## Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

### TENTATIVE ORDER ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR FROZEN BREADED SHRIMP:

Proposed findings of fact, conclusions, and a tentative order establishing definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp (as an addition to Title 21, Code of Federal Regulations, Part 36) were published in the Federal Register, December 22, 1964, by the U. S. Food and Drug Administration.

The tentative order states that "frozen raw breaded shrimp" shall contain not less than 50 percent shrimp material, and "frozen raw lightly breaded shrimp" shall contain not less than 65 percent shrimp material.

The term "shrimp" is said to mean the tail portion of properly prepared shrimp of commercial species. The optional forms of shrimp which may be processed in the breaded and lightly breaded categories are: (1) fantail or butterfly; (2) butterfly, tail off; (3) round; (4) round, tail off; (5) pieces; and (6) composite units. Detailed specifications for each optional form are included in the proposed standard. Batter and breading ingredients are also defined.

The labeling requirements of the proposed standards of identity state that the label shall name the food, as prepared from each of the optional forms of shrimp specified. (For example, "Breaded fantail shrimp," "Breaded butterfly shrimp, tail off," etc.) The word "prawns" may be added in parentheses immediately after the word "shrimp" if the shrimp are of large size. If the shrimp are from a single geographic area the adjectival designation of that area may appear as part of the name; for example, "Breaded Alaskan shrimp sticks."

The labeling requirements state that the optional ingredients used in batter and breading (as specified in the standard of identity) "shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase. . . ."

The proposed standards of identity define methods of determining the percentage of shrimp material in breaded shrimp. The method provided to determine the shrimp content of composite breaded shrimp products (shrimp "logs" or "sticks," for example) is the same as that prescribed in the United States Standards for Grades of Frozen Raw Breaded Fish Portions (50 CFR 266.21 f) published by the U. S. Bureau of Commercial Fisheries. That method provides no correction factor, i.e., the product must contain the required amount of shrimp.

For breaded shrimp products other than composite forms, the Food and Drug Administration proposes a separate method of determining shrimp content which allows a correction factor of 2 percent.

(The United States Standards for Grades of Frozen Raw Breaded Shrimp issued by the U. S. Bureau of Commercial Fisheries are being revised to reflect the provisions in the Food and Drug Administration standards of identity.)

Interested persons were given until January 21, 1965, to file exceptions to the proposed order establishing definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp.

Following are the proposed findings of fact and tentative order establishing definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp as published in the Federal Register, December 22, 1964:

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 36 ]

[Docket No. FDC-73]

### SHELLFISH; FROZEN RAW BREADED AND LIGHTLY BREADED SHRIMP; DEFINITIONS AND STANDARDS OF IDENTITY

#### Proposed Findings of Fact and Tentative Order

In the matter of establishing definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp:

Notice of proposed rule making was published in the FEDERAL REGISTER of March 31, 1961 (26 F.R. 2722), setting forth proposals of the National Fisheries Institute, Inc., 1614 Twentieth Street NW., Washington 9, D.C., and the National Shrimp Breaders Association, Inc., 624 South Michigan Avenue, Chicago 5, Ill., representing members who are processors of breaded shrimp, for the establishment of definitions and standards of identity for frozen raw breaded shrimp. An order was published in the FEDERAL REGISTER of May 7, 1963 (28 F.R. 4556), promulgating identity standards for frozen raw breaded shrimp (21 CFR 36.30) and for frozen raw lightly breaded shrimp (21 CFR 36.31). Objections to the order were filed, asserting grounds for a public hearing on several issues, and an announcement was published on July 6, 1963 (28 F.R. 6915) staying the order. In response to the notice in the FEDERAL REGISTER of December 21, 1963 (28 F.R. 13940) and following a notice of postponement published in the issue of January 11, 1964 (29 F.R. 297), a hearing was held.

Based upon the evidence received at the hearing and having given consideration to the written arguments and suggested findings, some of which were adopted in whole or in part and some of which were rejected, the Commissioner, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055 as amended, 70 Stat. 919; 21 U.S.C. 341, 371(e)) delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), proposes that the following findings of fact, conclusions, and definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp be issued:

*Findings of fact.*[1] Frozen raw breaded shrimp and frozen raw lightly breaded shrimp are prepared by coating appropriate forms of peeled shrimp with safe and suitable batter and breading ingredients and then freezing. Only the "tail" portion of shrimp is used. The tail portions are prepared in the following forms:

a. Split or butterfly, with tail fins remaining and with or without first adjoining shell segment.

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

b. Split or butterfly, tail fins and all shell segments removed.

c. Round, unsplit shrimp with tail fins remaining and with or without first adjoining shell segment.

d. Round, unsplit shrimp, tail fins and all shell segments removed.

e. Pieces of shrimp, tail fins and all shell segments removed.

f. Composited units consisting of two or more shrimp pieces or whole shrimp or a combination of both with tail fins and all shell segments removed.

Breaded shrimp is a relatively new commercial food, having been first commercially distribute d about 1947 or 1948. Breaded shrimp is prepared from either iced or frozen shrimp or both and from one or more of the so-called white, pink, or brown varieties. Shrimp are obtained from many different parts of the world (R. 151-170, 228, 274; Ex. 2, 27).

2. When frozen raw breaded shrimp first appeared on the market it contained appreciably more shrimp material than breading. Due to many factors, including economics and product acceptability, the percentage of shrimp material in the food decreased. However, a small portion of the production was maintained at a higher percentage of shrimp for those purchasers, primarily volume purchasers, such as institutional users, who wanted such higher shrimp percentage (R. 124, 170, 234).

3. After negotiations with industry, the United States Department of the Interior, through its Fish and Wildlife Service, caused to be published United States Standards for Grades of Frozen Raw Breaded Shrimp with an effective date of March 1, 1958. These standards were recodified and republished on July 1, 1958, by the United States Department of the Interior. Within 2 or 3 years after publication of the grade standards, approximately 85 percent of the production of breaded shrimp was being inspected by the United States Department of the Interior for compliance. Among other requirements, the product description of the standards for grades requires a minimum of 50 percent shrimp material as determined by the procedure set out in the grade standards (R. 608; Ex. 26).

4. The Food and Drug Administration order establishing the definitions and standards of identity for frozen raw breaded shrimp and frozen raw lightly breaded shrimp invited persons claiming to be adversely affected by such order to submit relevant objections specifying with particularity that part of the order to which objection was taken. In the event a hearing should be required on an issue or issues raised by objectors, they were to be prepared to support such objections at the hearing.

A person claiming to be adversely affected by the order objected to the requirement that frozen raw breaded shrimp contain not less than 50 percent shrimp material. He proposed instead that the minimum shrimp material for the food be set at 60 percent. He also objected because the order did not require the size of the raw shrimp used to be listed on the label; because standards were not established for size based on the number of shrimp per pound; because the order did not require the numerical percentage of breading actually in the food to be declared on the label; because it did not require label statement of the geographic origin of the shrimp; and because it did not limit the time raw frozen shrimp may be held in storage prior to breading.

Others claiming to be adversely affected objected to the order because it did not provide for optional use of alternative names for the food designated as "breaded shrimp pieces"; because it did not provide for the optional use of the alternative designation "breaded round fantail shrimp" for the food designated as "breaded round shrimp"; because it did not specify that size of those large shrimp that the order permitted to be parenthetically designated as "prawns"; and because the method for determination of the percentage of shrimp material in the food included the use of a rubber-tipped glass stirring rod.

The objections were duly noted and set out as issues for the hearing. At the hearing, no objectors or representatives of the objectors, nor any other person supported the objections listed in this finding of fact. Accordingly, there is no basis in the record for changing the order as it concerns these issues (Ex. 2, 4).

5. Some consumers demand breaded shrimp with an appreciably higher proportion of shrimp material than coating. Such lightly breaded shrimp containing not less than 70 percent shrimp material can be prepared. In Federal Specifications, provision is made for the purchase of it and a purchase specification by one of the large grocery chains provides for lightly breaded shrimp with not less than 70 percent shrimp material. However, there was evidence adduced at the hearing that at the 70 percent shrimp material level the present state of the technique of the industry is such that:

a. Only larger size shrimp would satisfactorily lend themselves to being lightly breaded.

b. The coating often shows a number of cracks and voids so that the food would not meet the requirements for Grade A, as set out in the United States Standards for Grades of Frozen Raw Breaded Shrimp.

c. The need for "hand" breading this food increases the price considerably.

d. Packers produce a 70 percent lightly breaded shrimp only upon a customer's order.

On the other hand, breaded shrimp prepared with not less than 65 percent shrimp material substantially overcomes the problems arising with the 70 percent product. Lightly breaded shrimp at the level of 65 percent shrimp material is recognizably different from ordinary breaded shrimp in which the shrimp material amounts to only slightly more than 50 percent (R. 124, 127, 189-192, 219, 234, 235, 238, 320, 325, 532-535, 574, 597-605, 874-876, 918, 1185-1188, 1241, 1244, 1246, 1249, 1250, 1253-1258; Ex. 2, 6, 20, 29-38).

