord with the President's program.

"In view of the fact that the Congress is now considering legislation that would, among other things, provide for the reorganization of the Fish and Wildlife Service to include a bureau of wildlife and sport fishing and a bureau of commercial fisheries, it would seem best at this time for the Department to delay effectuating its own reorganization plan beyond the originally contemplated July 1 target date," Seaton said.

"This is a complex problem and it is the President's desire that the Department of the Interior and other interested Federal agencies cooperate to the utmost with the Congress in working out the best possible solution to the problem," he added.

In addition to providing for reorganization of the Fish and Wildlife Service, H. R. 11570, as reported by the House Committee on Merchant Marine and Fisheries, calls for establishment within the Department of the Interior of an Assistant Secretary to have supervision of fisheries and wildlife and a Commissioner of Fish and Wildlife. Other significant features of the bill are a revolving loan fund and a continuation of the Saltonstall-Kennedy program which would eliminate the present \$3,000,000 limitation on funds for fisheries research and other projects. The Saltonstall-Kennedy Act of 1954 is due to expire next year.

The administration's proposed legislation, submitted to Congress on June 7 provided for a \$10,000,000 revolving loan fund for the maintenance and repair of commercial fishing vessels and for liberalization of the Saltonstall-Kennedy Act.

* * * * *

NOTICE OF INTENTION TO ADOPT AMENDMENTS TO ALASKA COMMERCIAL FISHERIES REGULATIONS:

Notice of intention to adopt amended regulations permitting and governing the time, means, and methods for taking commercial fish and shellfish in waters of Alaska was published in the Federal Register of July 18, 1956. The regulations are to become effective beginning about February 1, 1957, and to continue in effect thereafter until further notice.

Interested persons may participate in considering changes in the regulations by submitting their views, data, or arguments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on or before November 20, 1956, or by presenting their views at a series of open discussions scheduled as follows:

Dillingham, Alaska--October 1, 1956
Anchorage, Alaska--October 3, 1956
Homer, Alaska--October 4, 1956
Kodiak, Alaska--October 6, 1956
Cordova, Alaska--October 8, 1956
Juneau, Alaska--October 15, 1956
Sitka, Alaska--October 16, 1956
Ketchikan, Alaska--October 18, 1956

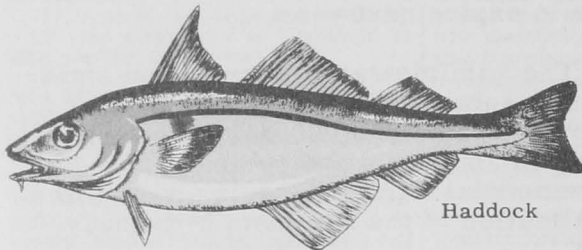
Wrangell, Alaska--October 19, 1956
Seattle, Wash.--November 7, 8, and
9, 1956

The hour and place of each meeting will be announced by the local representative of the U. S. Fish and Wildlife Service at the places indicated.

* * * * *

**PROPOSED REVISED REGULATIONS
FOR NEW ENGLAND HADDOCK FISHERY:**

The text of new regulatory provisions to provide for the registration of vessels to be used in the taking of haddock within



Haddock

Subarea 5 of the Northwest Atlantic Ocean is contained in a notice of proposed rule making published by the Department of the Interior in the June 12 issue of the Federal Register.

Subarea 5 is an area of the high seas lying off the coast of New England and is one of five separately-described areas of the high seas covered by the International Convention for the Northwest Atlantic Fisheries, signed at Washington, February 8, 1949. Vessels registered for use in the haddock fishery will be

These regulations are designed to give effect to a proposal adopted in 1952 by the International Commission for the Northwest Atlantic Fisheries which recommended that the contracting governments take appropriate action to prohibit the taking of haddock in Subarea 5 with a trawl net having a mesh size of less than $4\frac{1}{2}$ inches. This recommendation was made in the interest of permitting an adequate escapement of immature haddock which, in turn, would contribute materially toward increasing the level at which the maximum sustainable catch of this species might be maintained.

The Commission's recommendation was first implemented by regulations adopted by the Secretary which became effective May 31, 1953 (50 CFR Part 155, 18 F.R. 2414, April 24, 1953). These regulations were experimental in nature so far as they related to the size of the meshes of trawl nets and by their terms were to be effective for the year 1953 only. As an aid to enforcement, the regulations were made applicable to the entire convention area although the Commission's recommendation for mesh size restrictions applied only to

required to use trawl nets having a minimum mesh size of $4\frac{1}{2}$ inches.

The new regulations are to be adopted in the interest of more effective enforcement of a minimum mesh-size restriction which has been in effect since 1953. The mesh-size restriction was adopted in that year following a proposal by the ten-nation International Commission for the Northwest Atlantic Fisheries. Experience gained during three years of operations has indicated the desirability of effecting these changes which will be helpful in obtaining industrywide compliance with the requirements of the regulations.

For many years, prior to the adoption of the regulations, haddock fishermen using nets having an inside measurement as small as $2\frac{7}{8}$ inches caught haddock which were too small to be marketed. These small haddock were discarded at sea. The present regulations, based upon knowledge obtained through extensive research into the rates of growth and mortality of haddock, specifies a minimum mesh size of $4\frac{1}{2}$ inches inside measurement which has the effect of permitting immature haddock to escape unharmed from the nets. Since adoption of the new fishing practices in 1953, biologists of the U. S. Fish and Wildlife Service estimate that several million pounds of young fish have been left in the sea each year for capture at a future time when they will have grown to a more desirable size.

Subarea 5. In addition to prohibiting United States fishermen from taking haddock in all of the sub-areas of the convention area with a trawl net having a mesh size of less than $4\frac{1}{2}$ inches, the regulations prohibited the possession or transportation on a vessel at any one time of both a prohibited trawl net and haddock in excess of 5,000 pounds or ten percent of all fish on board, whichever was larger. Late in 1953, a number of vessel operators were apprehended at Massachusetts ports and were charged with violating the regulations through possessing undersized trawl nets and haddock in excess of the exempted quantities. These cases subsequently were disposed of upon pleas of guilty or nolo contendere, resulting in fines ranging from \$15 to \$250.

