

FEDERAL REGISTER

THE NATIONAL ARCHIVES
 LITTERA
 SCRIPTA
 MANET
 OF THE UNITED STATES
 1934

VOLUME 28 NUMBER 192

Washington, Wednesday, October 2, 1963

Contents

Agricultural Marketing Service

NOTICES:	
Bar "S" Ranch Auction et al.; de-	
posting of stockyards.....	10584
RULES AND REGULATIONS:	
Domestic dates produced or	
packed in a designated area of	
California; surplus dates and	
exemption.....	10568
Raisins produced from grapes	
grown in California; reporting	
requirements.....	10569

Agricultural Research Service

RULES AND REGULATIONS:	
Overtime services relating to im-	
ports and exports; commuted	
travel time allowances.....	10564

Agricultural Stabilization and Conservation Service

RULES AND REGULATIONS:	
Wheat, farm acreage allotments,	
small farm bases, and normal	
yields for 1964 and subsequent	
crops.....	10565

Agriculture Department

See also Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service.

NOTICES:	
Arkansas; designation of areas	
for emergency loans.....	10585

Atomic Energy Commission

NOTICES:	
National Institutes of Health; is-	
suance of amendment to by-	
product material license.....	10585
Saxton Nuclear Experimental	
Corp.; order extending expira-	
tion date of provisional operat-	
ing license.....	10586

Civil Aeronautics Board

NOTICES:	
International Air Transport As-	
sociation; agreement adopted	
relating to specific commodity	
rates.....	10586

Coast Guard

RULES AND REGULATIONS:	
Inspected barges; ring life buoy	
requirements.....	10578
Lights for Coast Guard vessels	
of special construction; exemp-	
tion of statutory requirements	
for "U.S.C.G.C. Bramble".....	10577
Texas Maritime Academy; ap-	
proval of schoolship.....	10579

Commerce Department

See International Commerce Bureau.

Federal Aviation Agency

PROPOSED RULE MAKING:	
Control zone, transition area and	
and control zone extension; al-	
teration, designation and revo-	
cation.....	10581
Jet routes and jet advisory areas;	
alteration.....	10581
RULES AND REGULATIONS:	
Airworthiness directives:	
Lockheed.....	10564
Navion.....	10564
Control zone and transition area;	
alteration.....	10563
Control zone, control area exten-	
sion and transition area; alter-	
ation, revocation and designa-	
tion.....	10563
Positive control area; designa-	
tion.....	10563
Transition area; revocation.....	10564

Federal Communications Commission

NOTICES:	
Standard broadcast applications	
ready and available for process-	
ing.....	10587
Hearings, etc.:	
Board of Commissioners.....	10587
Crawford, R. W., Jr.....	10587
Hill, Raymond D.....	10588
Holston Broadcasting Corp.,	
and C. M. Taylor.....	10588

Hundred Lakes Broadcasting	
Corp. (WSIR) and WJBS,	
Inc. (WJBS).....	10588
Lenz, Robert Louis.....	10589
Miller, Saul M.....	10589
Minnesota Microwave, Inc.....	10589
Ohlert, David J.....	10589
Ottawa Broadcasting Corp.	
(WJBL).....	10590
Page Boy Radio Corp., and New	
York Technical Institute of	
Cincinnati, Inc.....	10590
Pasket, Frank J.....	10590
Quality Plumbing Co., Inc.....	10591
Salem Television Co., and Salem	
Channel 3 Telecasters, Inc.....	10591
Television Company of America	
et al.....	10591

PROPOSED RULE MAKING:	
Motor carrier radio service.....	10582
RULES AND REGULATIONS:	
Commission organization, practice	
and procedure; miscellaneous	
amendments.....	10579
Domestic telegraph speed of serv-	
ice studies.....	10580

Federal Maritime Commission

NOTICES:	
Nedlloyd Line joint service; agree-	
ment filed for approval.....	10591

Federal Power Commission

NOTICES:	
Hearings, etc.:	
Cities Service Co. et al.....	10591
Manufacturers Light and Heat	
Co.....	10592
RULES AND REGULATIONS:	
Filing of rate schedules.....	10572

Federal Trade Commission

RULES AND REGULATIONS:	
Prohibited trade practices:	
Cove Vitamin Pharmaceutical,	
Inc., et al.....	10570
Qualitone Industries, Inc., et al.	
.....	10571

(Continued on next page)

Food and Drug Administration**NOTICES:**

Stewin Chemicals Inc.; filing of petition regarding food additive... 10585

RULES AND REGULATIONS:

Food additives; chemicals used in washing fruits and vegetables... 10577

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See Land Management Bureau.

International Commerce Bureau**RULES AND REGULATIONS:**

Blanket (BLT) license; amendments, extensions, and transfers... 10569

Interstate Commerce Commission**NOTICES:**

Applications for motor carrier "Grandfather" certificate of registration... 10595

Fourth section applications for relief... 10594

Motor carrier alternate route deviation notices... 10606

Motor carrier applications and certain other proceedings (2 documents)... 10607, 10622

Motor carrier intrastate applications; filing... 10594

Motor carrier transfer proceedings... 10626

New York Central Railroad Co.; application of requirements to joint motor-rail rates... 10627

Land Management Bureau**NOTICES:**

Proposed withdrawals and reservations of lands:

California... 10584
New Mexico... 10584

Securities and Exchange Commission**NOTICES:**

Hearings, etc.:

Consumers' Gas Co... 10592
Savant Instruments, Inc... 10593
Selected Plans... 10593

Small Business Administration**NOTICES:**

Seattle Regional Office; delegation of authority to conduct program activities... 10593

Treasury Department

See Coast Guard.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

7 CFR

354... 10564
728... 10565
987... 10568
989... 10569

14 CFR

71 [New] (4 documents) ... 10563, 10564
507 (2 documents) ... 10564

PROPOSED RULES:

71 [New]... 10581
75 [New]... 10581

15 CFR

375... 10569
380... 10569

16 CFR

13 (2 documents) ... 10570, 10571

18 CFR

35... 10572

21 CFR

121... 10577

33 CFR

135... 10577

46 CFR

94... 10578
166... 10579

47 CFR

0... 10579
1... 10579
64... 10580

PROPOSED RULES:

16... 10582

Volume 76**UNITED STATES STATUTES AT LARGE**

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

Price: \$10.00

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office,

FEDERAL REGISTER

Telephone



WOrth 3-3261

prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62-PC-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On July 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6883) stating that the Federal Aviation Agency proposed to alter the Hilo, Hawaii, control zone, revoke the Hilo control area extension and designate the Hilo transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

Subsequent to the publication of the Notice, the FAA has determined that the transition area extension based on the Hilo VOR 091° True radial extending from 12 miles east to 20 miles east of the VOR is not required for air traffic control purposes. This change is reflected in the action taken herein.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Hilo, Hawaii, control zone is amended to read:

Hilo, Hawaii.

Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19°43'20" N., longitude 155°03'20" W.) and within 3 miles N and 2 miles S of the Hilo VOR 091° radial, extending from the 5-mile radius zone to 12 miles E of the VOR.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962), the following control area extension is revoked:

Hilo, Hawaii.

3. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following:

Hilo, Hawaii.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19°43'20" N., longitude 155°03'20" W.), extending from a line 3 miles SW of and parallel to the Hilo VOR 334° radial clockwise to a line 3 miles SW of and parallel to the Hilo VOR 154° radial; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Hilo VOR, extending from the arc of a 7-mile radius circle centered on General Lyman Airport clockwise from a line 3 miles SW of and parallel to the Hilo VOR 334° radial to a line 5 miles S of and parallel to the Hilo VOR 121° radial, and within 10 miles NW and

7 miles SE of the Hilo VOR 034° radial, extending from the 30-mile radius area to 53 miles NE of the VOR.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 25, 1963.

H. B. HELSTROM,
*Acting Chief,
Airspace Utilization Division.*

[F.R. Doc. 63-10393; Filed, Oct. 1, 1963; 8:45 a.m.]

[Airspace Docket No. 63-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7357) stating that the Federal Aviation Agency (FAA) proposed to alter the Laramie, Wyo., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Laramie, Wyo., control zone is amended to read:

Laramie, Wyo.

Within a 5-mile radius of General Brees Field, Laramie, Wyo., (latitude 41°18'50" N., longitude 105°40'25" W.); within 2 miles each side of the Laramie VOR 332° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the 332° bearing from the Laramie RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

2. In § 71.181 (27 F.R. 220-139, November 10, 1962), the Laramie, Wyo., transition area is amended to read: That airspace extending upward from 1,200 feet above the surface within 6 miles W and 10 miles E of the Laramie VOR 332° and 152° radials, extending from 12 miles NW to 8 miles SE of the VOR.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., December 12, 1963.