6. Section 403(f) of the Federal Food, Drug, and Cosmetic Act requires mandatory labeling to be placed on food labels with such prominence and conspicuousness as to render it likely to be read and understood under customary conditions of purchase and use. Section 1.9(a) of Title 21, Code of Federal Regulations, points out that this statutory requirement may be offended if required labeling is not shown "on the part or panel of the label which is presented or displayed under customary conditions of purchase." Frozen raw breaded

shrimp is usually packaged and sold in six-sided packages. Two of the rectangular panels opposite to each other each have a much greater surface area than any of the other four panels. The top one of these panels is ordinarily used as the principal display panel. Principal display panels are easily recognized since they usually carry the manufacturer's brand name, the name of the food in large letters, and often a colorful vignette of the food. In boxes of frozen raw breaded shrimp this panel is sometimes referred to as the main or front panel. Designers of labels and manufacturers of the food intend for this panel to be the one displayed at the point of sale in order to catch the purchaser's eye. It is recognized that sometimes more than one panel is intended for display purposes. Section 403(f) of the act and § 1.9(a) of the regulations apply not only to foods for which there have been established standards of identity but also to nonstandardized foods (R. 179, 180, 290–292; Ex. 21, 22, 41–44, 46–49):

7. Many foods have been defined and standards of identity established in accordance with section 401 of the act. Many of the standards require certain optional ingredients to be listed on the label. A few standardized foods have lengthy lists of optional ingredients providing for many, if not all, to be designated for label declaration. Frozen raw breaded shrimp has a coating that may consist of many ingredients. No objections were received to the order establishing the standard as it concerns the coating ingredients and the provision that it shall be mandatory that they all be listed on labels. The length of the listing of optional ingredients used should not preclude its prominent and conspicuous display. There is substantial evidence of record supporting the placement of the optional ingredient listing on the principal display panel or panels comprising the surface of the label usually displayed to the consumer at the time of purchase. Questions raised concerning the significance and meaning to the consumer of some of the chemical names of certain of the optional ingredients were not sufficient to overcome the need for ready availability of such information to the consumer who seeks such information. The fact that many labels presently used on frozen raw breaded shrimp and other nonstandardized foods do not present the ingredient listing on the principal display panel does not overcome the statutory requirement that the listing be prominent and conspicuous. Evidence of record revealed that the changing of labels or the development of new labels is expensive. However, despite the costs, witnesses revealed that labels are constantly being revised and new labels developed. Some witnesses believed that the order as objected to had required that wherever and as often as the name of the food appeared on the label the ingredient listing must also appear. It was made clear that such listing is to be required only upon the principal display panel (or panels). If the ingredient listing is conspicuously displayed on the principal display panel or panels of the packages of frozen raw breaded shrimp, it is not necessary to require that such labeling immediately precede or follow the name of the food, without intervening written, printed, or graphic matter. It was asserted that it would be difficult to locate and to read the ingredient listing, regardless of position placement on the label, under certain adverse conditions of frost, light, etc. It is not reasonable to conclude that if such adverse conditions sometimes develop it is unnecessary to prescribe the position placement of such listing. On the other hand, it would be reasonable and in the interest of consumers to prescribe the location of the ingredient listing so that under normal and expected conditions of sale such listing may be easily located and read (R. 66, 72, 78, 80, 81, 88, 94, 142, 180, 183, 186, 241–243, 537, 538, 542, 543, 548, 578, 579, 591, 594, 595, 709, 1070, 1071, 1073, 1075–1080, 1083, 1086, 1090, 1091, 1093, 1095, 1097, 1126, 1127, 1130, 1136, 1138, 1145, 1146, 1160, 1161, 1171, 1174; Ex. 2, 41–44, 46–49).

8. A form of frozen raw breaded shrimp is prepared from two or more whole shrimp, that is, the tail portion of the shrimp with all shell and tail fins removed, or pieces of such shrimp, or both. These units are compressed in a mold, frozen, and coated with a batter and breading. Frozen units, prior to coating, may be cut into smaller units. One such product, prepared from blocks, in its finished form is in the shape of fish sticks and is labeled "shrimp sticks." Another such product is prepared from shrimp caught in Alaskan waters. For this latter product the tail portions are peeled, tail fins removed, placed in a mold, and frozen. The frozen composited units of this shrimp material prepared in Alaska are termed "logs." The logs, in frozen form, are shipped to Ponchatoula, La., where they are then sliced perpendicularly to their long axes. The slices are then individually coated with a batter and breading, refrozen, packaged, and distributed. Each slice consists of many pieces of shrimp. In the approximately two years this product had been on the commercial market prior to the date of hearing, the form and size of the individual serving unit was prepared to resemble that of a "jumbo" shrimp of about "10–15 count." It was asserted that the size of the individual shrimp used is so small that they are unmarketable as single breaded units but do have a commercial market when composited.

The composited units prepared from shrimp caught in Alaskan waters, when breaded, have been sold under the name "Alaskan Breaded Shrimp." There is also on the market a product designated by the manufacturer as "Alaskan Angel Shrimp." This product is packaged frozen and glazed in block form and consists of the individual tail portion of peeled shrimp, tail fins removed. When thawed, the individual uncoated tail portions separate one from another. The witness for the processor stated that the word "Angel" in the name of the food has no meaning or significance. The witness for the packer of the Alaskan products testified that both were prepared from tiny shrimp. However, a size comparison of the pieces of shrimp in the breaded composited units and the single units of glazed shrimp with the size designations found in the United States Standards for Grades of Frozen Raw Headless Shrimp revealed that the composited units and the single units were prepared from shrimp consisting of a preponderance of medium-size shrimp. Shrimp of such size from other areas are often prepared as individual breaded units. The composited units prepared from shrimp caught in Alaskan waters could be formed into many shapes, including that shape and size known as "sticks." Composited units could be made from small or broken shrimp, or both, from any waters where shrimp are obtained and in the same shape and size as the composited units prepared in Alaska. The geographic origin of the shrimp is not sufficient to disclose to the consumer the form of the shrimp units. For example, the food sold as "Alaskan Breaded Shrimp" and "Alaskan Angel Shrimp" are different forms of the food the former consisting of composited units and the latter consisting of single units. It is reasonable to believe that the uninitiated consumer would be confused and unable to differentiate the forms of the two foods from the names presently appearing on the labels. This follows from the manner in which the geographic origin is used in both names as presently applied to the labels and to the lack of labeling to show the form of the units. It would not be in the consumer's interest to provide in standards that foods prepared in composite form from shrimp obtained from different geographic areas shall bear the same name, such as "Alaskan breaded shrimp," with no additional meaningful description. Further, it would be confusing to the consumer for the order to provide for foods prepared in different geographic areas but in the same manner and having the same form to bear different names; for example, "Alaskan Breaded Shrimp" vs. "Louisiana Breaded Shrimp."

A witness for the Food and Drug Administration testified that personnel of a large chain store have been advertising and selling the composited form of breaded shrimp from Alaska as "jumbo shrimp," without realizing that the units were not single shrimp. The name of the food apparently did not reveal to the sales personnel that the food consisted of composited units. It is not unreasonable to expect that all the various forms of breaded shrimp units encompassed within the order should be indicative of the form of the units, whether it be single split, single round, single pieces, or composited of several whole shrimp or pieces. It would not be contrary to the consumer's interest to provide in the standards that labels may show the geographic origin of the shrimp (R. 634, 641, 644, 646, 650, 652, 655–658, 661–664, 676–678, 681, 682, 686, 689, 699, 1273, 1276–1279, 1283, 1286, 1288, 1289, 1291, 1292, 1294, 1296, 1299–1304; Ex. 2, 20, 23–25, 48, 49, 54, 55, 57–59).

9. In 1958 the United States Department of the Interior published a standard for grades of frozen raw breaded shrimp wherein the product description requires that the finished food contain not less than 50 percent shrimp material. Such requirement has been continued to the date of the hearing and included in the proposal to establish a standard of identity for the food. The method for determining the percentage of shrimp

Note: The 15th line in the above column is a correction published in the Federal Register, December 25, 1964.

material in the food is incorporated within the grade standard. This method provides for weighing the finished food; removing the coating by means of an agitating water bath; draining and weighing the debreaded shrimp material; and calculating the percentage of shrimp material. To the result obtained from the calculation of shrimp material provision is made for the addition of 5 percent. (For example, if the calculated result for the finished food is 45 percent shrimp material one then adds 5 percent so that the food is now stated to contain 50 percent shrimp material.) A footnote is appended to the calculation in the published grade standard which states, "A tentative correction factor of 5 percent is employed pending completion of definitive studies" (R. 903, 904, 921; Ex. 1, 26).

10. The petitioners proposing the establishment of a standard for frozen raw breaded shrimp provided for a minimum shrimp material content of not less than 50 percent, to be determined in accordance with the method set out in the United States Standards for Grades, including the 5 percent correction factor. Following publication of the proposed standard of identity, the Commissioner of Food and Drugs, after reviewing comments received and considering other information available to him, published the order establishing the definition and standard of identity. In the Commissioner's order, the correction factor was prescribed as plus 2 percent. The change in this value was objected to by interested parties claiming to be adversely affected and was therefore set up as an issue for the hearing.