Effective January 1, 1954 (18 F.R. 8903, December 31, 1953), revised regulations of unlimited duration were adopted to implement a second proposal recommended by the Commission relating to the taking of haddock in Subarea 5. These regulations continued the $4\frac{1}{2}$ -inch minimum mesh size restriction and prescribed a procedure for determining equivalent wet and dry mesh sizes. The

regulations also established a procedure under which trawl nets could be certified and approved by the Fish and Wildlife Service for use in haddock fishing. Although the regulations continued to apply to the entire convention area, the prohibition against the possession of haddock and an undersized net was eliminated because it was regarded as being merely a rule of evidence which, in the circumstances presented, probably exceeded the authority of the Secretary. Difficulties in proving violations arose under the amended regulations because several suspected violators had not been detected at sea using undersized nets and no means were available for establishing that small mesh nets had been used in taking haddock in quantities affected by the regulations. As a result, the criminal actions instituted against a number of vessel operators who had been apprehended upon arrival in port during the early part of 1954 were later dismissed because of the absence of evidence sufficient to obtain convictions.

In a memorandum, dated September 12, 1955, the Solicitor reviewed extensively the authority of the Secretary to prescribe regulations governing the taking of haddock in the Northwest Atlantic Ocean and concluded that in the light of the Commission proposals which thus far have entered into force the regulations cannot be made applicable to any waters beyond Subarea 5. He also concluded that no provisions designed to serve as a rule of evidence can be included in the regulations. In view of these conclusions and as a practical aid to effective enforcement, the Solicitor suggested that a licensing or registration system be prescribed by regulations as a means of determining those persons who fish for haddock in Subarea 5 and are thus amenable to regulation, including a prohibition against the possession of undersized trawl nets.

The draft of proposed revised regulations as published in the June 12 Federal Register is designed to carry the suggestions of the Solicitor into effect. Significant proposed changes in and additions to the existing regulations are commented on below:

1. Section 155.1 is largely self-explanatory and is retained as a part of the regulations to afford legal definitions for the terms used elsewhere in the regulations. These definitions follow closely those employed in the existing regulations. It should be observed, however, that the definition of "haddock fishing" has been enlarged to include "the outfitting and departure of a vessel for or the return of a vessel from haddock fishing." The inclusion of these acts will enlarge the basis for enforcement activities at ports within territorial waters involving haddock taken within Subarea 5 by registered haddock fishing vessels. Another significant change in §155.1 is the inclusion of a definition of the "regulatory area" to delimit the boundaries of Subarea 5 of the convention area. When revised in accordance with the present proposals, these regulations will have application only to the taking of haddock in Subarea 5.

2. A major change in the regulations is represented by the addition of §155.2. Subsection (a) of this section will require that persons who propose to engage in haddock fishing in Subarea 5 shall first register their vessels and obtain a haddock registration certificate by following the

procedures specified in subsection (b). Subsection (c) of §155.2 will require that the haddock registration certificate be carried on board the vessel for which it is issued and that the certificate, the vessel, its gear and equipment shall at all times be subject to inspection by officers authorized to enforce the regulations. The primary purpose of the registration requirement is to afford a means by which persons fishing for haddock in Subarea 5 may be distinguished from those who fish for haddock in nonregulated waters of the convention area or fish for species in Subarea 5 other than haddock.

3. (a) Section 155.3(a) would make it unlawful for any person to possess on board a registered haddock fishing vessel or to use or attempt to use from such vessel a trawl net having a mesh size of less than $4\frac{1}{2}$ inches as determined in accordance with the methods of measuring fishing gear prescribed in subsections (b), (c) and (d) of §155.3.

(b) Subsection (d) would be amended to substitute "120-thread cotton" for the present "109-thread cotton" to correct an error made when this subsection was adopted late in 1953. Moreover, all reference to nylon twine would be deleted from this subsection pending completion of studies by the Service to determine the behavior of cod ends constructed of nylon twine of various sizes. This change has become particularly important with the recent use of cod ends constructed from war-surplus braided nylon parachute cord. Depending upon a variety of factors in the use of these cod ends, the twine swells and "fuzzes up," becoming at least double the original diameter of the braided cord. This results in a mesh size considerably less than the $4\frac{1}{2}$ -inch minimum permitted under the regulations. Certification and approval for haddock fishing should be discontinued on all nylon-thread cod ends until the Service is in a position to determine what dry mesh size will be equivalent to not less than four and one-half inches when wet after use.

(c) The present subsection (f) of §155.3 will be redesignated (g) and a new subsection (f) will have the effect of invalidating the seals attached by Service representatives to dry mesh cod ends certified and approved by them for use in haddock fishing whenever such cod ends are repaired, altered or otherwise modified subsequent to such certification. This additional provision is proposed for inclusion in the regulations to forestall any contention which otherwise might be made that a cod end having a seal attached is a net of approved mesh size notwithstanding the fact that the net has been materially altered subsequent to certification. In some instances, whole sections of cod ends have many times been replaced while leaving seals intact. No assurance can be had that "sealed" nets when so altered still produce the degree of selectivity contemplated by the $4\frac{1}{2}$ -inch mesh restriction. The effect of the new subsection (f) will be to place cod ends which have been altered subsequent to certification in the same category as nets which have never been certified, thus placing responsibility upon the fisherman to insure that altered nets with seals remaining attached comply with the mesh-size restriction.

4. Section 155.4 prescribes a procedure under which the registration certificate issued for a fishing vessel may be suspended temporarily and thus permit gear having small meshes to be possessed