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
*Acting Chief,
Airspace Utilization Division.*

[F.R. Doc. 63-10394; Filed, Oct. 1, 1963; 8:45 a.m.]

[Airspace Docket No. 63-WA-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Positive Control Area

On July 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7359) stating that the Federal Aviation Agency (FAA) proposed to include portions of the airspace from flight level 240 to and including flight level 600 which are under the jurisdiction of the Miami air route traffic control center in positive control area. In addition to the area to be designated it was planned to depict on aeronautical charts a small area outside the Continental Control Area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Comment submitted by the Department of Defense stated that designation of area positive control in the Key West area would seriously hamper high performance aircraft training by imposing additional coordination for military aircraft movement along and across the narrow area positive control corridor oriented to the Florida Keys. The Federal Aviation Agency agrees that such a narrow corridor would provide few advantages to users and would create complications in control application. Action is therefore taken herein to eliminate the portion south of latitude 25°04'00" N. from the designated positive control area. In addition, the Department of Defense objected to the depiction of the area outside the Continental Control Area. This area will therefore not be depicted and positive control service will not be provided outside of designated positive control areas.

Also included in this action is a slight change in the northern boundary in order that the boundary of the Miami positive control area will coincide with the southern boundary of the already designated positive control area to the north.

The substance of the proposed amendment having been published, therefore, and for the reasons stated herein and in the Notice, the following action is taken:

In § 71.193 (27 F.R. 220-157, November 10, 1962) the following is added:

Miami, Fla.

That airspace within the Continental Control Area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 29°00'00" N., longitude 80°48'00" W.; thence via a line which would delineate United States territorial waters around the Florida peninsula to latitude 29°14'30" N., longitude 83°07'30" W.; thence to latitude 29°29'00" N., longitude 82°39'00" W.; thence to latitude 29°22'00" N., longitude 82°25'30" W.; thence to latitude 29°22'00" N., longitude 82°02'20" W.; thence to latitude 29°08'25" N., longitude 81°48'20" W.; thence counterclockwise along

a five nautical mile radius are centered at latitude 29°06'52" N., longitude 81°42'55" W.; to latitude 29°02'20" N., longitude 81°41'30" W.; thence to latitude 28°57'45" N., longitude 81°37'15" W.; thence to latitude 29°00'00" N., longitude 81°34'20" W.; thence to the point of beginning, excluding that portion of the area south of latitude 25°04'00" N.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

This amendment shall become effective 0001 e.s.t., November 14, 1963.

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10395; Filed Oct. 1, 1963;
8:45 a.m.]

[Airspace Docket No. 63-SW-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to revoke the Tobe, Colo., transition area.

The Federal Aviation Agency has determined that the Tobe transition area is no longer required for air traffic control purposes and therefore is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Tobe transition area.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, § 71.181 (27 F.R. 220-139, November 10, 1962) is amended by revoking the following transition area: Tobe, Colo.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 26, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-10396; Filed, Oct. 1, 1963;
8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1886; Amdt. 625]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models L-18 and PV-1 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring deactivation of the electric elevator trim tab actuators and providing a modifi-

cation which when installed allows for reactivation on Lockheed Models L-18 and PV-1 Aircraft was published in 28 F.R. 7957.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models L-18 and PV-1 airplanes equipped with Spartan electrically actuated elevator trim tabs. Compliance required as indicated.

To prevent runaway operation of the electrically operated trim tab actuators, accomplish the following:

(a) Within 30 hours' time in service after the effective date of this AD unless already accomplished, electrically deactivate the elevator trim tab.

(b) Any tab deactivated may be reactivated when one of the following has been accomplished:

(1) On any Lockheed Model 18 or PV-1 airplane with Spartan electrically actuated elevator trim tab, the trim tab installation is made in accordance with STC SA2-183.

(2) An FAA approved modification to the speed and limits of actuation is accomplished. Modifications must be approved by the Chief of an FAA Engineering and Manufacturing Branch.

This amendment shall become effective November 1, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10391; Filed, Oct. 1, 1963;
8:45 a.m.]

[Reg. Docket No. 1845; Amdt. 624]

PART 507—AIRWORTHINESS DIRECTIVES

Navion and Twin Navion Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the main and nose gear retraction links with new redesigned parts on Navion and Twin Navion aircraft was published in 28 F.R. 7360.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One operator objected to the AD as being unnecessary and a burden because in his opinion the failures were the result of very hard landings or alleged poor quality control during manufacture. However, this comment does not cite any cases in support of either contention. On the other hand, in the majority of the 45 cases of retract link failure reported to the FAA in the past four years, the pilots reported that the airplane was not subjected to hard landings. Furthermore, there is no evidence to substantiate poor quality control. Because of the service history of the retract links, the Agency considers

replacement with improved parts to be necessary in the interest of safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

NAVION. Applies to all Navion Serial Numbers NAV-4-2 and up, and all Twin Navion aircraft, Temco D16, Temco D16A, Dauby, Riley, and Camair 480.

Compliance required within the next 50 hours' time in service after the effective date of this directive.

Service experience indicates that the unsafe condition in the main and nose gear retraction links which prompted the issuance of ADs 61-12-4 and 62-14-4 cannot in all cases be detected by the inspection as required in those ADs. Therefore, the following must be accomplished:

(a) Replace the main gear retraction links with revised assembly Navion P/N 143-33165-20, Temco P/N 57001-9 or FAA approved equivalent having the longer lap welded center section that completely covers the turned down part of the end fitting.

(b) Replace the nose gear retraction link with revised assembly Navion P/N 145-34106-20, Camair P/N 1-6031 or FAA approved equivalent having the longer lap welded center section that completely covers the turned down part of the end fitting.

This supersedes Amendment 296, 26 F.R. 5121, AD 61-12-4, as amended by Amendment 381, 26 F.R. 12560, and Amendment 450, 27 F.R. 5654, AD 62-14-4.

This amendment shall become effective November 1, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 26, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10392; Filed, Oct. 1, 1963;
8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 30, 1963 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective July 30, 1963 (28 F.R. 7718), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding "Travis AFB, Calif." and "Tecate, Calif." to the "One-Hour, Within Metropolitan Area" list therein and by changing "Arlington, Va." from the "One-Hour, Within Metropolitan Area" list therein to the "Two-Hour, Within Metropolitan Area" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time neces-

sarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the *FEDERAL REGISTER*.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective October 2, 1963.

Done at Washington, D.C., this 27th day of September 1963.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 63-10451; Filed, Oct. 1, 1963;
8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases, and Normal Yields for 1964 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and are issued to amend the procedure for determining farm acreage allotments and small farm bases by (1) including the definition of wheat acreage, (2) making certain minor changes determined to be necessary or appropriate as a result of the preceding change, and (3) making certain corrections in spelling and in a reference to a section number. On page 6681 of the *FEDERAL REGISTER* of June 28, 1963 (28 F.R. 6681), there was published a notice of proposed rule-making covering definition of the term "wheat acreage" and the addition of a definition of the term "wheat cover crop". The text of the proposed amendments was included in the notice. After consideration of the views and recommendations received pursuant to such notice, the amendments outlined in the notice are adopted without change, with the following additions: A citation of authorities, basis and purpose paragraph, a provision to exclude from wheat acreage any acreage of wheat and crops other than grain listed under the Official Grain Standards of the United States if the average harvested yield of wheat in the

mixture is three bushels or less per acre, a provision to exclude from wheat acreage any acreage of wheat mixture in wheat mixture counties, correction of the reference to "§ 728.17" in § 728.20(a) to read "§ 728.16," correction in spelling of the word "spinkorn" in § 728.10(m) (8) to "einkorn", addition of a new paragraph (o) to § 728.10 to define wheat mixture, addition of a new paragraph (p) to § 728.10 to name the wheat mixture counties, addition of a new paragraph (q) to § 728.10 to set out the final dates by States, counties, and areas in counties for the disposal of excess wheat acreage as wheat cover crop, which dates are considered to be not later than 30 days prior to the date wheat harvest normally begins in the county or area within the county, addition in the second sentence of § 728.10 the word "cropland" between the words "community committeemen" and "current year" to which the definitions in Part 718 or Part 719 of Chapter VII will apply, and by adding an effective date provision. With respect to the amendments included herein the texts of which were not included in the notice in 28 F.R. 6681, it is hereby determined that notice and public procedure thereon as provided for in section 4 of the Administrative Procedure Act are unnecessary and contrary to the public interest.