Some testimony of record would support the complete deletion of a correction factor, particularly in view of the fact that the product is professed to contain not less than 50 percent of shrimp material. However, the question of deleting the correction factor was not an issue for the hearing, and therefore these findings of fact and conclusions restrict themselves to the question of plus 5 versus plus 2. It is readily recognized that any positive adjustment factor favors the packer. It is reasonable to believe that a packer exercising good commercial controls (good controls of processing are available and are being practiced) would minimize processing variations and therefore can easily produce the finished food well within an adjustment factor of plus 2. For some packers who have been producing a frozen raw breaded shrimp with somewhat less than 50 percent shrimp material a slight increase in weight of shrimp material used will make certain that the consumer will receive a finished food, containing not less than 50 percent shrimp material at the time of purchase. It is well established in the processed food industry that with variable raw materials careful producers do not aim for the lower limits of acceptance because of the dangers inherent in such practice. Since all producers of the food would be subject to the same requirement for minimum shrimp material content, and this percentage will be determined in the same manner, none would be placed at a competitive disadvantage by the changes.

Arguments were advanced that reducing the so-called correction factor from plus 5 to plus 2 would increase the costs to the consumer. Although the cost to the consumer for frozen raw breaded shrimp has increased through the years, the production and consumption of the food have increased at a greater rate. It is not reasonable to believe that the question of possibly slightly higher costs being passed on to the consumer in return for the inclusion of more shrimp material is germane to the issue, particularly in view of the fact that many packers are presently supplying foods containing in excess of the 50 percent shrimp material requirement. Additionally, it was argued that small differences in the amount of shrimp material were not recognizable to the consumer and therefore the change from plus 5 to plus 2 is unnecessary in the interest of consumers. Opposed to this was the argument that where consumers were unable to protect themselves it is in this area that the standard serves its purpose best by offering such protection from those packers inclined to substitute cheap breading for expensive shrimp (R. 225, 260, 456, 613, 614, 779, 782, 879, 896, 897, 919, 964, 973, 974, 983, 993, 997–999, 1030, 1031, 1050, 1199–1201, 1205, 1216, 1217, 1230, 1236, 1237; Ex. 1, 2, 4).

11. A witness testified that studies he had carried out in preparation for the hearing would not support the plus 2 adjustment factor ordered by the Commissioner. This study had not been published nor had it been available prior to the hearing. The witness proposed that the plus 5 be retained. However, referring to his own studies he stated that such studies were not definitive. An examination of his data and his testimony as a whole revealed many inconsistencies and incompatibilities. One striking segment of his data revealed that of a particular set of 20 samples of frozen raw breaded shrimp 19 were admittedly prepared with less than 50 percent shrimp material. All 20 samples were frozen and stored prior to analysis. Upon analysis for shrimp material content, when plus 5 was added to the result obtained, all 20 samples were reported to contain 50 percent or more of shrimp material. It is readily seen that it would not be in the interest of the consumer to provide for an adjustment factor of plus 5 since, with such factor products intentionally packed to contain less than 50 percent shrimp material would on examination, appear to be in compliance with the shrimp requirement in the standard (R. 439, 733, 757–759, 778, 790, 844, 867, 1201–1204, 1260, 1262; Ex. 40).

12. The record reveals that the correction factor of plus 5 in the United States Standards for Grades of Frozen Raw Breaded Shrimp was both tentative and inadequate to reasonably reflect the shrimp material level in the finished food. As suggested by the footnote to the procedure, the correction factor was not the result of definitive studies. The plus 5 had been included at the time of publication at the request of industry. No witness at the hearing was aware of any work published in support of such plus 5. In fact, it was asserted that the plus 5 was based on admittedly inadequate information (R. 297–299, 963, 994–996, 1195; Ex. 26).

13. Prior to the publication of the Commissioner's order, the Food and Drug Administration was apprised of the details of a study and recommendation by seafood scientists of the United States Department of the Interior, Fish and Wildlife Service, Bureau of Commercial Fisheries, concerning the correction factor. Prior to the hearing, the study and recommendation were reported in the Commercial Fisheries Review published by the Bureau of Commercial Fisheries. It was the only published paper, known to the witnesses at the hearing, on the subject. Substantial testimony concerning the investigations reported supports the following:

a. The plus 5 correction factor was only tentative, pending definitive studies.

b. It is desirable to make the correction factor as small as the accuracy of the method will permit to insure uniformity of product.

c. The tentative correction factor of 5 percent is too large.

d. A change in the correction factor from plus 5 to plus 2 more correctly reflects the shrimp content of the finished food.

e. The accuracy of the method for determining the quantity of shrimp material in the finished food warrants the reduction from plus 5 to plus 2.

The study reflects representative commercial handling of the food from preparation to packaging and storage. The published scientific report is definitive of the subject, which was to determine the accuracy of the method for testing samples of frozen raw breaded shrimp in order to reveal the shrimp material content as the consumer receives it. The report embodies a scientific approach to the problem of determining the proper correction factor to be applied in the formula for calculating the amount of shrimp material in breaded shrimp. It is authoritative and reliable. An averaging of results in the report would actually support a slightly negative adjustment factor; that is, on an average basis the percentage of shrimp material in the finished food is slightly higher than that put in at the time of preparation. However, since some samples, when tested showed a slight decrease in percentage of shrimp material it need not be considered contrary to the promotion of honesty and fair dealing in the interest of consumers to provide a safety factor for the producer by means of an adjustment factor of plus 2. One witness testified that the Bureau of Commercial Fisheries had reviewed the paper and determined that from its accuracy and consideration of the conclusions drawn it warranted publication. Further, prior to publication it had been distributed to representative members of industry for comment and no comments were submitted. Another witness testified that he had personal knowledge of the methods and had personally studied the paper and concluded it supported the conclusions drawn. Further, the data reported had been submitted to statistical analysis and found to warrant the conclusions drawn. The method is reproducible and has a low error. The test is capable of being conducted prior to and at time of consumer purchase and properly reflects the percentage of shrimp material in the food. It is in the interest of consumers to lower the correction factor from plus 5 to plus 2 (R. 780–782, 898–900, 921, 962, 1000–1007, 1049–1051, 1196, 1202, 1212–1223; Ex. 27, 51A–51C).

14. The Commissioner's order required that the method for determining the percentage of shrimp material be the same for all forms of the food provided for, and such method was incorporated in the order. However, substantial evidence of record reveals that the method provided for was not easily applicable to the food in composited form. A witness of the U.S. Department of the Interior testified that the method incorporated in the U.S. Standards for Grades of Frozen Raw Breaded Fish Portions would better reflect the shrimp material content in composited units of raw breaded shrimp. Such method is also provided for in the Federal Specification which covers this item of food (R. 261, 262, 680, 914–916, 1012; Ex. 20, 52).

*Conclusions.* On the basis of the foregoing findings of fact and taking into consideration the weight of substantial evidence of the entire record, the following conclusions are drawn:

1. Certain objections to the order, which were set up as issues for the hearing, are rejected because the objectors failed to support their objections at the hearing. These objections had been submitted in opposition to the order because:

a. The minimum shrimp material content of frozen raw breaded shrimp should be changed to require a minimum of 60 percent shrimp material.

b. The size of raw shrimp used should be required for label declaration.

c. The order should establish standards for size based on the number of shrimp per pound.

d. Mandatory label declaration of the percentage of breading actually in the package of food should be required.

e. Mandatory label declaration of geographic origin of the shrimp used should be provided for.

f. The order should impose a requirement setting forth the maximum time that shrimp may remain in storage prior to being coated with a batter and breading.

g. Provision should be included for optional use of alternative names for the food designated as "breaded shrimp pieces."

h. The standard should provide for the optional use of an alternative designation "breaded round fantail shrimp" for the food designated as "breaded round shrimp."

i. The standard should include a specification for the size of shrimp that may be parenthetically further designated as "prawns."

j. The method for determining the percentage of shrimp material in the finished food should not provide for the use of a rubber-tipped glass stirring rod.

The order as it relates to the above objections stands as promulgated.

2. The food designated as frozen raw lightly breaded shrimp shall contain not less than 65 percent shrimp material.

3. All safe and suitable coating ingredients are provided for optional use without specific listing in the regulation with certain exceptions. The consumer is unable to determine from a reading of the regulation what specific optional ingredients are permitted. Therefore, the label declaration of optional coating ingredients used in the preparation of the food should appear prominently and conspicuously on the principal panel or panels of the label used for display to the consumer at time of purchase.

4. The food prepared from the tail portion of shrimp from which all shell segments and tail fins are removed and wherein two or more whole shrimp, or pieces of shrimp, or both, are formed and pressed into composite units prior to coating are designated as "Breaded shrimp ______," the blank to be filled in with the words or phrase that accurately describe the shape or form, but which is not misleading. For example, if in the shape of fish sticks the food shall be designated as "Breaded shrimp sticks."

5. The percentage of shrimp material in frozen raw breaded shrimp, other than composited units, shall be calculated as follows:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100 + 2$$

6. The method for determining the percentage of shrimp material in frozen raw breaded shrimp in the form of composited units shall be in accordance with the method prescribed in the United States Standards for Grades of Frozen Raw Breaded Fish Portions (50 CFR 266.-21(f)).

On the basis of the foregoing findings of fact and conclusions drawn therefrom, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity as follows:

**§ 36.30 Frozen raw breaded shrimp; identity; label statement of optional ingredients.**

(a) Frozen raw breaded shrimp is the food prepared by coating one of the optional forms of shrimp specified in paragraph (c) of this section with safe and suitable batter and breading ingredients as provided in paragraph (d) of this section. The food is frozen.