<p style="text-align: center;">DEPARTMENT OF THE INTERIOR Fish and Wildlife Service OFFICE OF THE REGIONAL DIRECTOR 59 Temple Place Boston 11, Massachusetts</p> <p style="text-align: center;">HADDOCK REGISTRATION CERTIFICATE</p> <p>The vessel _____, official number _____, home port _____, owned by _____ and operated by _____, is registered pursuant to the provisions of Part 155, Title 50, Code of Federal Regulations, for the purpose of engaging in haddock fishing in Subarea _____ of the Convention Area of the International Convention for the Northwest Atlantic Fisheries, signed at Washington, February 8, 1949, for the period _____, 19____ through December 31, 19____.</p> <p>The following provisions of Part 155, Title 50, Code of Federal Regula- tions, are quoted for the information of the operator of the vessel:</p> <p>"§ 155.2(c) The haddock registration certificate so issued by the Fish and Wildlife Service shall be carried on board the vessel for which it is issued at all times and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection by officers authorized to enforce the regulations in this part."</p> <p>"§ 155.3 <u>Restrictions on fishing gear.</u> (a) No person shall possess at any time on board a vessel for which a haddock registration certificate is in force, or use or attempt to use from such vessel, a trawl net or nets, parts of nets or netting having a mesh size of less than four and one-half inches as defined in [subparagraphs (b), (c), and (d) of] this section."</p> <p>"§ 155.4 <u>Temporary suspension of haddock registration certificates.</u> (a) The owner or operator of any fishing vessel which is proposed to be used in haddock fishing beyond the limits of the regulatory area or is pro- posed to be used in fishing within such area for species of fish other than haddock, may obtain a temporary suspension of the haddock registration cer- tificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.</p> <p>"(b) Temporary suspension of haddock registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of one of the following agencies: Fish and Wildlife Service, Coast Guard, Bureau of Customs, and Post Office Department. Such officer shall make appropriate endorsement on the certi- ficate form evidencing the duration of its suspension."</p> <p>_____ Signature of vessel (owner) (operator) (date)</p> <p style="text-align: center;">_____ Regional Director (date)</p> <p style="text-align: center;">[SEE REVERSE]</p>	<p style="text-align: center;">SUSPENSIONS</p> <ol style="list-style-type: none"> 1. Suspended for the period _____ to _____ _____ Signature and title of officer suspending 2. Suspended for the period _____ to _____ _____ Signature and title of officer suspending 3. Suspended for the period _____ to _____ _____ Signature and title of officer suspending 4. Suspended for the period _____ to _____ _____ Signature and title of officer suspending 5. Suspended for the period _____ to _____ _____ Signature and title of officer suspending 6. Suspended for the period _____ to _____ _____ Signature and title of officer suspending 7. Suspended for the period _____ to _____ _____ Signature and title of officer suspending 8. Suspended for the period _____ to _____ _____ Signature and title of officer suspending
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Front and back of proposed Haddock Registration Certificate.

on and used from a vessel when a person desires to engage in haddock fishing outside of Subarea 5 or to fish within that area for species of fish other than haddock. During the period covered by the temporary suspension of the haddock registration certificate the vessel affected by the suspension would not be engaged in haddock fishing within the meaning of these regulations and there would be no bar to the possession or use of fishing gear having a mesh size less than the prescribed minimum of 4½ inches. It is to be understood, of course, that during the period of certificate suspension the affected vessel could be used to take haddock only in convention waters outside the limits of Subarea 5 or for taking species of fish other than haddock within Subarea 5. Subsection (b) of this section contemplates that temporary suspensions of haddock registration certificates may be granted by authorized officers of any one of the following Federal agencies: Fish and Wildlife Service, Coast

Guard, Bureau of Customs, and Post Office Department. Tentative assurances of cooperation in the performance of this limited function have been obtained through discussions with representatives of the agencies named which are not within this Department. These assurances will be reduced to writing before the revisions in the regulations are finally adopted.

5. Subsections (a), (b), and (c) of §155.5 restate the exemptions presently contained in the haddock regulations and would continue to permit the persons and vessels therein described to possess and transport haddock without regard to the requirements of the regulations.

The text of the proposed regulations which appeared in the June 12 Federal Register follows:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 155]

NORTHWEST ATLANTIC COMMERCIAL
FISHERIES

HADDOCK PROVISIONS

NOTICE OF PROPOSED RULE MAKING

Experience gained since the initial adoption of regulations effective May 31, 1953 (18 F. R. 2414), prescribing restrictions on trawling nets used in the taking of haddock in the Northwest Atlantic Ocean, has demonstrated a need for further revisions in the regulations to make the same more effective.

In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950, proposed amendments to the regulations were submitted to the Advisory Committee to the United States Commissioners on the International Commission for the Northwest Atlantic Fisheries on March 26, 1956, at which time the proposed revised regulations received the approval, in principle, of the Advisory Committee.

Notice is hereby given, pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), that the Secretary of the Interior proposes to adopt the regulations set forth in tentative form below to replace Part 155—Haddock Provisions. The proposed regulations to be issued under the authority contained in section 7 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 981), are as follows:

Sec.

- 155.1 Meaning of terms.
155.2 Haddock registration certificates.
155.3 Restrictions on fishing gear.
155.4 Temporary suspension of haddock registration certificates.
155.5 Certain persons and vessels exempted.

AUTHORITY: §§ 155.1 to 155.5 issued under sec. 1, 64 Stat. 1067; 16 U. S. C. 981.

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

(a) *Regulatory area.* The words "regulatory area" mean that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the Meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66° west longitude; thence along a rhumb line in a southeasterly direction to a point in 42° north latitude 65°40' west longitude; thence due south to the parallel of 39° north latitude; thence due west to the Meridian of 71°40' west longitude; thence due north to a point three miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of three miles to the point of beginning.

(b) *Haddock.* The word "haddock" denotes any fish of the species *Melanogrammus aeglefinus*.

(c) *Haddock fishing.* The words "haddock fishing" mean and include (1)

the catching, taking or fishing for or the attempted catching, taking or fishing for fish of the species *Melanogrammus aeglefinus*; and (2) the outfitting and departure of a vessel for or the return of a vessel from haddock fishing.

(d) *Fishing vessel.* The words "fishing vessel" denote every kind, type or description of watercraft or vessel subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(e) *Trawl net.* The words "trawl net" means any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

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(f) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 155.2 *Haddock registration certificates.* (a) No person shall engage in haddock fishing within the regulatory area nor shall any person possess, transport or deliver by means of any fishing vessel haddock taken within such area except under a haddock registration certificate issued and in force in conformity with the regulations in this part.

(b) The owner or operator of a fishing vessel may obtain without charge a haddock registration certificate by furnishing, on a form¹ to be supplied by the Fish and Wildlife Service, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the haddock registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Fish and Wildlife Service, Department of the Interior, Boston, Massachusetts, who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates.

(c) The haddock registration certificate so issued by the Fish and Wildlife Service shall be carried on board the vessel for which it is issued at all times and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection by officers authorized to enforce the regulations in this part.

§ 155.3 *Restrictions on fishing gear.* (a) No person shall possess at any time on board a vessel for which a haddock registration certificate is in force, or use or attempt to use from such vessel, a trawl net or nets, parts of nets or netting having a mesh size of less than four and one-half inches as defined in this section.

(b) As used in this section, the term "mesh size of less than four and one-half inches" shall mean (1) with respect to any part of the net except the cod end, the average size of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use; and (2) with respect to the cod end, the average size of any row of meshes running the length of the cod end located at least ten meshes from the side lacings, measured when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized representative

of the Director of the Fish and Wildlife Service, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes when wet after use shall be made by the insertion into such meshes under pressure of not less than ten nor more than fifteen pounds of a flat wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving dry cod ends before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod ends shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row; *Provided*, That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. Cod ends so measured which are constructed of the twines and are of not less than the average mesh sizes specified in the table below may be approved for haddock fishing by any authorized employee of the Fish and Wildlife Service by the attachment to such cod end of an appropriate seal or seals.