In order that the regulations herein may be applicable to producers making plans for seeding their 1964 crop of wheat, it is necessary that these amendments be made effective at once, and accordingly these amendments shall become effective upon publication in the *FEDERAL REGISTER*.

1. Section 728.10 is amended by adding paragraphs (m), (n), (o), (p), and (q) to read as follows:

(m) "Wheat acreage" means any acreage planted to wheat, and any acreage of volunteer wheat which reaches maturity, excluding:

(1) Any acreage of a mixture of other grains and wheat which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (Part 26 of this title).

(2) Any acreage of wheat cover crop.

(3) Any acreage of wheat grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station.

(4) Any acreage of wheat in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land provided such acreage is not harvested, but is left on the land for wildlife feed.

(5) Any acreage of unharvested wheat which is disposed of by mechanical means to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (ii) within an extended period of time as authorized by the State or county committee.

(6) Any acreage of unharvested wheat in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for

grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the State or county committee.

(7) Any acreage of unharvested wheat not in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the State or county committee; *Provided*, That this subparagraph (7) shall be applicable only if the producer requests the county committee to exempt such acreage not in excess of the allotment from the classification of wheat acreage (i) not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county, (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the State or county committee.

(8) Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat, and poulard wheat except that any acreage of such grains containing more than 10 percent wheat shall be considered wheat acreage.

(9) Any acreage of wheat and crops other than grains listed under the Official Grain Standards of the United States if the average harvested yield of wheat in the mixture is three bushels or less per acre.

(10) Any acreage of a wheat mixture in wheat mixture counties.

(n) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is, while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county.

(o) "Wheat mixture" means a mixture of wheat and other small grains which (1) when seeded, contained less than 50 percent of wheat by weight, and (2) when harvested, produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity. The seeding of any acreage of flax, Austrian winter peas, rough peas, and vetch with wheat or a mixture of wheat and other small grains will disqualify this acreage from the classification of wheat mixture. Volunteer infestations of flax, Austrian winter peas, rough peas or vetch will not change the classification of a crop otherwise qualifying as a wheat mixture. Such volunteer flax, vetch and peas shall be

RULES AND REGULATIONS

excluded in determining the percentage of wheat and other small grains in a mixture.

(p) "Wheat mixture counties" means counties in the commercial wheat-producing area in which the seeding of wheat mixtures is a normal farming practice determined to be as follows: All counties in the States of Alabama, Arkansas, Georgia, Kentucky, Minnesota, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and Wisconsin; in the State of Idaho the counties of Ada, Bannock, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls and Washington; in the State of Oregon the counties of Benton, Clackamas, Douglas, Lane, Linn, Malheur, Marion, Polk, Washington and Yamhill; and in the State of West Virginia, Monroe County.

(q) Disposal dates. The final dates determined by the Administrator for the disposal of excess wheat acreage as wheat cover crop are considered to be not later than 30 days prior to the date wheat harvest normally begins in the county or area within the county. The dates for each crop year in each county or area within a county by which the excess acreage of wheat on the farm must be utilized in the prescribed manner as wheat cover crop, as defined in (n) of this section, unless extended as provided in Part 718 of this chapter, Determination of Acreage and Performance (24 F.R. 4223), and any amendments thereto, are as follows:

ALABAMA

April 25: Baldwin, Barbour, Butler, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, Pike, Washington.

May 1: Autauga, Bibb, Bullock, Chambers, Chilton, Choctaw, Clay, Coosa, Dallas, Elmore, Greene, Hale, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pickens, Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Wilcox.

May 15: All other counties.

ARIZONA

(Winter Wheat)

April 25: Maricopa, Pima, Pinal, Santa Cruz, Yuma.

May 15: Cochise, Gila, Graham, Greenlee.

June 1: Mohave (south of Colorado River), Yavapai.

June 10: Apache, Coconino, Mohave (north of Colorado River), Navajo.

(Spring Wheat)

August 1: Coconino, Navajo, Yavapai.

ARKANSAS

May 20: All counties.

CALIFORNIA

April 1: Imperial.

May 1: Butte, Colusa, Glenn, Kings, Madera, Mariposa, Nevada, Sacramento, San Joaquin, Stanislaus, Sutter, Tehama, Yolo, Yuba.

May 15: Alameda, Amador, Calaveras, Contra Costa (For Brentwood and Byron), El Dorado, Fresno, Lake, Los Angeles, Marin, Merced, Monterey, Orange, Placer, Riverside (For Palo Verde), San Benito (For Panoche), San Bernardino, San Diego, Santa Clara,

Santa Cruz, Solano, Sonoma, Tulare, Tuolumne.

June 1: Alpine, Contra Costa (Except Brentwood and Byron), Inyo, Kern (Except Tehachapi and Temblor), Mono, Napa, Riverside (Except Palo Verde), San Mateo, Ventura.

June 5: Santa Barbara.

June 15: Kern (For Tehachapi and Temblor), Mendocino, San Benito (Except Panoche), San Luis Obispo.

June 20: Humboldt.

July 1: Shasta (For Anderson and Cottonwood), Siskiyou (For Shasta Valley), Trinity.

July 15: Lassen, Modoc (Except Durum), Plumas.

July 20: Sierra.

August 1: Modoc (For Durum), Shasta (Except Anderson and Cottonwood).

August 15: Siskiyou (Except Shasta Valley).

COLORADO

June 1: Baca, Bent, Cheyenne, Crowley, Kiowa, Las Animas, Otero, Prowers.

June 5: Kit Carson, Yuma.

June 10: Adams, Arapahoe, Elbert, El Paso, Huerfano, Lincoln, Logan, Morgan, Phillips, Pueblo, Sedgwick, Washington, Weld.

June 15: Boulder, Douglas, Jefferson, Larimer.

June 25: Archuleta, Custer, Delta, Dolores, Fremont, Gunnison, La Plata, Mesa, Montezuma, Montrose, Ouray, San Miguel.

July 20: Chaffee, Eagle, Garfield, Grande, Jackson, Moffat, Park, Pitkin, Rio Blanco, Routt, Teller.

August 1: Alamosa, Conejos, Costilla, Rio Grande, Saguache.

CONNECTICUT

June 1: All counties.

DELAWARE

May 31: All counties.

GEORGIA

April 25: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bullock, Screven, and all counties south thereof.

May 10: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties south to Area I.

May 24: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties north thereof.

IDAHO

(Nonirrigated)

July 1: Ada, Canyon, Gem, Owyhee, Payette, Cassia, Lincoln, Minidoka, Washington.

July 15: Gooding, Jerome, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Jefferson, Blaine, Twin Falls.

August 1: Adams, Boise, Elmore, Camas, Bear Lake, Butte, Custer, Clark, Fremont, Lemhi, Madison, Teton.

August 15: Valley.

(Irrigated)

July 1: Ada, Canyon, Elmore, Gem, Owyhee, Payette, Washington.

July 15: Cassia, Gooding, Jerome, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power, Twin Falls.

August 1: Adams, Boise, Blaine, Camas, Bingham, Caribou, Bonneville, Clark, Jefferson.

August 15: Valley, Bear Lake, Butte, Custer, Fremont, Lemhi, Madison, Teton.

(Elevation under 2,500 feet)

July 15: Nez Perce.

August 1: Clearwater.

(Elevation over 2,500 feet)

August 1: Nez Perce.

August 15: Clearwater.

(Elevation under 3,500 feet)

July 15: Boundary, Kootenai.

August 1: Benewah, Bonner, Idaho, Latah, Lewis.

(Elevation over 3,500 feet)

August 1: Boundary.

August 15: Benewah, Bonner, Idaho, Kootenai, Latah, Lewis.

ILLINOIS

May 25: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

June 10: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, Woodford.

INDIANA

May 20: Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Knox, Lawrence, Martin, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Vanderburgh, Washington, Warrick.

June 1: Bartholomew, Boone, Brown, Clay, Clinton, Dearborn, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Jefferson, Jennings, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Ohio, Owen, Parke, Putnam, Randolph, Ripley, Rush, Shelby, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Vigo, Warren, Wayne.

June 10: All other counties.

IOWA

(Winter Wheat)

June 1: All counties.

(Spring Wheat)

June 10: All counties.

KANSAS

May 15: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Kingman, Labette, Montgomery, Neosho, Sedgwick, Sumner, Wilson, Woodson.

May 22: All other counties except those listed below.

June 1: Cheyenne, Decatur, Gove, Greeley, Hamilton, Kearny, Logan, Norton, Rawlins, Scott, Sheridan, Sherman, Thomas, Wallace, Wichita.

KENTUCKY

May 30: All counties.