(b) The food tests not less than 50 percent of shrimp material as determined by the method prescribed in paragraph (g) of this section, except that if the shrimp are composite units the method prescribed in paragraph (h) of this section is used.

(c) The term "shrimp" means the tail portion of properly prepared shrimp of commercial species. Except for composite units, each shrimp unit is individually coated. The optional forms of shrimp are:

(1) Fantail or butterfly: Prepared by splitting the shrimp; the shrimp are peeled, except that tail fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(2) Butterfly, tail off: Prepared by splitting the shrimp; tail fins and all shell segments are removed.

(3) Round: Round shrimp, not split; the shrimp are peeled, except that tail fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(4) Round, tail off: Round shrimp, not split; tail fins and all shell segments are removed.

(5) Pieces: Each unit consists of a piece or a part of a shrimp; tail fins and all shell segments are removed.

(6) Composite units: Each unit consists of two or more whole shrimp or pieces of shrimp, or both, formed and pressed into composite units prior to coating; tail fins and all shell segments are removed; large composite units, prior to coating, may be cut into smaller units.

(d) The batter and breading ingredients referred to in paragraph (a) of this section are the fluid constituents and the solid constituents of the coating around the shrimp. These ingredients consist of suitable substances which are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act. Batter and breading ingredients that perform a useful function are regarded as suitable, except that artificial flavorings, artificial sweeteners, artificial colors, and chemical preservatives, other than those provided for in this paragraph, are not suitable ingredients of frozen raw breaded shrimp. Chemical preservatives that are suitable are:

(1) Ascorbic acid, which may be used in a quantity sufficient to retard development of dark spots on the shrimp; and

(2) The antioxidant preservatives listed in § 121.101(d)(2) of this chapter that may be used to retard development of rancidity of the fat content of the food, in amounts within the limits prescribed by that section.

(e) The label shall name the food, as prepared from each of the optional forms of shrimp specified in paragraph (c) (1) to (6), inclusive, of this section, and following the numbered sequence of such subparagraph, as follows:

(1) "Breaded fantail shrimp." The word "butterfly" may be used in lieu of "fantail" in the name.

(2) "Breaded butterfly shrimp, tail off."

(3) "Breaded round shrimp."

(4) "Breaded round shrimp, tail off."

(5) "Breaded shrimp pieces."

(6) Composite units:

(i) If the composite units are in a shape similar to that of breaded fish sticks the name is "Breaded shrimp sticks"; if they are in the shape of meat cutlets, the name is "Breaded shrimp cutlets."

(ii) If prepared in a shape other than that of sticks or cutlets, the name is "Breaded shrimp ________," the blank to be filled in with the word or phrase that accurately describes the shape, but which is not misleading.

In the case of the names specified in subparagraphs (1) through (5) of this paragraph, the words in each name may be arranged in any order, provided they are so arranged as to be accurately descriptive of the food. The word "prawns" may be added in parentheses immediately after the word "shrimp" in the name of the food if the shrimp are of large size; for example, "Fantail breaded shrimp (prawns)." If the shrimp are from a single geographic area, the adjectival designation of that area may appear as part of the name; for example, "Breaded Alaskan shrimp sticks."

(f) The names of the optional ingredients used, as provided for in paragraph (d) of this section, shall be listed on the principal display panel or panels of the

label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase. If a spice that also imparts color is used, it shall be designated as "spice and coloring," unless the spice is designated by its specific name. If ascorbic acid is used to retard development of dark spots on the shrimp, it shall be designated as "Ascorbic acid added as a preservative" or "Ascorbic acid added to retard discoloration of shrimp." If any other antioxidant preservative, as provided in paragraph (c) of this section, is used, such preservative shall be designated by its common name followed by the statement "Added as a preservative."

(g) The method for determining percentage of shrimp material for those forms specified in paragraph (c)(1) through (5) of this section is as follows:

(1) *Equipment needed.* (i) Two-gallon container, approximately 9 inches in diameter.

(ii) Two-vaned wooden paddle, each vane measuring approximately 1¾ inches by 3¾ inches.

(iii) Stirring device capable of rotating the wooden paddle at 120 r.p.m.

(iv) Balance accurate to 0.01 ounce (or 0.1 gram).

(v) U.S. Standard sieve No. 20, 12-inch diameter.[1]

(vi) U.S. Standard sieve, ½-inch sieve opening, 12-inch diameter.[1]

(vii) Forceps, blunt points.

(viii) Shallow baking pans.

(ix) Rubber-tipped glass stirring rod.

(2) *Procedure.* (i) Weigh the sample to be debreaded. Fill the container three-fourths full of water at 70° F.-80° F. Suspend the paddle in the container, leaving a clearance of at least 5 inches below the paddle vanes, and adjust speed to 120 r.p.m. Add shrimp and stir for 10 minutes. Stack the sieves, the ½-inch mesh over the No. 20, and pour the contents of the container onto them. Set the sieves under a faucet, preferably with spray attached, and rinse shrimp with no rubbing of flesh, being careful to keep all rinsings over the sieves and not having the stream of water hit the shrimp on the sieve directly. Lay the shrimp out singly on the sieve as rinsed. Inspect each shrimp and use the rubber-tipped rod and the spray to remove the breading material that may remain on any of them, being careful to avoid undue pressure or rubbing, and return each shrimp to the sieve. Remove the top sieve and drain on a slope for 2 minutes, then remove the shrimp to weighing pan. Rinse contents of the No. 20 sieve onto a flat pan and collect any particles other than breading (i.e., flesh and tail fins) and add to shrimp on balance pan and weigh.

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded sample}}{\text{Weight of sample}} \times 100 + 2$$

[1] The sieves shall comply with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the U.S. Department of Commerce, National Bureau of Standards.

(h) The method for determining percentage of shrimp material for composite units, specified in paragraph (c)(6) of this section, is as follows:

(1) *Equipment needed.* (i) Water bath (for example a 3 liter to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch readable to a second.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(vii) Nut picker.

(viii) Thermometer (immersion type) accurate to ±2° F.

(ix) Copper sulfate crystals ($CuSO_4 \cdot 5H_2O$).

(2) *Procedure.* (i) Weigh all composite units in the sample while they are still hard frozen.

(ii) Place each composite unit individually in a water bath that is maintained at 63° F.-86° F., and allow to remain until the breading becomes soft and can easily be removed from the still frozen shrimp material (between 10 seconds to 80 seconds for composite units held in storage at 0° F.). If the composite units were prepared using batters that are difficult to remove after one dipping, redip them for up to 5 seconds after the initial debreading and remove residual batter materials.

[NOTE: Several preliminary trials may be necessary to determine the exact dip time required for "debreading" the composite units in a sample. For these trials only, a saturated solution of copper sulfate (1 pound of copper sulfate in 2 liters of tap water) is necessary. The correct dip time is the minimum time of immersion in the copper sulfate solution required before the breading can easily be scraped off: *Provided*, That the "debreaded" units are still solidly frozen and only a slight trace of blue color is visible on the surface of the "debreaded" shrimp material.]

(iii) Remove the unit from the bath; blot lightly with double thickness of paper toweling; and scrape off or pick out coating from the shrimp material with the spatula or nut picker.

(iv) Weigh all the "debreaded" shrimp material.

(v) Calculate the percentage of shrimp material in the sample, using the following formula:

$$\text{Percent shrimp material} = \frac{\text{Weight of debreaded shrimp sample}}{\text{Weight of sample}} \times 100$$

**§ 36.31 Frozen raw lightly breaded shrimp; identity; label statement of optional ingredients.**

Frozen raw lightly breaded shrimp complies with the provisions of § 36.30, except that it contains not less than 65 percent of shrimp material, as determined by the method prescribed in § 36.30 (g) or (h), as appropriate, and that in the name prescribed the word "lightly" immediately precedes the words "breaded shrimp."

Any interested person may, within 30 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written exceptions thereto, preferably in quintuplicate. Exceptions shall point out with particularity the alleged errors in the findings of fact, conclusions, and proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by memoranda or briefs in support thereof.

Dated: December 4, 1964.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

## Department of the Interior

FISH AND WILDLIFE SERVICE

### SUBSIDY APPLICATION UNDER FISHING FLEET IMPROVEMENT ACT OF 1964:

Boat Pat-San-Marie, Inc., New Bedford, Mass., has applied for a fishing vessel construction differential subsidy (under P. L. 88-498) to aid in the construction of a 100-foot overall steel vessel to engage in the fishery for scallops, groundfish, and flounders.

A hearing on the economic aspects of the application was scheduled to be held on January 25, 1965, in Washington, D. C. The U. S. Bureau of Commercial Fisheries published the notice of hearing in the December 18, 1964, Federal Register.

* * * * *

### HEARING ON APPLICATION UNDER FISHING FLEET IMPROVEMENT ACT OF 1964:

Boat Ouingondy, Inc., Marion, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 100-foot overall steel vessel to engage in the fishery for scallops, groundfish, and flounder.1/

A hearing on the economic aspects of this application was scheduled to be held on January 28, 1965, in Washington, D. C. The U. S. Bureau of Commercial Fisheries published the notice of hearing in the December 31, 1964, Federal Register.

1/The lobster fishery was added by amendment, published in the Federal Register, January 19, 1965.