Twine	Average mesh size
4-ply 45-yard manila, double strand.	5.625 inches (5 $\frac{1}{2}$ ")
4-ply 50-yard manila, double strand.	5.625 inches (5 $\frac{1}{2}$ ")
4-ply 75-yard manila, double strand.	5.625 inches (5 $\frac{1}{2}$ ")
4-ply 80-yard manila, double strand.	5.500 inches (5 $\frac{1}{2}$ ")
120-thread cotton.	4.250 inches (4 $\frac{1}{4}$ ")

(e) The alteration, defacement or reuse of seals affixed to cod ends in accordance with this section is prohibited.

(f) The repair, alteration or other modification of cod ends to which seals have been affixed in accordance with this section shall invalidate such seals and such cod ends shall not thereafter be deemed to be approved for haddock fishing. Nothing contained in this section shall preclude the continued use at the option of the user, of cod ends having invalidated seals affixed thereto; *Provided*, That such cod ends after repair, alteration or other modification shall continue to have a mesh size of not less than four and one-half inches as defined in paragraph (b) of this section.

(g) The use in haddock fishing within the regulatory area of any device or method which will obstruct the meshes of the trawl net or which otherwise will have the effect of diminishing 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.

§ 155.4 *Temporary suspension of haddock registration certificates.* (a) The owner or operator of any fishing vessel which is proposed to be used in haddock fishing beyond the limits of the regulatory area or is proposed to be used in

¹ Form filed as part of original document. Copies available upon request to Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

fishing within such area for species of fish other than haddock, may obtain a temporary suspension of the haddock registration certificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of haddock registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of one of the following agencies: Fish and Wildlife Service, Coast Guard, Bureau of Customs, and Post Office Department. Such officer shall make appropriate endorsement on the certificate form evidencing the duration of its suspension.

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

(a) Any person who or vessel which, in the course of taking fish other than haddock, takes and possesses a quantity of haddock not exceeding five thousand pounds, or ten percent of all fish on the vessel from which the fishing is conducted, whichever is the greater.

(b) Any person or vessel 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.

Prior to the final adoption of the regulations set forth above, consideration will be given to any data, views or arguments relating thereto which are submitted in writing to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 6, 1956.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

* * * * *

HERRING QUOTA IN SOUTH-EASTERN ALASKA INCREASED.

On the basis of herring abundance, it has been determined that the quota in Southeastern Alaska, in other than the Cape Ommaney-Cape Bingham section, can be increased from 17,500 short tons to 22,500 short tons. The Director of the U.S. Fish and Wildlife Service published this announcement in the Federal Register of July 20, 1956.

* * * * *

HIGH-SEAS FISHING FOR SALMON OFF ALASKA PROHIBITED:

In order to conserve the salmon runs of Alaska, fishing for salmon, except by trolling, on the high seas of the North Pacific Ocean and the Bearing Sea adjacent to Alaskan waters by any "person

or fishing vessel subject to the jurisdiction of the United States," is prohibited by an order effective July 20, 1956.



This action is taken under authority of the North Pacific Fisheries Act of August 12, 1954. It is intended to prevent development of an American high seas salmon fishery which would intercept the Alaskan salmon runs before they reach waters now under regulation. It has been demonstrated that salmon can be taken in commercial quantities on the high seas to such an extent that protective measures imposed within Alaskan waters could be nullified. This made the new prohibition necessary.

The United States section of the International North Pacific Fisheries Commission (established by convention between the United States, Canada, and Japan for the conservation of the fisheries resources of the north Pacific Ocean) requested that this restrictive action be taken. It also has the endorsement of the canning operators and fishermen of Alaska.

The restriction applies only to waters adjacent to the waters of Alaska. The term "waters of Alaska" north and west of the international boundary at Dixon Entrance is defined as including those extending three miles seaward (1) from the coast, (2) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (3) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

The North Pacific Area, where fishing will be prohibited, is defined to include all waters of the north Pacific Ocean and Bearing Sea north of Dixon Entrance and east of 175 degrees west longitude, exclusive of the "waters of Alaska." This is the "abstention line" east of which the Japanese have agreed to abstain from fishing for salmon, herring, and halibut,

as provided for in the convention. Attention is called to the fact that this prohibition does not extend westward of the "abstention line."

The Department has long planned such action and notice of such intention had been filed. Subsequently information from Alaska revealed a serious threat of early establishment of the high-seas fishery which would jeopardize the Department's salmon conservation policy in the Bristol Bay area and further delay the salmon rehabilitation program which is so necessary to the welfare of Alaska.

Severe regulatory measures are in effect in Bristol Bay to arrest the decline and commence restoration of the runs that for years were three times their present size. These measures, among other things, restrict commercial fishing exclusively to gill nets, not

more than 150 fathoms long, limit motor-propelled fishing boats to an over-all length of 32 feet, and limit the number of days fishing per week in accordance with the number of units of gear operating in each district.

With approximately half the number of units of gear operated in other recent years, and with only a four-week season, fishing is limited to two days per week in the Nushagak district, $2\frac{1}{2}$ days per week in the Egegik district, and three days per week in the Naknek-Kvichak and Ugashik districts. Further adjustments on fishing time are made weekly to meet changing conditions in the fishery and in the abundance of the runs.

The final regulation was signed by Secretary of the Interior Fred A. Seaton on July 19 and appeared in the Federal Register of July 20, 1956, as follows:

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purpose. After consultation with the United States section of the International North Pacific Fisheries Commission, notice was published in the FEDERAL REGISTER on July 3, 1956 (21 F. R. 4932) of proposed rule making to prohibit salmon fishing, except trolling, by persons or vessels subject to the jurisdiction of the United States in certain waters adjacent to Alaska, and to redefine various fishing areas and districts. Subsequently, such fishing was prohibited in limited waters of Bering Sea by emergency regulation published in the FEDERAL REGISTER on July 7, 1956 (21 F. R. 5059), to avert the early establishment of a high seas fishery that would jeopardize the Bristol Bay salmon conservation program.