LOUISIANA

April 15: All counties.

MAINE

August 1: All counties.

MARYLAND

May 31: Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Prince Georges, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, Worcester.

June 10: Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Washington.

June 20: Allegany and Garrett.

MASSACHUSETTS

June 1: All counties.

MICHIGAN

June 10: All counties south of and including: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron.

June 15: All other counties in the lower Peninsula.

June 25: Upper Peninsula counties.

MINNESOTA

June 30: All counties.

MISSISSIPPI

May 10: All counties.

MISSOURI

May 15: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Scott, St. Francois, Ste. Genevieve, Stoddard, Wayne.

May 25: Barry, Barton, Bates, Benton, Boone, Callaway, Camden, Carter, Cass, Cedar, Christian, Cole, Cooper, Crawford, Dade, Dallas, Dent, Douglas, Franklin, Gasconade, Greene, Henry, Hickory, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Laclede, Lafayette, Lawrence, Lincoln, Maries, McDonald, Miller, Moniteau, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Pettis, Phelps, Polk, Pulaski, Reynolds, Ripley, Saline, St. Charles, St. Clair, St. Louis, Shannon, Stone, Taney, Texas, Vernon, Warren, Washington, Webster, Wright.

June 1: All other counties.

MONTANA

(Winter Wheat)

July 11: All counties.

(Spring Wheat)

July 21: All counties.

NEBRASKA

May 15: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 1: Antelope, Boone, Boyd, Brown, Buffalo, Cedar, Custer, Dakota, Dawson, Dixon, Frontier, Garfield, Greeley, Hayes, Hitchcock, Holt, Howard, Keya Paha, Knox, Lincoln, Loup, Madison, Merrick, Nance, Pierce, Platte, Polk, Red Willow, Rock, Sherman, Stanton, Valley, Wayne, Wheeler.

June 10: Chase, Dundy.

June 15: Arthur, Blaine, Cherry, Grant, Hooker, Keith, Logan, McPherson, Perkins, Thomas.

June 20: Banner, Cheyenne, Deuel, Garden, Kimball, Morrill, Scotts Bluff.

July 1: Box Butte, Dawes, Sheridan, Sioux.

NEVADA

June 20: All counties.

NEW HAMPSHIRE

July 10: All counties.

NEW JERSEY

June 10: All counties.

NEW MEXICO

(Winter Wheat)

May 10: Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Sierra.
May 20: Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Socorro.

June 5: Bernalillo, Catron, Harding, McKinley, Sandoval, San Juan, Santa Fe, Torrance, Union, Valencia.

June 15: Colfax, Mora, Rio Arriba, San Miguel, Taos.

(Spring Wheat)

June 20: Bernalillo, Catron, McKinley, Sandoval, San Juan, Santa Fe, Torrance, Valencia.

July 1: Colfax, Mora, Rio Arriba, San Miguel, Taos.

NEW YORK

June 5: Nassau, Suffolk.

June 15: All other counties.

NORTH CAROLINA

May 31: All counties.

NORTH DAKOTA

July 8: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 15: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mount-rail, Nelson, Pembina, Pierce, Ramsey, Ren-ville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Ward, Wells, Williams.

OHIO

June 11: All counties.

OKLAHOMA

April 15: Comanche, Cotton, Greer, Har- mon, Jackson, Jefferson, Kiowa, Stephens, Tillman.

May 1: All other counties except those listed below.

May 15: Beaver, Cimarron, Texas.

OREGON

County	Area or type of wheat	Dates
Baker	Winter wheat	July 15
	Spring wheat	Aug. 1
Benton	Winter wheat	June 15
	Spring wheat	July 1
Clackamas	Winter wheat	June 15
	Spring wheat	July 1
Clatsop	Winter wheat	June 15
	Spring wheat	July 1
Columbia	Winter wheat	June 15
	Spring wheat	July 1
Coos	Winter wheat	June 15
	Spring wheat	July 1
Crook	All wheat	Aug. 1
Curry	Winter wheat	June 15
	Spring wheat	July 1
Deschutes	Winter wheat	July 15
	Spring wheat	Aug. 1
Douglas	Winter wheat	June 15
	Spring wheat	July 1
Gilliam	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Grant	Under 2,000 feet	Do.
	Over 2,000 feet	Aug. 15
Harney	All wheat	Aug. 1
Hood River	Winter wheat	June 15
	Spring wheat	July 1
Jackson	Winter wheat	June 15
	Spring wheat	July 1
Jefferson	Nonirrigated	July 20
	Irrigated	Aug. 1
	Warm Springs area	Do.
Josephine	Winter wheat	June 15
	Spring wheat	July 1
Klamath	Nonirrigated	Aug. 1
	Irrigated	Aug. 15
Lake	Nonirrigated	July 20
	Irrigated	Aug. 5
Lane	Winter wheat	June 15
	Spring wheat	July 1
Lincoln	Winter wheat	June 15
	Spring wheat	July 1
Linn	Winter wheat	June 15
	Spring wheat	July 1
Malheur	Under 3,000 feet	Do.
	Over 3,000 feet	July 15
Marion	Winter wheat	June 15
	Spring wheat	July 1
Morrow	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Multnomah	Winter wheat	June 15
	Spring wheat	July 1

OREGON—continued

County	Area or type of wheat	Dates
Polk	Winter wheat	June 15
	Spring wheat	July 1
Sherman	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Tillamook	Winter wheat	June 15
	Spring wheat	July 1
Umatilla	Under 2,000 feet	Do.
	Over 2,000 feet	July 15
Union	Winter wheat	July 1
	Spring wheat	July 15
Wallowa	Winter wheat	July 20
	Spring wheat	Aug. 20
Wasco	Winter wheat	June 15
	Spring wheat	July 15
	Warm Springs area	Aug. 1
Washington	Winter wheat	June 15
	Spring wheat	July 1
Wheeler	All wheat	Aug. 1
Yamhill	Winter wheat	June 15
	Spring wheat	July 1

PENNSYLVANIA

June 7: Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuyl-kill, York.

June 21: All other counties.

RHODE ISLAND

July 1: All counties.

SOUTH CAROLINA

May 5: Aiken, Allendale, Bamberg, Barn- well, Beaufort, Berkeley, Calhoun, Charles- ton, Chesterfield, Clarendon, Colleton, Dar- lington, Dillon, Dorchester, Florence, George- town, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, Williamsburg.

May 15: All other counties.

SOUTH DAKOTA

June 20: Pennington, Custer, Fall River, Shannon, Jackson, Washabaugh, Bennett, Jones, Lyman, Mellette, Todd, Tripp, Gregory, Charles Mix, Bon Homme, Yankton, Clay, Union.

July 1: All other counties.

TENNESSEE

May 20: All counties.

TEXAS

May 1: All counties.

UTAH

June 20: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington, Weber.

July 1: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, Uintah.

July 10: Daggett, Garfield, Morgan, Rich, Summit, Wasatch, Wayne.

VERMONT

July 10: All counties.

VIRGINIA

June 1: Accomack, Albemarle, Amelia, Am- herst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greenville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Anne, Richmond, Southampton, Spotsylvania, Staf- ford, Surry, Sussex, Warwick, Westmoreland, York.

June 15: All other counties.