## Department of the Treasury

### CHANGES IN ANTIDUMPING REGULATIONS ANNOUNCED:

The United States has moved to improve its procedures for determining whether certain foreign merchandise or commodities are being sold in the United States at prices lower than those charged in the exporters' home market, announced the Treasury Department on December 4, 1964.

The Treasury Department, under the Antidumping Act, must decide in specific cases whether such practices are taking place. Affirmative decisions are passed to the U. S. Tariff Commission, which must then determine that the particular American industries affected have been injured before invoking additional customs duties which are provided under the law.

In reaching its decisions as to whether the sales of imported merchandise come within the legal difinition of "dumping," the Treasury has been willing to accept as "confidential" any material submitted by the parties, and the parties in a dumping dispute have argued their positions to the Treasury privately and separately.

Henceforth, evidence submitted in confidence to help the Treasury reach a judgment will be accepted and treated as confidential only if the Treasury is itself satisfied that the nature of the material requires confidential treatment. However, even though the Treasury may not agree that the material warrants confidential treatment, the Treasury will not disclose it if the person submitting it refuses to authorize disclosure--but, in those circumstances, the information will not be given weight in support of the submitter's position.

In addition, the new regulations will: (1) Allow interested persons to argue their cases before the Treasury in each other's presence rather than separately; (2) Establish standards for determining when differences in sales volumes abroad and in the United States provide a basis for making quantity allowances in price comparisons; (3) Eliminate, in large part, the retroactive application of dumping duties. At present, such duties can be imposed on goods imported as far back as four months prior to the receipt of a complaint; (4) Allow foreign exporters to reimburse to United States importers dumping duties charged on certain shipments made to the United States.

The changes came after a thorough study by the Treasury, with the assistance of academic consultants. Amendments were proposed earlier this year after discussion of the subject at a well-attended public hearing. Following this, a large number of statements were received from domestic producers, importers, exporters, foreign governments, and various associations. The new amendments emerged from that study and broad range of comments.

The amendments as adopted were published in the Federal Register of December 5, 1964, and will go into effect 30 days after their publication. No amendment will be given retroactive effect and the provisions relating to confidentiality of information, and quantity discounts will not apply to pending cases. The amendments as published follow:

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56315]

### PART 14—APPRAISEMENT

#### Antidumping

**A notice was published in the FEDERAL REGISTER on December 24, 1963 (28 F.R. 14245), stating that the Treasury Department was reviewing its regulations (19 CFR 14.6–14.13) under the Antidumping Act of 1921, as amended (19 U.S.C. 160–173). All interested parties were afforded an opportunity to be heard on January 23, 1964, with regard to the regulations.**

**After consideration of all written submissions received and oral arguments made at the hearing, a notice of proposed rulemaking setting forth certain proposed amendments relating to procedures under the Antidumping Act was published in the FEDERAL REGISTER on April 23, 1964 (29 F.R. 5474), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and comments were invited to be submitted.**

**Due consideration now having been given to all comments, views, and other data received, the amendments as set forth below are hereby adopted. The amendments shall become effective, but not retroactively, 30 days after the date of their publication in the FEDERAL REGISTER. However, § 14.6a and the amendments to §§ 14.7(b) (1) and (3) and 14.9(a) shall not be effective with respect to antidumping proceedings in connection with which the question of dumping was raised or presented for the**

purposes of sections 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)), before the 30th day following the date of publication of the amendments in the FEDERAL REGISTER.

Section 14.6 is amended as follows:

1. Paragraph (b) is amended;
2. Paragraph (c) is amended;
3. Paragraph (d)(1) is amended;
4. Paragraph (e) is amended.

The amended paragraphs read as follows:

**§ 14.6 Suspected dumping.**

* * * * *

(b) Any person outside the Customs Service who has information that merchandise is being, or is likely to be, imported into the United States under such circumstances as to bring it within the purview of the Antidumping Act, 1921, as amended,[14] may communicate such information in writing to the Commissioner of Customs. Every such communication shall contain or be accompanied by the following:

(1) A detailed description or sample of the merchandise; the name of the country from which it is being, or is likely to be, imported; the name of the exporter or exporters and producer or producers, if known; and the ports or probable ports of importation into the United States. If no sample is furnished, the Bureau of Customs may call upon the person who furnished the information to furnish samples of the imported and competitive domestic articles, or either.

(2) Such detailed data as are reasonably available with respect to values and prices indicating that such merchandise is being, or is likely to be, sold in the United States at less than its fair value, within the meaning of the Antidumping Act, 1921, as amended, including information as to any differences between the foreign market value or constructed value and the purchase price or exporter's sales price which may be accounted for by any difference in taxes, discounts, incidental costs such as those for packing or freight, or other items.

(3) Such information as is reasonably available to the person furnishing the information as to the total value and volume of domestic production of the merchandise in question.

(4) Such suggestions as the person furnishing the information may have as to specific avenues of investigation to be pursued or questions to be asked in seeking pertinent information.

(c) If any information filed pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the Commissioner shall return the communication to the person who submitted it with detailed written advice as to the respects in which it does not conform.

(d)(1) Upon receipt pursuant to paragraph (a) or (b) of this section of information in proper form:

(i) The Commissioner shall conduct a summary investigation. If he determines that the information is patently in error or that the merchandise is not being and is not likely to be imported in more than insignificant quantities he shall so advise the person who submitted the information and the case shall be closed. Otherwise, the Commissioner shall publish a notice in the FEDERAL REGISTER that information in proper form has been received pursuant to paragraph (a) or (b) of this section. This notice, which may be referred to as the "Antidumping Proceeding Notice," will specify whether the information relates to all shipments of the merchandise in question from an exporting country, or only to shipments by certain persons or firms; in the latter case, only the names of such persons and firms will be specified. The notice shall also specify the date on which information in proper form was received and that date shall be the date on which the question of dumping was raised or presented for purposes of sections 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)). The notice shall also contain a summary of the information received. If a person outside the Customs Service raised or presented the question of dumping, his name shall be included in the notice unless a determination under § 14.6a of the regulations of this part requires that his name not be disclosed.

(ii) The Commissioner shall thereupon proceed promptly to decide whether or not reasonable grounds exist to believe or suspect that the merchandise is being, or likely to be, sold at less than its foreign market value (or, in the absence of such value, than its constructed value). To assist him in making this decision the Commissioner, in his discretion, may conduct a brief preliminary investigation into such matters, in addition to the invoice or other papers or information presented to him, as he may deem necessary.

* * * * *

(e) If the Commissioner determines pursuant to paragraph (d)(1)(ii) of this section, or in the course of an investigation under paragraph (d)(3)(i) of this section, that there are reasonable grounds to believe or suspect that any merchandise is being, or is likely to be, sold at less than its foreign market value (or, in the absence of such value, than its constructed value) under the Antidumping Act, he shall publish notice of that fact in the FEDERAL REGISTER, furnishing an adequate description of the merchandise, the name of each country of exportation, and the date of the receipt of the information in proper form, and shall advise all appraisers of his action. This notice may be referred to as the "Withholding of Appraisement Notice." If the belief or suspicion relates only to certain shippers or producers, the notice shall specify that this is the case and that the investigation is limited to the transactions of such shippers or producers. The notice shall also specify whether the appropriate basis of comparison for fair value purposes is purchase price or exporter's sales price if sufficient information is available to so state; otherwise a supplementary notice will be published in the FEDERAL REGISTER as soon as possible which will specify which of such prices is the appropriate basis of comparison for fair value purposes. Upon receipt of such advice, the appraisers shall proceed to withhold appraisement in accordance with the pertinent provisions of § 14.9.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Part 14 is amended by deleting present footnote 14; by redesignating present footnote 14a as footnote 14.

Part 14 is amended further by adding a new section designated 14.6a reading as follows:

**§ 14.6a Disclosure of information in antidumping proceedings.**

(a) *Information generally available.* In general, all information, but not necessarily all documents, obtained by the Treasury Department, including the Bureau of Customs, in connection with any antidumping proceeding will be available for inspection or copying by any interested person, such as the producer of the merchandise, any importer, exporter, or domestic producer of merchandise similar to that which is the subject of the proceeding. With respect to documents prepared by an officer or employee of the United States, factual material, as distinguished from recommendations and evaluations, contained in any such document will be made available by summary or otherwise on the same basis as information contained in other documents. Attention is directed to § 24.12 of this chapter relating to fees charged for providing copies of documents.

(b) *Requests for confidential treatment of information.* Any person who submits information in connection with an antidumping proceeding may request that such information, or any specified part thereof, be held confidential. Information covered by such a request shall be set forth on separate pages from other information; and all such pages shall be clearly marked "Confidential Treatment Requested." The Commissioner of Customs or the Secretary of the Treasury or the delegate of either will determine, pursuant to paragraph (c) of this section, whether such information, or any part thereof, shall be treated as confidential. If it is so determined, the information covered by the determination will not be made available for inspection or copying by any person other than an officer or employee of the United States Government or a person who has been specifically authorized to receive it by the person requesting confidential treatment. If it is determined that information submitted with such a request, or any part thereof, should not be treated as confidential, or that summarized or approximated presentations thereof should be made available for disclosure, the person who has requested confidential treatment thereof shall be promptly so advised and, unless he thereafter agrees that the information, or any specified part or summary or approximated presentations thereof, may be disclosed to all interested parties, the information will not be made available for disclosure, but to the extent that it is self-serving it will be disregarded for the purpose of the determination as to sales below fair value and no reliance shall be placed thereon in this connection.