Accordingly, the following amendments and additions to 50 CFR Chapter I (Subchapter F, are effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

PART 101—DEFINITIONS

A new section § 101.19 is added to read as follows:

§ 101.19 *Waters of Alaska.* As used in this subchapter, the term "waters of Alaska" includes those waters north and west of the International Boundary at Dixon Entrance extending three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits,

passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

PART 103—KOTZEBUE-YUKON- KUSKOKWIM AREA

Section 103.1 is amended in text to read as follows:

§ 103.1 *Definition.* The Kotzebue-Yukon-Kuskokwim area includes all waters of Alaska between Point Hope and Cape Newenham.

PART 104—BRISTOL BAY AREA

Section 104.1 is amended in text to read as follows:

§ 104.1 *Definition.* The Bristol Bay area includes all waters of Alaska in Bristol Bay east of a line from Cape Newenham to a point 3 statute miles south of Cape Mensehikof.

PART 105—ALASKA PENINSULA AREA

Section 105.1 is amended in text to read as follows:

§ 105.1 *Definition.* The Alaska Peninsula area includes all waters of Alaska from a point 3 statute miles south of Cape Mensehikof to Unimak Pass, thence easterly to the western point at the entrance to Kuiuukta Bay.

PART 106—ALEUTIAN ISLANDS AREA

Section 106.1 is amended in text to read as follows:

§ 106.1 *Definition.* The Aleutian Islands area includes all waters of Alaska in the Aleutian Islands west of, and including, Unimak Pass.

PART 109—COOK INLET AREA

Section 109.1 is amended in text to read as follows:

§ 109.1 *Definition.* The Cook Inlet area includes all waters of Alaska in Cook Inlet north of Cape Douglas and west of Point Gore, including the Barren Islands.

PART 110—RESURRECTION BAY AREA

Section 110.1 is amended in text to read as follows:

§ 110.1 *Definition.* The Resurrection Bay area includes all waters of Alaska in the Gulf of Alaska between Point Gore and Cape Fairfield.

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL REGULATIONS

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES DISTRICT, SALMON FISHERIES

**PART 124—SOUTHEASTERN ALASKA AREA,
SOUTHERN DISTRICT, SALMON FISHERIES**

1. Sections 115.1, 116.1, 117.1, 118.1, 119.1, 120.1, 121.1, 122.1, 123.1, and 124.1 are amended in text to read as follows:

The Southeastern Alaska area includes all waters of Alaska in Southeastern Alaska between Cape Fairweather and Dixon Entrance.

2. Sections 117.2, 118.2, 119.2, 121.2, 122.2, 123.2 and 124.2 are amended in text by deleting the words "territorial waters" and substituting in lieu thereof the words "waters of the area."

(Sec. 1, 43 Stat. 464, as amended, sec. 12, 68 Stat. 700; 48 U. S. C. 221, 16 U. S. C. 1031)

PART 130—NORTH PACIFIC AREA

The title to Part 130 is redesignated to read as set forth above and the revised part reads as follows:

Sec.

130.1 Definition, North Pacific area.

130.2 Salmon fishing prohibited, exception.

AUTHORITY: §§ 130.1 and 130.2 issued under sec. 1, 43 Stat. 464, as amended, sec. 12, 68 Stat. 700; 48 U. S. C. 221, 16 U. S. C. 1031.

§ 130.1 *Definition, North Pacific area.* The North Pacific area is defined to include all waters of the North Pacific

Ocean and Bering Sea north of Dixon Entrance and east of 175 degrees west longitude, exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

§ 130.2 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling, in the North Pacific area as defined in this part.

FRED A. SEATON,
Secretary of the Interior.

Salmon fishing except by trolling was first prohibited in limited waters of the Bering Sea by an emergency regulation published in the Federal Register of July 7, 1956, as follows:

TITLE 50—WILDLIFE

**Chapter I—Fish and Wildlife Service,
Department of the Interior**

Subchapter F—Alaska Commercial Fisheries

PART 130—HIGH SEAS SALMON FISHERY

Basis and purpose. The red salmon runs of Bristol Bay, once the most important in the world, are seriously depleted, yielding only about one-third their former production. As a consequence, severe regulations have been imposed on the established fishery, greatly restricting the number of fishing boats and fishing time. These measures have been necessary to reserve a breeding population and prevent further depletion.

It has been determined that a fishery beyond the Territorial waters of Alaska and not subject to existing protective

regulations, would nullify such conservation measures and cause irreparable damage to the already depleted red salmon runs to Bristol Bay. It was learned on July 3 that such high seas fishing was planned by certain operators, although there has been adequate notice at public hearings, in trade journals, and press notices that such fishing would be prohibited, and it was generally accepted by all segments of the Alaska fishing industry.

The United States Section of the International North Pacific Fisheries Commission has recommended that fishing for salmon on the high seas off the Alaska coast, except by trolling, be prohibited. Furthermore, the Chairman of the U. S. Section, by telephone July 4, urged emergency action to provide this protection to the Bristol Bay runs now.

Since an emergency has arisen and immediate action is necessary, further notice and public procedure on these regulations are impracticable and they shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 54 U. S. C. 1001 et seq.).

A new part, designated Part 130, is added to read as follows:

§ 130.1 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling, on the high seas north of the Alaska Peninsula east of 162 degrees west longitude, including Bristol Bay.

(Sec. 12, 68 Stat. 700; 16 U. S. C. 1031)

FRED A. SEATON,
Secretary of the Interior.

JULY 5, 1956.

Notice of proposed rule making was published in the July 3, 1956 Federal Register as follows:

Fish and Wildlife Service

[50 CFR Parts 101, 103, 104, 105,
106, 109, 110, 115, 117, 130]

ALASKA COMMERCIAL FISHERIES

NOTICE OF PROPOSED RULE MAKING

Pursuant to Section 4 of the Administrative Procedure Act of June 11, 1946 (5 U. S. C. 1003) notice is hereby given that the Secretary of the Interior, under the authority of the act of June 18, 1926 (44 Stat. 752; 48 U. S. C. 221 et seq.), as amended, and the act of August 12, 1954 (68 Stat. 698; 48 U. S. C. 1021 et seq.), on the basis of successful exploratory net fishing for salmon native to Alaska on the high seas of the North Pacific Ocean, and after consultation with the United States section of the International North Pacific Fisheries Commission, proposes to:

1. Add the following section to Part 101:

§ 101.19 *Waters of Alaska.* For the purpose of this part, the term "waters of Alaska" north and west of the International Boundary at Dixon Entrance are defined as including those extending

three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

2a. To amend § 103.1 so as to define the Kotzebue-Yukon-Kuskokwim area to include all waters of Alaska between Point Hope and Cape Newenham;

b. To amend § 104.1 so as to define the Bristol Bay area to include all waters of Alaska in Bristol Bay east of a line from Cape Newenham to a point 3 statute miles south of Cape Menshikof;

c. To amend § 105.1 so as to define the Alaska Peninsula area to include all waters of Alaska from a point 3 statute miles south of Cape Menshikof to Unimak Pass, thence easterly to the western point at the entrance to Kuiu Bay;

d. To amend § 106.1 so as to define the Aleutian Islands area to include all waters of Alaska in the Aleutian Islands west of, and including, Unimak Pass;

e. To amend § 109.1 so as to define the Cook Inlet area to include all waters of Alaska in Cook Inlet north of Cape Doug-

las and west of Point Gore, including the Barren Islands;

f. To amend § 110.1 so as to define the Resurrection Bay area to include all waters of Alaska in the Gulf of Alaska between Point Gore and Cape Fairfield;

g. To amend §§ 115.1, 116.1, 117.1, 118.1, 119.1, 120.1, 121.1, 122.1, 123.1, and 124.1 so as to define the Southeastern Alaska area to include all waters of Alaska in Southeastern Alaska between Cape Fairweather and Dixon Entrance;

h. To amend §§ 117.2, 118.2, 119.2, 121.2, 122.2, 123.2, and 124.2 by deleting the words "territorial waters" and substituting in lieu thereof the words "waters of the area."

3. To add a new part reading as follows:

PART 130—NORTH PACIFIC AREA

§ 130.1 *Definition.* The North Pacific Area is defined to include all waters of the North Pacific Ocean and Bering Sea north of Dixon Entrance and east of 175 degrees west longitude, exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

§ 130.2 *Salmon fishing prohibited, exception.* No person or fishing vessel sub-

ject to the jurisdiction of the United States shall fish for or take salmon, except by trolling, in the North Pacific Area, as defined in this part.

Interested persons are invited to participate in the proposed rule making by submitting their views, data, or arguments in writing to the Director, Fish and Wildlife Service, Washington 25, D. C., within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

* * * * *

WHALING REGULATIONS REVISED:

The whaling regulations as last amended have been edited to conform

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

Basis and purpose. Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U. S. C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in July 1955. The whaling regulations, as last amended in July 1955, have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U. S. C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 20 F. R. 5231, July 21, 1955, are amended and republished to read as follows:

Sec.

- 351.1 Inspection.
351.2 Killing of gray or right whales prohibited.

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

AUTHORITY: §§ 351.1 to 351.18 issued under 64 Stat. 421-425; 16 U. S. C. 916-916l.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

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

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

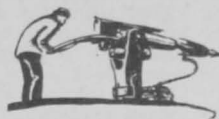
§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operation of factory ships limited.* (a) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.¹

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

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

numbering, internal references, and similar items to regulations of the Ad-



ministrative Committee of the Federal Register, but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States. The regulations as they were published in the June 27 issue of the Federal Register follow

shall be permitted between 66° North Latitude and 72° North Latitude;

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

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

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

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

§ 351.5 *Closed area for factory ships in Antarctic.* It is forbidden to use a whale catcher attached to a factory ship for the purposes of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from November 8, 1955, after which it will automatically become operative again (November 8, 1958).)

§ 351.6 *Limitations on the taking of humpback whales.* (a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of five years.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of five years.

(c) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2d, 3d, and 4th February in any year.

§ 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales.* (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales)

¹ This paragraph was objected to within the prescribed period ending November 7, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on February 24, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from February 24, 1960.

in any waters south of 40° South Latitude, except during the period from January 7 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 1st February in any year.

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

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

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

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

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

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

§ 351.8 *Catch quota for baleen whales.*

(a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in the season 1955-56 and fourteen thousand five hundred blue-whale units thereafter.²

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

(1) Two fin whales or

(2) Two and a half humpback whales

or

(3) Six sei whales.

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

taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 in the season 1955-56 and 13,000 thereafter,³ notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

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

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

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),

Sei whales 40 feet (12.2 metres),

Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

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

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

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the

whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76 feet 6 inches precisely shall be logged as 77 feet.

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

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

(c) Each Contracting Government⁴ shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section).

² Section 351.10 (c) came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not therefore binding on the Commonwealth of Australia.

³ The reduction for the season 1955-56 came into operation as from November 8, 1955, and the further reduction thereafter as from March 7, 1956, but the further reduction is not binding on the Governments of the Netherlands, the United Kingdom, Panama, South Africa, Norway, Japan, U. S. A. and Canada, who lodged objections within the prescribed period.

tion); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

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

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

§ 351.11 *Use of factory ships in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from termination of that season.

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

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

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

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

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

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

(1) The time when each whale is taken,

(2) Its species, and

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

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

(1) Time of hauling up for treatment,

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

(3) Sex,

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

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

(6) A full explanation of each infraction.

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

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

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

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

(a) The name and gross tonnage of each factory ship;

(b) The number and aggregate gross tonnage of the whale catchers;

(c) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.* (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

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

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* The following expressions have the meanings respectively assigned to them, that is to say:

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

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

"Dauhval" means any unclaimed dead whale found floating.

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

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

"Humpback whale" (*Megaptera nodosa or novaeangliae*) means any whale known by the name of bunch, humpback,

Section 351.17 was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which reads as follows:

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

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) On the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

humpback whale, humpbacked whale, hump whale or hunchbacked whale.

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

"Right whale" (*Balaena mysticetus*; *Eubalaena glacialis*, *E. australis*, etc; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Artic right whale, Biscayan

right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

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

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

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

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

FRED A. SEATON,
Secretary of the Interior

JUNE 20, 1956.



Eighty-Fourth Congress (Second Session)

Listed below and on the following pages are public bills and resolutions that directly



or indirectly affect the fisheries and allied industries. Public bills and resolutions are shown when introduced; from month to month the more pertinent reports, hearings, or

chamber actions on the bills shown are published; and if passed, they are shown when signed by the President.

COMMERCIAL FISHERIES EDUCATIONAL PROGRAM: H. R. 10433 (McCormack), a bill to promote the fishing industry in the United States and its Territories by providing for the training of needed personnel for such industry, removed from the consent calendar of the House on July 16, 1956. This bill is similar to S. 2379 (Payne). House on July 21, 1956, adopted H. Res. 612, the rule providing for the consideration of, and one hour of debate on, H. R. 10433, but did not consider the bill.