RULES AND REGULATIONS

WASHINGTON

County	Area or type of wheat	Dates
Adams	Winter wheat	June 30
	Spring wheat	July 20
Asotin	All wheat	July 30
	Area 1 and 4	July 30
	Area 2	July 1
	Area 3	July 20
	Area 5	Aug. 15
Benton	Winter wheat	June 30
	Spring dryland	Do.
	Spring irrigated	July 15
Chelan	Area A:	
	Winter wheat	Aug. 25
	Spring wheat	Sept. 1
	Area B:	
	Winter wheat	July 20
	Spring wheat	Aug. 5
Clallam	All wheat	July 15
Clark	do	Do.
Columbia	Area 1:	
	Winter wheat	June 20
	Spring wheat	June 30
	Area 2:	
	Winter wheat	July 5
	Spring wheat	July 15
	Area 3:	
	Winter wheat	July 20
	Spring wheat	July 30
Cowlitz	All wheat	July 15
Douglas	Winter wheat	July 10
	Spring wheat	Aug. 1
Ferry	Winter wheat	Do.
	Spring wheat	Aug. 20
Franklin	Winter wheat	June 30
	Spring wheat	July 10
Garfield	Area 1:	
	Winter wheat	June 20
	Spring wheat	July 1
	Area 2:	
	Winter wheat	July 15
	Spring wheat	July 25
	Area 3:	
	Winter wheat	July 30
	Spring wheat	Aug. 10
Grant	Area 1: all wheat	July 15
	Area 2: all wheat	June 30
	Area 3: all wheat	Aug. 10
	All wheat	July 15
Grays Harbor	do	Do.
Island	do	Do.
Jefferson	do	Do.
Kinn	do	Do.
Kitsap	do	Do.
Kittitas	do	Aug. 10
Klickitat	Area 1:	
	Spring wheat, west of Rock Creek and west of Goodnoe Hills area	July 30
	Winter wheat	July 10
	Area 2: Goodnoe Hills area and east of Rock Creek except north of area 2 miles south of the dividing line between townships 4 and 5 in ranges 19, 20, and 21:	
	Winter wheat	June 30
	Spring wheat	July 10
	Area 3: area north of line 2 miles south of dividing line between townships 4 and 5 in ranges 19, 20, and 21:	
	Winter wheat	Do.
	Spring wheat	July 25
Lewis	All wheat	July 20
Lincoln	North Lincoln:	
	Winter wheat	July 10
	Spring wheat	Aug. 1
	South Lincoln:	
	Winter wheat	June 30
	Spring wheat	Aug. 1
Mason	All wheat	July 15
Okanogan	Area 1:	
	Winter wheat	Aug. 1
	Spring wheat	Aug. 20
	Area 2:	
	Winter wheat	July 10
	Spring wheat	Aug. 1
Pacific	All wheat	July 15
Pend Oreill	do	Aug. 20
Pierce	do	July 15
San Juan	do	Do.
Skagit	do	Do.
Skamania	do	Do.
Snohomish	do	Do.
Spokane	Winter wheat	July 10
	Spring wheat	Aug. 1
	Do	Do.
Stevens	Winter wheat	Aug. 20
	Spring wheat	July 15
Thurston	All wheat	Do.
Wahkiakum	do	Do.
Walla Walla	All wheat:	
	Above 1205 feet	Aug. 1
	Below 1205 feet	July 1
Whatcom	All wheat	July 15
Whitman	Winter:	
	Western	July 10
	Eastern	July 25
	Spring:	
	Western	July 20
	Eastern	Aug. 15
Yakima	All wheat	July 15

WEST VIRGINIA

June 15: All counties.

WISCONSIN

June 20: All counties except those listed below.

July 5: Barron, Brown, Burnett, Calumet, Chippewa, Clark, Door, Florence, Forest, Ke-waunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Polk, Price, Rusk, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Wood.

July 15: Ashland, Bayfield, Douglas, Iron.

WYOMING

(Winter Wheat)

June 30: Goshen, Laramie, Platte.

July 5: Albany, Campbell, Carbon, Con-verse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston (South of Highway 16).

July 20: Big Horn, Fremont, Hot Springs, Park, Washakie, Weston (North of Highway 16).

August 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

(Spring Wheat)

June 30: Goshen, Laramie, Platte.

July 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Na-trona, Niobrara, Park, Sheridan, Washakie, Weston (South of Highway 16).

August 1: Albany, Carbon, Lincoln, Sub-lette, Sweetwater, Teton, Uinta, Weston (North of Highway 16).

2. Section 728.10 is further amended by inserting in the second sentence the word "cropland" between the words "community committeemen" and "current year".

3. Section 728.20(a) is amended by striking out "§ 728.17" and inserting in lieu thereof "§ 728.16".

(Secs. 301, 334, 335, 52 Stat. 38, as amended, 53, as amended, 54, as amended by 76 Stat. 621; 7 U.S.C. 1301, 1334, 1335 note)

Effective date: Upon publication in the FEDERAL REGISTER.

E. A. JAENKE,

Associate Administrator, Agri-cultural Stabilization and Conservation Service.

SEPTEMBER 26, 1963.

[F.R. Doc. 63-10452; Filed, Oct. 1, 1963; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

SURPLUS DATES AND EXEMPTION

Notice was published in the September 10, 1963, issue of the FEDERAL REGISTER (28 F.R. 9843) regarding a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) by adding a new section, § 987.147, to prescribe procedures applicable to surplus dates and by revising § 987.152(a) to add certain conditions in regard to producers' obtaining exemptions on direct sales to consumers. The subpart is operative pursuant to the marketing agreement, as amended, and

Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is concluded that the proposed amendment, as hereinafter set forth, of the administrative rules and regulations will facilitate disposition of surplus dates thereby tending to increase overall returns to growers, provide additional guides and safeguards for use in the administration of certain exemptions authorized in this part, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174) is hereby amended as follows:

1. Section 987.147, reading as follows, is added thereto:

§ 987.147 Surplus.

(a) *Pooling, and payment of equity holders.* All surplus dates delivered to the Committee pursuant to § 987.47 in any crop year shall be disposed of as a pool: *Provided*, That if any such surplus dates contain a large portion of dates of a quality not less than that of marketable dates, as determined by the Committee, and some or all of such surplus dates are disposed of by the Committee at premium prices, a separate pool shall be established for all such dates. Equity holders or their assignees shall be paid, in accordance with § 987.47, the net proceeds from each pool in proportion to the weight of the surplus dates contributed to the particular pool.

(b) *Certain deliveries of surplus dates to the Committee.* Any holder of surplus dates may have them removed from his premises and delivered to the Committee by another person if such holder first notifies the Committee in writing of the removal and delivery. Such notification shall be on a release form provided by the Committee. The executed form shall include the name of the person authorized to remove the surplus dates, the date of the authorization, the approximate quantity to be removed, and a certification by the holder and the authorized person that the dates so removed will be delivered to the Committee or its designee(s) in accordance with § 987.47. The holder of the dates may assign his interest in such surplus dates in any pool to the authorized remover; and such assignment may be included in the executed form.

(c) *Condition.* As a condition to the Committee accepting surplus dates, the dates shall, as determined by the Committee, not be excessively soured or fermented and shall be free from tree rubble, thorns, rocks, paper, wood, glass, and other foreign matter. However,

surplus dates may be delivered to the Committee for conditioning or cleaning and acceptance of the sound date material. The cost of the conditioning or cleaning shall be deducted from the equity holder's share of the net proceeds of the applicable pool. For the purpose of determining such share, the weight of surplus dates delivered shall be the conditioned or cleaned weight.

(d) *Delivery of small lots to the Committee.* As a condition for acceptance, the Committee may require the delivery of any lot of surplus dates weighing less than 5,000 pounds to a central point designated by the Committee.

(e) *Estimating weights.* With the consent of the person delivering the surplus dates, the Committee, or its representative for that purpose, may estimate at the time of loading, on the basis of the number of containers, the weight of any lot of dates of less than one truck load. Any person delivering surplus dates and desiring a certified scale weight for less than a truck load shall pay the transportation and other costs incurred in hauling such load to a scale. Upon obtaining a certified scale weight of an entire truck load comprised of containers of surplus dates of different persons, the Committee shall make appropriate adjustments in the applicable estimates.

(f) *Delivery manifest.* Upon delivery of surplus dates to the Committee each such deliverer shall execute that part of the Committee's form DAC SP-1, Delivery Manifest, captioned "Growers and Handlers" showing (1) the person to receive payment for the dates as provided in § 987.147(a), (2) the location of loading, (3) if field surplus, the location of the garden where grown, (4) the name of the owner of the garden, (5) the type and number of containers of the dates dumped, and (6) the estimated net weight of each load. The delivery manifest shall be signed by the person delivering the dates or his representative in charge of the loading, and the pink and yellow copies of the Delivery Manifest shall be retained by the deliverer.

(g) *Exemption.* A handler may feed surplus dates of his own production within his own livestock feeding operations after first giving the Committee notice of such intention and in such manner as the Committee may require.

§ 987.152 [Amendment]

2. Paragraph (a) of § 987.152 is revised to read as follows:

(a) *Producer exemptions.* (1) *Authorization.* Subject to the limitations in subparagraph (2) of this paragraph, any producer may, after obtaining written approval of the Committee, sell particular varieties of dates of his own production free of the requirements of §§ 987.45, 987.48 and 987.72 in the outlets and to the extent specified as follows:

(i) *Roadside stands or date shops.* Any quantity if sold directly to consumers at roadside stands or date shops at such locations within 25 miles of the city limits of Indio, California, as are specifically approved by the Committee; and

(ii) *Parcel post or express shipments.* Shipments by parcel post or express directly to consumers.