(c) *Standards for determining whether information will be regarded as confidential.* (1) Information will ordinarily be considered to be confidential only if its disclosure would be of significant competitive advantage to a competitor or would have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information. Further, if disclosure of information in specific terms or with identifying details would be inappropriate under this standard

the information will ordinarily be considered appropriate for disclosure in generalized, summary or approximated form, without identifying details, unless the Commissioner of Customs or the Secretary of the Treasury or the delegate of either determines that even in such generalized, summary or approximated form, such disclosure would still be of significant competitive advantage to a competitor or would still have a significantly adverse effect upon a person supplying the information or upon a person from whom he acquired the information. As indicated in paragraph (b) of this section, however, the decision that information is not entitled to protection from disclosure in its original or in another form will not lead to its disclosure unless the person supplying it consents to such disclosure.

(2) Information will ordinarily be regarded as appropriate for disclosure if it

(i) Relates to price information;

(ii) Relates to claimed freely available price allowances for quantity purchases; or

(iii) Relates to claimed differences in circumstances of sale.

(3) Information will ordinarily be regarded as confidential if its disclosure would

(i) Disclose business or trade secrets;

(ii) Disclose production costs;

(iii) Disclose distribution costs, except to the extent that such costs are accepted as justifying allowances for quantity or differences in circumstances of sale;

(iv) Disclose the names of particular customers or the price or prices at which particular sales were made.

(Sec. 407, 42 Stat. 18; 19 U.S.C. 173.)

Section 14.7(b) is amended as follows:

1. Subparagraph (1) is amended;
2. Subparagraph (3) is amended;
3. Subparagraph (4) is amended;
4. A new subparagraph (9) is added.

The amended and added subparagraphs of § 14.7(b) read as follows:

**§ 14.7 Fair value.**

* * * * *

(b) *Calculations of fair value.* * * *

(1) *Quantities.* In comparing the purchase price or exporter's sales price, as the case may be, with such applicable criteria as sales or offers, on which a determination of fair value is to be based, reasonable allowances will be made for differences in quantities if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. In determining the question of allowances for differences in quantity, consideration will be given, among other things, to the practice of the industry in the country of exportation with respect to affording in the home market (or third country markets, where sales to third countries are the basis for comparison) discounts for quantity sales which are freely available to those who purchase in the ordinary course of trade. Allowances for price discounts based on sales in large quantities ordinarily will not be made unless (i) the exporter during the six months prior to the date when the question of dumping was raised or presented had been granting quantity discounts of at least the same magnitude with respect to 20 percent or more of such or similar merchandise which he sold in the home market (or in third country markets when sales to third countries are the basis for comparison) and that such discounts had been freely available to all purchasers, or (ii) the exporter can demonstrate that the discounts are warranted on the basis of savings specifically attributable to the quantities involved.

* * * * *

(3) *Similar merchandise.* In comparing the purchase price or exporter's sales price, as the case may be, with the selling price in the home market, or for exportation to countries other than the United States, in the case of similar merchandise described in subdivisions (C), (D), (E), or (F) of section 212(3), Antidumping Act, 1921, as amended (19 U.S.C. 170a(3)), due allowance shall be made for differences in the merchandise. In this regard the Secretary will be guided primarily by the effect of such differences upon the market value of the merchandise but, when appropriate, he may also consider differences in cost of manufacture if it is established to his satisfaction that the amount of any price differential is wholly or partly due to such differences.

(4) *Offering price.* In the determination of fair value, offers will be considered in the absence of sales, but an offer made in circumstances in which acceptance is not reasonably to be expected will not be deemed to be an offer.

* * * * *

(9) *Revision of prices or other changed circumstances.* Whenever the Secretary of the Treasury is satisfied that promptly after the commencement of an antidumping investigation either (i) price revisions have been made which eliminate the likelihood of sales below fair value and that there is no likelihood of resumption of the prices which prevailed before such revision, or (ii) sales to the United States of the merchandise have terminated and will not be resumed; or whenever the Secretary concludes that there are other changed circumstances on the basis of which it may no longer be appropriate to continue an antidumping investigation, the Secretary shall publish a notice to this effect in the FEDERAL REGISTER. The notice shall state the facts relied on by the Secretary in publishing the notice and that those facts are considered to be evidence that there are not and are not likely to be sales below fair value. The notice shall also state that unless persuasive evidence or argument to the contrary is presented within 30 days the Secretary will determine that there are not and are not likely to be sales below fair value.

(Sec. 407, 42 Stat. 18; 19 U.S.C. 173)

Part 14 is amended further by amending examples 4 and 5 under "Examples for Purposes of Illustration" in footnote 15 to read:

*Example 4.* A foreign producer makes all of his sales, other than those to the United States, for consumption in the country of exportation. The majority of the merchandise thus sold by him is sold in 50-ton lots at list prices, net. However, a discount of 5 percent is granted on sales of more than 500 tons and is freely available to those who purchase in the ordinary course of trade. During the six months preceding the date when the question of dumping was raised, the producer made sales of more than 500 tons each with respect to 15 percent of such or similar merchandise which he sold in the home market. Sales for exportation to the United States are at list prices less 5 percent and have been in quantities of over 500 tons. The 5 percent will not be allowed as a quantity discount because less than 20 percent of such or similar merchandise was sold in the home market in quantities to which such discount was applicable, unless the 5 percent discount can be justified by cost savings. Cost savings can also be used to justify a quantity discount where there were no sales in the home market in quantities sufficient to warrant the granting of the 5 percent discount, and no offers because there is no potential market for such quantities.

In determining whether a discount has been given, the presence or absence of a published price list reflecting such a discount is not controlling. In certain lines of trade, price lists are not commonly published and in others although commonly published they are not commonly adhered to.

The following example also relates to quantity allowances.

*Example 5.* A foreign producer has the following record of sales at or about the date of sale or exportation to the United States:

| Price per lb. for sales in units of 100 lbs. and 1,000 lbs. | Sales for consumption in country of exportation | Sales to the United States |
|---|---|---|
| $0.85 (100 lbs.) | 200,000 lbs. | |
| $0.80 (1,000 lbs.) | 20,000 lbs. | 100,000 lbs. |

Although the lower price in the home market appears to obtain for quantities the same as those sold for exportation to the United States at the same price, the quantity sold for home consumption at the lower price is less than 20 percent of the quantity sold in the home market. Accordingly, the price for exportation to the United States is not justified, unless cost savings can be shown to justify the lower price. If 44,000 pounds had been sold in the home market at the $.80 price, the lower price would have been justified for comparison with the price for exportation to the United States.

Section 14.8(a) is amended to read:

**§ 14.8 Determination of fact or likelihood of sales at less than fair value; determination of injury; finding of dumping.**

(a) Upon receipt from the Commissioner of Customs of the information referred to in § 14.6(d), the Secretary of the Treasury will proceed as promptly as possible to determine tentatively whether or not the merchandise in question is in fact being, or is likely to be, sold in the United States or elsewhere at less than its fair value. As soon as possible the Secretary will publish in the FEDERAL REGISTER a "Notice of Tentative Determination," which will include a statement of the reasons on which the tentative determination is based. Interested persons will be given an opportunity to make such written submissions as they desire, within a period which will be specified in the notice, with respect to the contemplated action. Appropriate consideration will be given to any new or additional information or argument submitted. If any person believes that any information obtained by the Bureau of Customs in the course of an antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard. Upon receipt of such a request the Secretary will notify the person who supplied any information, the accuracy of which is questioned

and such other person or persons, if any, as he in his discretion may deem to be appropriate. If the Secretary is satisfied that the circumstances so warrant, an opportunity will be afforded by the Secretary or his delegate for all such persons to appear, through their counsel or in person, accompanied by counsel if they so desire, to make known their respective points of view and to supply such further information or argument as may be of assistance in leading to a conclusion as to the accuracy of the information in question. The Secretary or his delegate may at any time, upon appropriate notice, invite any such person or persons as he in his discretion may deem to be appropriate to supply him orally with information or argument. As soon as possible thereafter, the Secretary will make a final determination, except that the Secretary may defer making an affirmative determination of sales below fair value during the pendency of any other antidumping proceeding which relates to the same class or kind of merchandise imported from another foreign country. The Secretary will defer making an affirmative determination only if he is satisfied that deferral is appropriate under all of the circumstances. Circumstances which the Secretary will take into consideration will include the dates on which information relating to the various antidumping proceedings came to his attention, the volume of sales involved in each proceeding, elements of hardship, if any, and probable extent of delay which deferral would entail. No determination that sales are not below fair value will be deferred because of this provision. Whenever the Secretary makes a determination of sales at less than fair value he will so advise the United States Tariff Commission.