House after it amended S. 2379 to contain the text of H. R. 10433, a similar bill passed S. 2379.

Senate on July 27 cleared for the President S. 2379 when it concurred in House amendments to the bill.

S. 2379 signed by the President on August 8, 1956 (P. L. 1027).

CUSTOMS SIMPLIFICATION ACT: H. R. 6040 (amended), a bill to amend certain administrative provisions of the Tariff Act of 1930 and to repeal obsolete provisions of the customs laws, reported favorably on July 9, 1956, by the Senate Committee on Finance. (This bill was introduced in the first session of the 84th Congress and was reported favorably to the House on June 18, 1955, H. Rept. 858.) Reported with amendments to the Senate by the Committee on Finance on July 13 (S. Rept. No. 2560).

Conferees agreed to file a report (July 21, 1956) on the differences between the Senate- and House-passed versions.

Senate adopted the conference report on July 25, 1956, and cleared the bill for the President.

Senate Report No. 2560, Customs Simplification Act of 1956 (July 13, 1956, 84th Congress, 2nd Session), to accompany H. R. 6040, 28 pp., printed. Committee on Finance. Describes the amendments; purpose of the bill; general statement; changes in existing law; and presents minority views.

FISH AND WILDLIFE ACT OF 1956 (Previously referred to as "Commercial Fisheries National Policy and Undersecretary for Fisheries and Wildlife"; "Commercial Fisheries National Policy and Assistant Secretary for Fisheries and Wildlife"; also "Commercial Fisheries National Policy and Fisheries Commission"; and by other titles):

On July 7 after adopting an amendment that replaced the Senate-passed text with the provisions of H. R. 11570 (Bonner), the House passed on that date S. 3275, a bill to establish a sound and comprehensive national policy with respect to fisheries and wildlife; to strengthen the fisheries and wildlife segments of the national economy; to create and establish within the Department of the Interior the office of Assistant Secretary for Fisheries and Wildlife, a United States Fish and Wildlife Service; and for other purposes.

Senate disagreed to House amendments to S. 3275, to establish a sound and comprehensive national policy with regard to fisheries resources and asked for a conference with the House, and appointed conferees. S. 3275 contains the text of H. R. 11570 (Bonner) which passed the House on July 7.

House and Senate conferees met in executive session to resolve differences between the Senate- and House-passed versions of S. 3275.

On July 26 conferees in executive session agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 3275.

Conference report on S. 3275 (H. Rept. 2942) was reported to the House on July 26. House on that date adopted the conference report on S. 3275 and sent the bill to the Senate.

Following the adoption by the House of the conference report on S. 3275, the Senate passed the bill on July 27, 1956, and the bill was cleared for the President. The bill as finally passed provides, among other provisions, for the following:

Sec. 3. (a) There is hereby established within the Department of the Interior the position of Assistant Secretary

for Fish and Wildlife, and the position of Commissioner of Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries. The Commissioner shall be appointed by the President by and with the advice and consent of the Senate. He shall receive compensation at the same rate as that provided for Grade GS-18. There is also established a United States Fish and Wildlife Service within the Department, consisting of two separate agencies, each of which shall have the status of a Federal bureau. There shall be a Director of each of said Bureaus appointed by the Secretary at Grades GS-17 each. One of the agencies shall be known as the "Bureau of Commercial Fisheries" and the other agency shall be known as the "Bureau of Sport Fisheries and Wildlife." The United States Fish and Wildlife Service, except as prescribed by this Act, shall succeed to and replace the presently existing Fish and Wildlife Service of the Department. ...

(d) In order to make a proper distribution between the two Bureaus of the United States Fish and Wildlife Service established by this Act, the previously existing functions, powers, duties, authority, liabilities, commitments, personnel, records, and other properties or matters previously handled by or administered through the former Fish and Wildlife Service of the Department, shall be distributed as follows:

(1) The Bureau of Commercial Fisheries shall be responsible for those matters to which this Act applies relating primarily to commercial fisheries, whales, seals, sea-lions, and related matters;

(2) The Bureau of Sport Fisheries and Wildlife shall be responsible for those matters to which this Act applies relating primarily to migratory birds, game management, wildlife, refuges, sport fisheries, sea mammals (except whales, seals, and sea-lions), and related matters; and the funds and allocations, appropriated or otherwise, relating to the matters covered by paragraphs (1) and (2) of this subsection shall be distributed between such Bureaus as the Secretary of the Interior shall determine. ...

Sec. 4. (a) The Secretary is authorized under rules and regulations and under terms and conditions prescribed by him, to make loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(b) Any loans made under the provisions of this section shall be subject to the following restrictions:

(1) Bear an interest rate of not less than 3 per centum per annum;

(2) Mature in not more than ten years;

(3) No financial assistance shall be extended pursuant to this section unless reasonable financial assistance applied for is not otherwise available on reasonable terms.

(c) There is hereby created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before June 30, 1965, in payment of principal or interest on any loans so made, shall be deposited in the fund and be available for making additional loans under this section. Any funds so received after June 30, 1965, and any balance remaining in the fund at the close of June 30, 1965 (at which time the fund shall

cease to exist), shall be covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated to the fund the sum of \$10,000,000 to provide initial capital.

(d) The Secretary, subject to the specific limitations in this section, may consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

S. 3275 was signed by the President on August 8, 1956 (P. L. 1024).

House Report No. 2942, Fish and Wildlife Act of 1956 (July 26, 1956, 84th Congress, 2nd Session), conference report to accompany S. 3275, 9 pp., printed. Committee of Conference. Shows the agreed version of the bill and the statement of the managers on the part of the House.

FISH HATCHERIES: Senate on July 2 passed without amendment and cleared for the House S. 3998, providing for the development of Federal fish hatchery known as Holden Trout Hatchery at Pittsford, Vt. Reported favorably on July 13 to the House by the House Committee on Merchant Marine and Fisheries. Passed by House on July 23 and cleared for the President.

H. R. 11548 (Poff), a bill to establish a new fish hatchery in the vicinity of Paint Bank, Va., reported favorably to the House by the Committee on Merchant Marine and Fisheries, July 13. Passed the House without amendment on July 23. Reported to the Senate on July 25 by the Committee on Interstate and Foreign Commerce (S. Rept. 2806). Senate passed without amendment and cleared for the President H. R. 11548.