(2) *Limitations.* Each such approval by the Committee shall continue only so long as the producer does not purchase or acquire, except as an approved manufacturer or feeder, from any other producers or handlers any uncertified dates (i.e., not certified pursuant to § 987.41) of the variety or varieties for which exemptions have been approved for him pursuant to this paragraph.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This amendment is designed to facilitate the disposition of surplus dates, thereby tending to enhance overall returns to growers, and to provide safeguards now deemed necessary in the administration of certain exemptions from regulations; (2) the amendment should become effective as soon as practicable so as to be applicable to as much of the current crop year (which began August 1, 1963) as possible, thereby minimizing to the extent practicable any inequity among producers and handlers due to different requirements for different parts of the same crop year; (3) handlers have been aware of the proposed changes and have had ample time to prepare for operations thereunder; and (4) no useful purpose would be served by delaying the effective time hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated September 27, 1963, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-10449; Filed, Oct. 1, 1963; 8:48 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

REPORTING REQUIREMENTS

Notice was published in the September 12, 1963, issue of the FEDERAL REGISTER (28 F.R. 9923) regarding a proposal to amend subparagraph (1) in § 989.173(c) of Subpart—Administrative Rules and Regulations (7 CFR 989.101 to 989.176) to require handlers to report in their monthly reports of free tonnage shipments, the aggregate quantity of each varietal type of raisins shipped into export outlets, by countries of destination. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the

proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is concluded that the proposed amendment, as hereinafter set forth, of the administrative rules and regulations will provide data needed by the Committee in marketing policy determinations, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That subparagraph (1) in § 989.173(c) of Subpart—Administrative Rules and Regulations (7 CFR 989.101 to 989.176) is hereby amended as follows:

1. The word "and" appearing at the end of subdivision (iii) in subparagraph (1) of § 989.173(c) is deleted, subdivision (iv) thereof is redesignated as (v), and a new subdivision (iv) reading as follows is inserted:

(iv) Export outlets, by countries of destination; and

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The Committee will shortly be formulating its marketing policy for the current crop year which began September 1, 1963, and the information to be obtained is needed to provide a basis for estimating trade demand; (2) also, the amendment should become effective as early as practicable in the crop year so the data for this crop year will be as complete as possible and most useful in marketing policy determinations for future seasons; (3) handlers have been aware of the proposal to require the information and need no additional time for action; and (4) no useful purpose would be served by delaying the effective time hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated September 27, 1963, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-10450; Filed, Oct. 1, 1963; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs.; Amdt. No. 68]

PART 375—BLANKET (BLT) LICENSE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Miscellaneous Amendments

1. Part 375 is revised to read as follows:

PART 375—BLANKET (BLT) LICENSE

- Sec.
 375.1 Blanket (BLT) License.
 375.2 Application requirements.
 375.3 Issuance of license.
 375.4 Export clearance.
 375.5 Effect of other provisions.

AUTHORITY: Issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003.

§ 375.1 Blanket (BLT) License.

This part establishes a procedure for obtaining a Blanket (BLT) License, which if issued, authorizes the exportation of the same commodities requiring a validated license to two or more consignees in the same country of destination.

§ 375.2 Application requirements.

(a) *Application form and consignee list.* An Application for a Blanket (BLT) License shall be submitted on Form FC-419, Application for Export License (Revised Jan. 1956),¹ with Form FC-420, Application Processing Card,² attached, and shall be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each consignee. In preparing such a list, the applicant shall leave ample space between listings in order to enable Collectors of Customs to enter quantities shipped to each named consignee.

(b) *Preparation of application.* In preparing a license application, the applicant shall write the words "BLT License" in the commodity description space, and enter:

(1) In the ultimate consignee space, the statement "See attached list of consignees";

(2) In the quantity space, the total quantity of material to be exported; and

(3) In the value space, the unit price and the aggregate value of the material to be exported.

(c) *Processing of applications.* (1) If the Office of Export Control finds that it will require an extended period of time to process a BLT License application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a BLT License will be issued excluding such consignees. By this method, undue delay will be avoided in processing the application. The Office of Export Control in such instances will notify the applicant that an individual license application may be submitted to cover each excluded consignee.

(2) In the event the entire quantity approved is less than that for which the applicant applied, he may select any approved consignees to whom he prefers to ship. However, no one consignee may receive more out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

¹ Forms FC-419 and FC-420 may be obtained at all United States Department of Commerce Field Offices and from the Office of Export Control, United States Department of Commerce, Washington 25, D.C.

§ 375.3 Issuance of license.

(a) *Form of issuance.* A BLT License will be issued on Form FC-628, Export License, and will bear the identifying words "Blanket License" below the validation stamp. The list of approved ultimate consignees submitted in accordance with § 375.2(a) will be attached to and will become a part of the license.

(b) *Validity period.* Unless otherwise stated on the face of the license, a BLT License will be issued for a period ending on the last day of the sixth month following the month during which the license is validated.

§ 375.4 Export clearance.

(a) *Presentation of license to customs.* The BLT License shall be deposited with the Collector of Customs at the port of exit through which the largest number of shipments thereunder will move. The total amount shipped against such license shall not exceed the quantity approved for export, and the total quantity shipped to a single consignee shall not exceed the quantity specified for the respective consignee.

(b) *Shipment through another port.* Under the provisions of § 379.2(e) of this chapter, a Collector holding an export license may, at the request of the licensee, authorize the exportation from a different port of commodities covered by the license.

(c) *Shipment by mail.* Shipments may be made by mail without the necessity of obtaining additional licenses to effect such shipments, in accordance with the procedure described in § 379.1(b) of this chapter.

(d) *Tolerance.* When shipments are cleared against a BLT License, the tolerance provisions specified in § 379.2(h) of this chapter may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

(e) *Shipper's export declaration.* A person exporting any commodity pursuant to a BLT License shall enter the symbol "BLT" and the validated license number on each Shipper's Export Declaration filed with the Collector at the port of exit at the time of each exportation under each license.

§ 375.5 Effect of other provisions.

Insofar as consistent with the provisions of this Part, all of the provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this part.

2. Section 380.2 *Amendments or alterations of licenses*, paragraph (d) *Changes by amendment* is amended by deleting subparagraph (9).

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
 Director,
 Office of Export Control.

[F.R. Doc. 63-10388; Filed, Oct. 1, 1963; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-572]

PART 13—PROHIBITED TRADE PRACTICES

Cove Vitamin and Pharmaceutical, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits*; § 13.170 *Qualities or properties of product or service*; § 13.170-64 *Nutritive*; § 13.170-74 *Reducing, non-fattening, low-calorie, etc.*; § 13.205 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cove Vitamin and Pharmaceutical, Inc., et al., Glen Cove, N.Y., Docket C-572, Sept. 6, 1963]

In the Matter of Cove Vitamin and Pharmaceutical, Inc., a Corporation, and Harry Bobley, Edward Bobley and Peter M. Bobley, Individually and as Officers of Said Corporation, and CDC Pharmaceutical Corporation, a Corporation, and Kenneth Beirn, individually.

Consent order requiring two associated corporate distributors of safflower oil capsules in Glen Cove, N.Y., to cease making a variety of false representations in a book, "Calories Don't Count", which they promoted jointly with the publishers, and in newspaper and magazine advertising with regard to the importance of polyunsaturated fats in the diet and their effectiveness in reducing, etc., as in the order below in detail set forth.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Cove Vitamin and Pharmaceutical, Inc., a corporation, and its officers, and Harry Bobley, Edward Bobley, and Peter M. Bobley, individually and as officers of said corporation, and CDC Pharmaceutical Corporation, a corporation, and its officers, and Kenneth Beirn, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a book entitled "Calories Don't Count", or any other book or books of the same or approximately the same content, material or principles, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

a. That the dietary principles expounded in this book are new, are based on a new discovery, are based on new knowledge or understanding, or constitute a medical breakthrough.

b. That a person will be able to loosen long-stored fat by the inclusion of polyunsaturated fatty acids in his diet.

c. That the book reflects an established scientific fact that polyunsaturated fatty acids are essential to an effective reducing diet, or that polyunsaturated fatty acids are more effective in a reducing diet than are other fats.

d. That said book enables a person to improve the condition of his skin or his resistance to colds or sinus trouble.

e. That other reducing principles and programs will cause loss of vital body tissue or are less safe than those set forth in said book.

f. That the book reflects an established scientific fact that it is necessary for a person to eat fat in order to lose weight.

g. That safflower oil in capsules or in any other form, or any other preparation of substantially the same ingredients is of substantial value as a part of a diet for the reduction of body weight.

2. The use in advertising of the title "Calories Don't Count", or representing in any other manner in advertising or promotional material, directly or by implication, that a person can reduce body weight regardless of the number of calories consumed by following the principles set forth in said book; provided, however, that any advertising or listing of the book which contains only the title and names of the author and publisher without any reference to the qualifications of the author, and which makes no claims concerning the efficacy of the dietary principles of the book shall not be prohibited hereby.