* * * * *

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Section 14.9 is amended as follows:
1. Paragraph (a) is amended;
2. Paragraph (f) is amended.
The amended paragraphs of § 14.9 read as follows:

**§ 14.9 Action by the appraiser.**

(a) Upon receipt of advice from the Commissioner of Customs pursuant to § 14.6(e), if the Commissioner's "Withholding of Appraisement Notice" shall specify that the proper basis of comparison for fair value purposes is exporter's sales price or if that notice does not specify the appropriate basis of comparison for fair value purposes, each appraiser shall withhold appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption, on any date after the 120th day before the question of dumping was raised by or presented to the Secretary of the Treasury or his delegate. If the Commissioner's "Withholding of Appraisement Notice," including any supplementary notice, shall specify that the proper basis of comparison for fair value purposes is purchase price, the appraiser shall withhold appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption, after the date of publication of the "Withholding of Appraisement Notice." Each appraiser shall notify the collector and importer immediately of each lot of merchandise with respect to which appraisement is so withheld. Upon advice of a finding made in accordance with § 14.8 (b), the appraiser shall give immediate notice thereof to the collector and the importer when any shipment subject thereto is imported after the date of the finding and information is not on hand for completion of appraisement of such shipment. Customs Form 6459 shall be used to notify the collector and importer whenever appraisement is withheld under this paragraph.

* * * * *

(f) In calculating purchase price or exporter's sales price, as the case may be, there shall be deducted the amount of any special dumping duties which are, or will be, paid by the manufacturer, producer, seller, or exporter, or which are, or will be, refunded to the importer by the manufacturer, producer, seller, or exporter, either directly or indirectly, but a warranty of nonapplicability of dumping duties granted to an importer with respect to merchandise which is (1) purchased, or agreed to be purchased, before publication of a "Withholding of Appraisement Notice" with respect to such merchandise and (2) exported before a determination of sales below fair value is made, will not be regarded as affecting purchase price or exporter's sales price.

(Secs. 201, 202, 203, 204, 208, 407, 42 Stat. 11, as amended, 12, 13, 14, 18, sec. 486, 46 Stat. 725, as amended; 19 U.S.C. 160, 161, 162, 163, 167, 173, 1486)

[SEAL] LESTER D. JOHNSON,
*Acting Commissioner of Customs.*

Approved: November 25, 1964.

JAMES A. REED,
*Assistant Secretary of the Treasury.*

BUREAU OF CUSTOMS

## RULING ON FOREIGN FISHERY LANDINGS IN U. S. PORTS:

While foreign-flag vessels may not fish in territorial waters of the United States nor land in the United States fish taken aboard on the high seas, there is no prohibition against such vessels landing fish taken aboard in the territorial waters or a port of a foreign country, the U. S. Bureau of Customs has ruled.

In reply to an inquiry from a collector of customs as to whether a Canadian vessel may land its catch of fish taken in Canadian territorial waters, and whether such waters may be deemed to extend beyond the 3-mile limit, the Acting Commissioner of Customs cited Section 251, title 46, U. S. Code, and stated:

"Neither that law nor any other, so far as the Bureau is aware, prohibits a foreign-flag vessel from landing in a port of the United States fish taken on board anywhere other than on the high seas or in territorial waters of the United States. This being so, as a matter of law, there is no reason why a Canadian fishing vessel may not land in the United States its catch of fish taken in Canadian territorial waters. Of course, in such case, the place where the fish were taken or laden must be established to the satisfaction of the collector of customs concerned.

"The Department of State has advised the Bureau that, even though Canada has recently claimed exclusive fisheries rights in waters up to a limit of 12 miles from the baseline from which the territorial sea is measured, the limits of the territorial waters themselves have not been extended, and that as a consequence waters outside the 3-mile limit are regarded as waters of the high seas.

"Accordingly, fish taken by Canadian vessels in the area beyond the 3-mile limit, including those taken in the area from 3 miles to 12 miles from the Canadian coast, will be deemed to have been taken on the high seas for the purpose of Section 251 and may not be landed in the United States by the taking vessels or by other vessels to which the catch may have been transferred in such waters."

The Bureau's answer to the collector in no way concerned the question of foreign vessels fishing in the United States territorial waters and may not be construed as authorizing them to do so. On the contrary, foreign vessels are prohibited from fishing in United States waters by Section 251, title 46, United States Code, and by Public Law 88-308, approved May 20, 1964.

It should be pointed out that the answer given conforms to the position taken by the Bureau in previous similar rulings, the first made a short time after the amendment of September 2, 1950, of the act upon which Section 251 as cited above is based. It is thus not a new or different interpretation of the law but merely a restatement of interpretations of long standing. (U. S. Bureau of Customs, December 23, 1964.)

## White House

NEW INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA: The Regulations for Preventing Collisions at Sea, 1960, were proclaimed by the President, December 29, 1964, to become effective September 1, 1965, under the Act of September 24, 1963 (P. L. 88-131). The new regulations (commonly called the 1960 International Rules of the Road) apply to all public and private vessels and aircraft of United States registry covered by the legislation. The new International Rules will not be effective, however, on United States waters governed by Inland, Great Lakes, or Western Rivers Rules of the Road. (Federal Register, December 31, 1964.)

Note: See Commercial Fisheries Review, Jan. 1965 p. 103.

## Eighty-Ninth Congress (First Session)

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

CONGRESS CONVENES: The first session of the 89th Congress convened Jan. 4, 1965, and heard the President's State of the Union message. The message was referred to Committee of the Whole House on the State of the Union and ordered printed as a House document (H. Doc. 1). At one point in his message the President said, "We will seek legal power to prevent pollution of our air and water before it happens. We will step up our effort to control harmful wastes, giving first priority to the cleanup of our most contaminated rivers. We will increase research to learn much more about the control of pollution."

ANADROMOUS FISH CONSERVATION: Introduced in House, H. R. 23 (Dingell), H. R. 24 (Keith), and H. R. 800 (Johnson of Calif.), Jan. 4, 1965; to authorize the Secretary of the Interior to initiate a program for the conservation, development, and enhancement of the Nation's anadromous fish in cooperation with the several states; to Committee on Merchant Marine and Fisheries. Purpose is to carry out a positive and comprehensive program of conserving and developing the Nation's anadromous fishery resources that are subject to depletion from Federal, state, and private water-resource developments and for other causes, or with respect to which this country has international commitments. Species of anadromous fish covered: such as salmon (which spawn in fresh water but live much of their lives in the sea), steelhead trout, shad, and striped bass. Would provide up to $25 million for the period ending June 30, 1969. No state would receive more than 20 percent of total funds; would require a 50 percent cost-sharing ratio between the Federal and a state government; pollution of estuarine areas are to be reported to proper authorities for appropriate action. (These bills are similar to several other bills, especially H. R. 2392 in 88th Congress, which was passed by the House Sept. 1, 1964; sent to Senate, referred to Committee on Commerce Sept. 2, 1964; no action by Senate.)

ANTIDUMPING ACT AMENDMENT: Introduced in House Jan. 4, 1965: H. R. 301 (Dent), H. R. 979 (Conte), H. R. 1165 (Secrest); Jan. 6: H. R. 1674 (Curtin), H. R. 1715 (Morgan); Jan. 7: H. R. 2094 (Whalley); to amend the Antidumping Act, 1921; to Committee on Ways and Means. Would provide for greater certainty, speed, and efficiency in the enforcement and certain changes in wording of the Act. (Similar to numerous bills in 88th Congress; no action.)

BUREAU OF COMMERCIAL FISHERIES REPORT: Senate received Jan. 6, 1965, a letter from the Secretary of the Interior, transmitting, pursuant to law, a report of operations of the Bureau of Commercial Fisheries, for the fiscal year ended June 30, 1963 (with accompanying report); to the Committee on Commerce. Also, House received Jan 4, 1965, a letter from the Secretary of the Interior, transmitting the Ninth Annual Report of the Secretary on Operations of the Bureau of Commercial Fisheries conducted under the Saltonstall-Kennedy Act, pursuant to 68 Stat. 376, as amended; to the Committee on Merchant Marine and Fisheries.

COMMERCIAL FISHERIES ADVANCEMENT FUND: H. R. 841 (Multer) introduced in House Jan. 4, 1965, to amend the act of Aug. 11, 1939, relating to domesti-

cally produced fishery products to establish a fund for the advancement of commercial fisheries; to Committee on Merchant Marine and Fisheries. (Seems to be similar to P. L. 88-309 enacted by the 88th Congress and signed by the President May 20, 1964; cited as Commercial Fisheries Research and Development Act, also known as Federal Aid for State Commercial Fisheries and Development.)

COMMODITY PACKAGING AND LABELING: Introduced in House, H. R. 643 (Multer), H. R. 770 (Gilbert), and H. R. 993 (Farbstein) Jan. 4, 1965; H. R. 1664 (Celler) Jan. 6, 1965; to amend the Clayton Act to prohibit restraints of trade carried into effect through the use of unfair and deceptive methods of packaging or labeling certain consumer commodities distributed in commerce and for other purposes; to the Committee on the Judiciary. Would direct the Food and Drug Administration (for foods, drugs, and cosmetics) and the Federal Trade Commission (for other consumer commodities) to promulgate regulations that will require packages accurately and clearly to give essential product information and fairly represent the contents. (Similar to several bills in 88th Congress; no action.)

FISH HATCHERIES: Senate Jan. 6, 1965, received a letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on weaknesses in administration of the national fish hatchery program, Bureau of Sports Fisheries and Wildlife, U. S. Fish and Wildlife Service, Department of the Interior, dated Oct. 1964 (with an accompanying report); to the Committee on Government Operations.