H. R. 12303 (Staggers), introduced in the House July 11, a bill to provide for the establishment of a fish hatchery in West Virginia; to the Committee on Merchant Marine and Fisheries. Reported without amendment on July 21, 1956, by the Committee on Merchant Marine and Fisheries (H. Rept. 2858). House on July 26 passed and cleared for the President S. 3831 (in lieu of H. R. 12303), to provide for the establishment of a fish hatchery in West Virginia.

H. R. 221, a bill to establish rearing ponds and a fish hatchery in western Oklahoma; passed over without prejudice by the House on July 16, 1956.

House Report No. 2269, Establishing Rearing Ponds and a Fish Hatchery in Western Oklahoma, Texas, Colorado, or Kansas (June 7, 1956, 84th Congress, 2nd Session), to accompany H. R. 221; 3 pp., printed. Lists amendments, discusses purpose, and presents reports of the Department of the Interior and the Bureau of the Budget.

S. 3809 (Carlson), a bill to provide for the establishment of a new fish hatchery at Cedar Bluff Reservoir; Senate reported on July 20, 1956, with an amendment by the Committee on Interstate and Foreign Commerce (S. Rept. 2672). Similar to H. R. 11012 (Smith of Kansas). Passed the Senate on July 23 with an amendment and cleared for the House.

INSECTICIDES EFFECT UPON FISH AND WILDLIFE: S. 4178 (Murray) introduced in the Senate July 6; a bill to authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, and fungicides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources

following spraying, and to provide basic data on the various chemical controls so that forests, croplands, and marshes can be sprayed with minimum losses of fish and wildlife; to the Committee on Merchant Marine Fisheries.

Sponge Divers: H. R. 12022 (Cramer) introduced in the House June 28, 1956; a bill to provide relief for the sponge-fishing industry by a making special non quota immigrant visas available to certain skilled alien sponge divers; to the Committee on the Judiciary.

Supplementary Appropriations: H. R. 12138, a bill making supplemental appropriations for fiscal year 1957; Senate adopted conference report on July 25 and cleared the bill for the President. This bill provides \$620,000 for the Great Lakes Fisheries Commission.

H. R. 12350, a bill making supplemental appropriations for the fiscal year 1957, reached the Senate floor on July 25; certain Committee amendments were adopted en bloc, and the bill was passed. The bill provides for supplemental appropriations for the U. S. Fish and Wildlife Service including an additional amount of \$1,250,000 for construction to be available until expended, and initial capital of \$10,000,000 for the "Fisheries Loan Fund," a revolving fund for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels and for research into the basic problems of fisheries. Conferees on July 26 agreed to file a conference report on the differences between the Senate- and House-passed versions of H. R. 12350. Senate on July 26 rejected conference report on H. R. 12350. Senate then further insisted on its amendments in disagreement, asked for an additional conference, and reappointed the same conferees. Conference report on H. R. 12350 (H. Rept. 2941) was reported to the House on July 26. House on July 26 disagreed to Senate amendments to H. R. 12350; agreed to a conference with the Senate; and appointed conferees. On the same date House adopted the conference report on H. R. 12350, and sent the bill to the Senate. House on July 27 adopted H. Res. 648, providing for further insistence of House disagreement to Senate amendments to H. R. 12350; agreed to a further conference with the Senate, and the appointment of conferees. House conferees reported to House on July 27 conference report on H. R. 12350 (H. Rept. 2950). Adopted conference report and sent bill to Senate. Senate adopted conference report on H. R. 12350, agreeing to House amendments to amend certain Senate amendments and cleared the bill for the President.

Senate Report No. 2770, Second Supplemental Appropriation Bill, 1957 (July 24, 1956, 84th Congress, 2nd Session) to accompany H. R. 12350, 35 pp., printed. Committee on appropriations. Contains details on the appropriations and a comparative statement of budget estimates and amounts recommended in the bill.

House Report No. 2941, Second Supplemental Appropriation Bill, 1957 (July 26, 1956, 84th Congress, 2nd Session) to accompany H. R. 12350, 8 pp., printed. Committee of Conference. Describes agreement and presents the statement of the managers on the part of the House.

TRUCK TRIP LEASING: House on July 13 adopted committee amendments, passed, and returned to the Senate S. 898, to amend the Interstate Commerce Act with respect to the authority of the Interstate Commerce Commission to regulate the use by motor carriers of motor vehicles not owned by them.

Senate adopted conference report on July 25, 1956, and cleared the bill for the President.

The passage of this bill prohibits the I.C.C. from restricting the use of exempt trucks. The bill fully protects the exempt truckers. The effect of the bill is to permit: (1) exempt truckers to "trip lease" their trucks to common carriers for payloads back to fish producing areas of their base of operations; and (2) private carriers (shippers) to "trip lease" their trucks which are used to haul perishable manufactured fishery, agricultural, or livestock products.

WATER POLLUTION: S. 890, a bill to extend and strengthen the Water Pollution Control Act. House adopted conference report and cleared the bill for the White House on June 27, 1956. Signed by the President on July 9, 1956 (P. L. 667).

The water pollution control law extension bill provides for the Federal Government to subsidize the building of state or municipal treatment facilities. Present law authorizes loans up to \$22.5 million a year but no funds have ever been dispensed under the provision. The new bill makes \$50 million available a year over a ten year period in grants for construction of local facilities. Another \$3 million a year in grants may be made for pollution-control planning and program work.

PACIFIC COAST AND ALASKA FISHERIES, Senate Report No. 2801 (Report of the Committee on Interstate and Foreign Commerce pursuant to S. Res. 13 and S. Res. 163, 84th Congress, 2nd Session, providing for the investigation of certain problems within the jurisdiction of the Senate Committee on Interstate and Foreign Commerce), submitted to the Senate July 25, 40 pp., printed. This report of conditions affecting commercial fisheries on the Pacific Coast and Alaska discusses Alaska salmon and related fisheries, the tuna fishing industry, and secondary effects of the fishing industry depression. Included are conclusions and recommendations regarding the creation of a new Government authority; conservation and development; regulation of competitive imports; and economic aid. An addendum lists recent fisheries legislation and appendixes show the correspondence between the Committee Chairman and the Department of State and the U. S. Tariff Commission.

INTERIOR DEPARTMENT AND RELATED AGENCIES APPROPRIATIONS FOR 1957 (Hearings before the Subcommittee of the Committee on Appropriations House of Representatives, Eighty-Fourth Congress, Second Session), 1,002 pp., printed.

Both the House and Senate adjourned sine die on July 27, 1956.