It is further ordered, That Cove Vitamin and Pharmaceutical, Inc., a corporation, and its officers, and Harry Bobley, Edward Bobley, and Peter M. Bobley, individually and as officers of said corporation, and CDC Pharmaceutical Corporation, a corporation, and its officers, and Kenneth Beirn, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a book entitled "Calories Don't Count", or any other book or books or in connection with the offering for sale, sale and distribution of safflower oil capsules or any other product or products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do cease and desist from:

1. Entering into, continuing, cooperating in or carrying out any planned course of action, understanding, agreement or combination between any of said respondents and any other respondent or respondents in the instant case or between said respondents, or any of them, and any others not parties hereto, to engage in:

a. Misrepresenting by any means or in any manner in connection with the advertising, offering for sale, sale or distribution of safflower oil capsules or any other product offered as a source of polyunsaturated fatty acids, the quality or merits of said products, or advertising, offering for sale, selling or distributing said products with the effect, purpose or

intent to deceive, to mislead, or to make any false claims concerning the quality or merits of said product or products.

b. Publishing, participating in, or causing the publication of a book without clearly and conspicuously labeling same as an advertisement or otherwise clearly and conspicuously disclosing in the book and on its dust jacket, or on its cover if there be no dust jacket, or by its title that it is published in cooperation or in association with or by a supplier or associated group of suppliers of a service or commercial product mentioned or referred to in the book, the identity of such supplier or group and the identity of such service or product, when an objective of such publisher is the substantial use of the book as a merchandising tool for such service or commercial product, or an accord is present between the publisher and the supplier or associated group of suppliers which contemplates substantial use of the book as such merchandising tool.

c. Advertising any book which the respondent knows or reasonably should know is required by the preceding subparagraph (b) to contain a disclosure, without making substantially the same disclosure, in such advertising for said book as is required by the said preceding subparagraph (b).

2. Individually engaging in, doing, or performing any act, practice, or thing prohibited in the immediately foregoing provisions 1 (a), (b) or (c) of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 6, 1963.

By the Commission, Commissioner Elman not participating.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-10407; Filed, Oct. 1, 1963; 8:45 a.m.]

[Docket No. C-571]

PART 13—PROHIBITED TRADE PRACTICES

Qualitone Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; § 13.70 *Fictitious or misleading guarantees*; § 13.235 *Source or origin*; § 13.235-60 *Place*; § 13.235-60(e) *Imported products or parts as domestic*. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; § 13.12200 *Guarantees*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin*;

§ 13.1900-35 *Foreign product as domestic*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Qualitone Industries, Inc., et al., Tuckahoe, N.Y., Docket C-571, Sept. 4, 1963]

In the Matter of Qualitone Industries, Inc., a Corporation, and Saul J. Karns, Samuel Karns, and Dorothy Karns, Individually and as officers of Said Corporation

Consent order requiring New York City distributors of phonograph needles, record brushes and phonograph accessories to wholesalers and jobbers, to cease selling phonograph needles with Japanese and Swiss components with no disclosure of such foreign origin and with the words "Printed in U.S.A.", etc., on the individual packages and on counter display cards; packaging imported clip-on record brushes in such manner that the word "Japan" stamped into the metal was hidden until the brush was removed and attaching them for sale to counter display cards bearing the words "Printed and Made in U.S.A."; and using such false statements as "Karns 'Eternal' Diamond Stylus", "guaranteed forever", etc., on containers of style and in advertising, and the words "sapphire" or "jewel" to describe synthetic tips of phonograph needles on containers and on counter display cards.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. It is ordered, That respondents Qualitone Industries, Inc., a corporation, and its officers, and Saul J. Karns, Samuel Karns and Dorothy Karns, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of phonograph needles, record brushes, phonograph accessories or other related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, in advertising, or in labeling or by any other means that products manufactured in Japan, Switzerland or any other foreign country are manufactured in the United States.

2. Offering for sale or selling the aforesaid products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country of origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such degree of permanency as to remain thereon until consummation of consumer sales of the products, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the products.

3. Offering for sale, selling or distributing any such product packaged, or

mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

4. Using the words "Eternal" or "guaranteed forever" or "guaranteed forever even against wear", or any other word or words of similar import, alone or in conjunction with any other word or words to designate, describe or refer to respondents' diamond stylus; or misrepresenting in any manner the useful life of said product.

5. Placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out in section I herein.

II. *It is further ordered*, That respondents Qualitone Industries, Inc., a corporation, and its officers, and Samuel Karns and Dorothy Karns, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of phonograph needles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "sapphire" or "jewel" or any other word or words denoting precious stones, in designating or describing the points or tips of phonograph needles made of synthetic material of the kind so designated, without clearly stating in immediate connection with such word or words, that such points or tips are synthetic.

2. Placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out in section II herein.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 4, 1963.

By the Commission, Commissioner Elman not participating.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 63-10400; Filed, Oct. 1, 1963;
8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-227; Order No. 271]

PART 35—FILING OF RATE SCHEDULES

Miscellaneous Amendments

SEPTEMBER 26, 1963.

The Commission has under consideration in this proceeding the amendment of Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations, to prescribe revised regulations governing the filing of rate schedules by public utilities and licensees.

Part 35 corresponds to and appears at pages 60-67 of the Commission's pamphlet publication of its regulations under the Federal Power Act. It was included as part of the regulations under the Federal Power Act by Order No. 141, effective January 1, 1948 (12 F.R. 8498), as amended by Order No. 158, effective May 1, 1951 (16 F.R. 2388).

This amendment completely revises the present regulations. More detailed cost and other data will be required hereafter in support of rate schedule submissions, which will enable the Commission to process rate schedule filings more expeditiously.

This proceeding was commenced by notice of proposed rulemaking served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on January 4, 1963 (28 F.R. 128). Copies of the proposed regulations were served and published as a part of that general notice. Subsequent to the general public notice of rulemaking in this proceeding, comments and suggestions were filed by the following classes of respondents:¹

Public Utilities.....	47
State Commissions.....	8
Accounting Firms.....	1
Law Firms.....	1
Total.....	57

The majority of the comments were directed to the cost of service data required to be filed in support of rate schedule filings, and particularly to the data required to be submitted under § 35.13 in support of rate increases. Most of the parties filing comments stated that they considered this data to be burdensome and costly to compile. Many parties stated that the required cost of service data is not appropriate for power

¹ All parties were given to and including Feb. 5, 1963, which date was later extended to March 1, 1963, to submit views and comments in writing concerning the aforesaid proposed revisions in the Commission's regulations to govern the filing of rate schedules by public utilities and licensees.

pooling and interchange agreements, and several objected to the required submission of over-all cost of service data. Objection was also made to the requirement of an opinion of an independent public accountant.

Accordingly, several changes have been made in § 35.13. The cutoff figure for rate increases which will require a full cost of service showing has been increased from \$5,000 to \$50,000; the rate of return information required has been reduced substantially; and the requirement of an opinion of an independent public accountant has been eliminated. In addition, for rate increases comprising an integral part of coordination and interchange arrangements in the nature of power pooling transactions, only a summary statement of cost computations is required, rather than the detailed cost data required to be filed in support of other rate increases.

The requirement of over-all cost of service data, where applicable, has been retained because it is necessary to assess cost components recoverable through rates which are not subject to this Commission's jurisdiction in order to make the essential allocations between jurisdictional and nonjurisdictional factors. The remaining detailed cost data, which has been retained, is necessary for expeditious processing of rate schedule filings by the Commission.

There was also a substantial number of comments directed to the basic principles for design of fuel clauses. These principles have been simplified and numerous clarifying editorial changes have been made. It is anticipated that this simplification and clarification will satisfy many of the objections which were made to the fuel clause principles.

Clarifying editorial changes have also been made in several other sections of the Regulations, in response to suggestions made in the written comments.

Other comments not incorporated in the revision of the regulations were rejected because they were considered to be unnecessary or impractical. Several requests were made for a hearing. Since the parties have set forth their positions fully and completely in their written presentations, further amplification of these views in a hearing would serve no constructive purpose.

The Commission finds:

(1) The notice and opportunity to comment in this rulemaking proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003).

(2) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Reg-

ulations be amended in its entirety as hereinafter provided.

(3) Good cause exists for the amendment of the Regulations to Govern the Filing of Rate Schedules by Public Utilities and Licensees, effective November 1, 1963; all as hereinafter provided.