IMPORT COMMODITY LABELING: H. R. 467 (Herlong) introduced in House Jan. 4, 1965, to amend the Tariff Act of 1930 to require certain new packages of imported articles to be marked to indicate the country of origin, and for other purposes; to the Committee on Ways and Means. (Similar to H. R. 2513 passed by the 88th Congress and sent to President for signature after Senate agreed to conference report on Dec. 18, 1963. President pocket vetoed the bill by allowing it to expire on Dec. 31, 1963.)

S. 88 (McGee and Simpson) introduced in Senate Jan. 6, 1965, to amend the Federal Food, Drug, and Cosmetic Act, as amended to require the labeling of certain imported meats, poultry, and fish; to the Committee on Labor and Public Welfare; similar to H. R. 467. (Similar to several bills in 88th Congress; no action.)

METRIC SYSTEM STUDY: H. R. 38 (McClory) introduced in House Jan. 4, 1965, to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures; to Committee on Science and Astronautics. (Similar to several bills in 88th Congress; no action.)

OCEANOGRAPHIC AGENCY OR COUNCIL: H. R. 921 (Wilson of Calif.) introduced in House Jan. 4, 1965, to establish the National Oceanographic Agency; to the Committee on Merchant Marine and Fisheries. Would set up a coordinating Federal Agency for oceanography that would help give direction and force to the many experiments and studies already under way, and establish goals and make assignments toward them. Congressman Wilson inserted remarks on this bill in the Congressional Record, Jan. 4, 1965. (Similar to bills in 88th Congress; no action.)

OFFSHORE FISHERY RESOURCES CONSERVATION: S. 49 (Gruening for himself, Muskie and Pastore) introduced in Senate Jan. 6, 1965, to conserve the offshore fishery resources of the United States and its territories, and for other purposes; to the Committee on Interior and Insular Affairs. Congressional Record, Jan. 7, 1965, contained remarks on this bill by Senator Gruening. In part, he stated: "The bill was designed to conserve the offshore fishery resources of the United States to authorize the extension of the territorial waters of our Nation and its territories to 12 miles." He also stated that the need persists to extend our territorial waters and give our fishermen a wider area in which to fish unmolested by foreign competition. "Today," he said, "49 nations have extended their territorial waters to 12 miles or more at the same time foreign vessels are fishing off our shores in ever-increasing numbers... ." He pointed out that the following countries, as of December 1, 1964, according to information supplied by the Library of Congress, Legislative Reference Service, claim territorial limits or zones for special purposes, including fishing, which extend to at least 12 miles from the coasts: Albania, Algeria, Brazil, Bulgaria, Byelorussian S.S.R., Cambodia, Canada, Ceylon, Chile, Communist China, Colombia, Costa Rica, Cyprus, Dominican Republic, Ecuador, El Salvador, Ethiopia, Ghana, Guatemala, Guinea, Iceland, India, Indonesia, Iran, Republic of Korea, Libya, Malagasy Republic, Morocco, Norway, Panama, Peru, Rumania, Saudi Arabia, Senegal, South Africa, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, Turkey, Ukrainian S.S.R., U.S.S.R., United Arab Republic, United Kingdom, Uruguay, Venezuela, Vietnam (South). It is expected that the following nations will shortly ratify the European Fishery Convention of 1964 which claims a 3 mile territorial sea plus 3 miles exclusive fishing zone plus 6 additional miles which is restricted to nations party to the convention: Denmark, France, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden. So the total may climb to 58 countries claiming jurisdiction over at least 12 miles of territorial sea for fishing purposes. He also stated that we have given in grants the sum of $14,693,024 since 1955 to build up the fisheries of other nations. That total includes $5,351,000 to help the fishermen of Korea, $1,355,670 to assist the fishermen of Pakistan, and $907,198 to assist the fishermen of Indonesia. Senator Gruening's remarks were followed by a reprint of his speech, "Our Fisheries Need Greater and Firmer Support and a 12-Mile Limit" given at the 16th Annual Session of the Gulf and Caribbean Fisheries Institute, Miami, Fla., Nov. 11, 1963. (Similar to S. 1816 in 88th Congress; no action.)

OUTER CONTINENTAL SHELF RESTRICTED AREAS: Senate Jan. 7, 1965, received 3 letters from the Secretary of the Air Force, transmitting drafts of proposed legislation to provide for the restriction of certain areas in the outer Continental Shelf for defense purposes--(1) the Eastern Test Range, (2) Gulf Test Range, Gulf of Mexico, (3) Matagorda Water Range; and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PACIFIC SOUTHWEST WATER RESOURCES: H. R. 313 (Hosmer) introduced in House Jan. 4, 1965, to authorize the coordinated development of the water resources of the Pacific Southwest, and for other purposes; to Committee on Interior and Insular Affairs. Also S. 294 (Kuchel) introduced in Senate Jan. 6, 1965.

PRICE DISCRIMINATION PRACTICES: H. R. 601 (Multer) introduced in House Jan. 4, 1965, to amend the

Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes. Principally would prevent price discrimination or selling at unreasonably low prices. (Similar to several bills in 88th Congress; no action.)

SCIENCE AND TECHNOLOGY COMMISSION: H. R. 15 (Teague of Texas) introduced in House Jan. 4, 1965, for the establishment of a Commission on Science and Technology; to Committee on Science and Astronautics. Commission would be composed of representatives from the legislative and executive branches of the Government and of persons from private life who are eminent in one or more fields of science or engineering, or who are qualified and experienced in policy determination and administration of industrial scientific research and technological activities. Would provide for a study of all of the programs, methods and procedures of the Federal departments and agencies which are operating, conducting, and financing scientific programs, with objective of bringing about more economy and efficiency in the performance of these essential activities and functions. (Similar to S. 816 in 88th Congress; passed Senate Mar. 8, 1963; received by House Mar. 11, 1963, but no further action.)

TRADE EXPANSION ACT AMENDMENT: Introduced in House H. R. 656 (Pucinski) and H. R. 1166 (Secrest) Jan. 4, 1965; H. R. 2096 (Whalley) Jan. 7, 1965; to amend the Trade Expansion Act of 1962 to provide judicial review of certain determinations of the Tariff Commission and for other purposes; to the Committee on Ways and Means.

VESSEL JANICE VEE: H. R. 2137 (Gibbons) private bill, introduced in House Jan. 7, 1965, to permit the vessel *Janice Vee* to be documented for use in the fisheries and coastwise trade; to the Committee on Merchant Marine and Fisheries.

WATER POLLUTION CONTROL ACT: H. R. 982 (Dingell) introduced in House Jan. 4, 1965, to amend the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended, to provide for improved cooperation by Federal agencies to control water and air pollution from Federal installations and facilities and to control automotive vehicle air pollution; to the Committee on Public Works.

WATER POLLUTION CONTROL ADMINISTRATION: Introduced in House, Jan. 4, 1965: H. R. 151 (Rodino), H. R. 983 (Dingell); Jan. 7, H. R. 2064 (Madden); to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the issuance of regulations to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes; to the Committee on Public Works. Also S. 4 (Muskie for himself and 25 other Senators) introduced in Senate Jan. 6, 1965, similar to H. R. 151. (Similar to several bills in 88th Congress, especially S. 649 passed by Senate Oct. 13, 1963, and reported favorably by House Committee on Public Works Sept. 3, 1964; no further action.)

WATER PROJECT RECREATION ACT: H. R. 52 (Aspinall) introduced in House Jan. 4, 1965, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control; to Committee on Interior and Insular Affairs.

WATER RESOURCES PLANNING ACT: S. 22 (Anderson for himself and 5 other Senators) introduced in Senate Jan. 6, 1965, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commission, and by providing financial assistance to the states in order to increase state participation in such planning; to the Committee on Interior and Insular Affairs. Also H. R. 1111 (Aspinall) introduced in House Jan. 4, 1965. (Similar to several bills in 88th Congress, especially S. 1111 passed by Senate Dec. 4, 1963; House Committee on Interior and Insular Affairs favorably reported bill to House Sept. 2, but no further action.)

WATER RESOURCES RESEARCH: S. 267 (Anderson for himself and 16 other Senators) introduced Jan. 6, 1965, to promote a more adequate national program of water research; to the Committee on Interior and Insular Affairs.

## Eighty-Eighth Congress (Second Session)

METRIC SYSTEM STUDY: Conversion to Metric System, Hearing before the Committee on Commerce, United States Senate, 88th Congress, 2nd session, on S. 1278, a bill to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the Metric System of Weights and Measures, Jan. 7, 1964, Serial 64, 71 pp., printed. Includes comments, statements and miscellaneous letters, resolutions, etc. of various Federal agencies, and representatives of various associations and business firms, and individuals.

Note: REPORT ON FISHERY ACTIONS IN 87TH AND 88TH CONGRESS: The U. S. Bureau of Commercial Fisheries has issued a leaflet on the status of all legislation of interest to commercial fisheries at the end of the 88th Congress. For copies of MNL-3--"Legislative Actions Affecting Commercial Fisheries, 88th Congress, 1st Session 1963 and 2nd Session 1964," write to the Fishery Market News Service, U. S. Bureau of Commercial Fisheries, 1815 No. Fort Myer Drive, Room 510, Arlington, Va. 22209. A few copies of MNL-3--"Legislative Actions Affecting Commercial Fisheries, 87th Congress, 1st Session 1961 and 2nd Session 1962," are also available upon request. Requests for these leaflets will be filled on a first-come first-served basis until the supply is exhausted.