The Commission acting pursuant to its authority under the Federal Power Act, as amended, particularly sections 19, 20, 205, 206(a), 208, 209, 301 and 309 thereof (41 Stat. 1073, 49 Stat. 851, 852, 853, 854, 858; 16 U.S.C. 812, 813, 824d, 824e(b), 824g, 824h, 825, and 825h), orders:

(A) Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations is amended in its entirety to read as follows:

(B) This order shall become effective on November 1, 1963.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

Commissioner Ross dissenting to that part of § 35.14(a) (1), prescribed by this order, which requires a public utility "at least every five years" to make appropriate amendments by fuel clauses of its filed rate schedules.

Commissioner Black not participating.

[SEAL] JOSEPH H. GUTRIE,
Secretary.

PART 35—FILING OF RATE SCHEDULES

- Sec.
- 35.1 Application; obligation to file rate schedules.
- 35.2 Definitions.
- 35.3 Notice requirements.
- 35.4 Permission to become effective is not approval.
- 35.5 Rejection of material submitted for filing.
- 35.6 Submission for staff suggestions.
- 35.7 Number of copies to be supplied.
- 35.8 Comments by interested parties.
- 35.9 Identification and numbering of rate schedules.
- 35.10 Form and style of rate schedules.
- 35.11 Waiver of notice requirement.
- 35.12 Filing of initial rate schedules.
- 35.13 Filing of changes in rate schedules.
- 35.14 Fuel cost adjustment clauses.
- 35.15 Notices of cancellation or termination.
- 35.16 Notice of succession.
- 35.17 Changes relating to suspended rate schedules or parts thereof.
- 35.18 Rates established by order of the Commission.
- 35.19 Submission of information by reference.
- 35.20 Filing of rate schedules, notices, etc., by persons authorized to transmit electric energy from the United States to a foreign country.
- 35.21 Applicability to licensees and others subject to sections 19 or 20 of the Federal Power Act.

AUTHORITY: §§ 35.1 to 35.21, inclusive issued under secs. 19, 20, 41 Stat. 1073; secs. 205, 206(a), 208, 209, 301, 309, 49 Stat. 851, 852, 853, 854, 858; 16 U.S.C., 812, 813, 824d, 824e(b), 824g, 825h.

APPLICATION

§ 35.1 Application; obligation to file rate schedules.

(a) Every public utility shall file with the Commission and post, in conformity

with the requirements of this part, full and complete rate schedules, as defined in § 35.2(b), clearly and specifically setting forth all rates and charges for any transmission or sale of electric energy subject to the jurisdiction of this Commission, the classifications, practices, rules and regulations affecting such rates and charges and all contracts which in any manner affect or relate to such rates, charges, classifications, services, rules, regulations or practices, as required by section 205(c) of the Federal Power Act (49 Stat. 851; 16 U.S.C. 824d (c)). Where two or more public utilities are parties to the same rate schedule, each public utility transmitting or selling electric energy subject to the jurisdiction of this Commission shall post and file such rate schedule, or the rate schedule may be filed by one such public utility and all other parties having an obligation to file may post and file a certificate of concurrence on the form indicated in § 131.52 of this chapter: *Provided, however*, in cases where two or more public utilities are required to file rate schedules or certificates of concurrence such public utilities may authorize a designated representative to file upon behalf of all parties if upon written request such parties have been granted Commission authorization therefor.

(b) A rate schedule applicable to a transmission or sale of electric energy, other than that which proposes to supersede, supplement, cancel or otherwise change the provisions of a rate schedule required to be on file with this Commission, shall be filed as an initial rate in accordance with § 35.12.

(c) A rate schedule applicable to a transmission or sale of electric energy which proposes to supersede, supplement, cancel or otherwise change any of the provisions of a rate schedule required to be on file with this Commission (such as providing for other or additional rates, charges, classifications or services, or rules, regulations, practices or contracts for a particular customer or customers) shall be filed as a change in rate in accordance with § 35.13, except Notices of Cancellation or Termination which shall be filed as a change in accordance with § 35.15.

(d) No public utility shall, directly or indirectly, demand, charge, collect or receive any rate, charge or compensation for or in connection with electric service subject to the jurisdiction of the Commission, or impose any classification, practice, rule, regulation or contract with respect thereto, which is different from that provided in a rate schedule required to be on file with this Commission unless otherwise specifically provided by order of the Commission for good cause shown.

§ 35.2 Definitions.

(a) *Electric service*. The term "electric service" as used herein shall mean the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale for resale in interstate commerce, and may be comprised of various classes of capacity and energy sales and/or transmission serv-

ices. "Electric service" shall include the utilization of facilities owned or operated by any public utility to effect any of the foregoing sales or services whether by leasing or other arrangements. As defined herein, "electric service" is without regard to the form of payment or compensation for the sales or services rendered whether by purchase and sale, interchange, exchange, wheeling charge, facilities charge, rental or otherwise.

(b) *Rate schedule*. The term "rate schedule" as used herein shall mean a statement of (1) electric service as defined in paragraph (a) of this section, (2) rates and charges for or in connection with that service, and (3) all classifications, practices, rules, regulations or contracts which in any manner affect or relate to the aforementioned service, rates, and charges. This statement shall be in writing and may take the physical form of a contractual document, purchase or sale agreement, lease of facilities, tariff or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part thereof.

(c) *Filing date*. The term "filing date" as used herein shall mean the date on which a rate schedule filing is completed by the receipt in the office of the Secretary of all supporting cost and other data required to be filed in compliance with the requirements of this part, unless such rate schedule is rejected as provided in § 35.5. If the material submitted is found to be incomplete, the Secretary will so notify the filing utility within 30 days of the receipt of the submittal.

(d) *Posting*. The term "posting" as used herein shall mean, (1) keeping a copy of every rate schedule of a public utility as currently on file, or as tendered for filing, with the Commission open and available during regular business hours for public inspection in a convenient form and place at the public utility's principal and district or division offices in the territory served, and (2) mailing to each purchaser under a rate schedule a copy of such rate schedule on the date it is sent to this Commission for filing. Posting shall include, in the event of the filing of increased rates or charges, the mailing to each purchaser under a rate schedule or schedules proposed to be changed and to each State Commission within whose jurisdiction such purchaser or purchasers distribute and sell electric energy at retail, a copy of the rate schedule showing such increased rates or charges, comparative billing data as required under this part, and, if requested by a purchaser or State Commission, a copy of the supporting data required to be submitted to this Commission under this part. Upon direction of the Secretary, the public utility shall serve copies of rate schedules and supplementary data

* The term "tariff" means a compilation, in book form, of rate schedules of a particular public utility, effective under the Federal Power Act, and a copy of each form of service agreement. In connection herewith, attention is invited to Part 154 of the Commission's regulations under the Natural Gas Act as a guide to the form and composition of a tariff.

upon designated parties other than those specified herein.

(e) *Effective date.* As used herein the "effective date" of a rate schedule shall mean the date on which a rate schedule filed and posted pursuant to the requirements of this part is permitted by the Commission to become effective as a filed rate schedule. The effective date shall be 30 days after the filing date, or such other date as may be specified by the Commission.

§ 35.3 Notice requirements.

(a) All rate schedules or any part thereof shall be tendered for filing with the Commission and posted not less than thirty days nor more than ninety days prior to the date on which the electric service is to commence and become effective under an initial rate schedule or the date on which the filing party proposes to make any change in electric service and/or rate, charge, classification, practice, rule, regulation or contract effective as a change in rate schedule, except as provided in paragraph (b) of this section, or unless a different period of time is permitted by the Commission. Nothing herein shall be construed as in any way precluding a public utility from entering into agreements which, under this section, may not be filed at the time of execution thereof by reason of the aforementioned 30 to 90 day prior filing requirements. The proposed effective date of any rate schedule filing having a "filing date" in accordance with § 35.2(c) may be deferred at the written request of the filing public utility submitted to the Secretary prior to its acceptance by the Commission.

(b) Rate schedules predicated on the construction of facilities may be tendered for filing and posted no more than 90 days prior to the date set by the parties for the contract to go into effect.

The Commission, upon request and for good cause shown, may permit a rate schedule or part thereof to be tendered for filing and posted more than 90 days before it is to become effective.

§ 35.4 Permission to become effective is not approval.

The fact that the Commission permits a rate schedule or any part thereof or any notice of cancellation to become effective shall not constitute approval by the Commission of such rate schedule or part thereof or notice of cancellation.

§ 35.5 Rejection of material submitted for filing.

The Secretary, pursuant to the Commission's rules of practice and procedure and delegation of Commission authority, shall reject any material submitted for filing with the Commission which patently fails to substantially comply with the applicable requirements set forth in this part, or the Commission's rules of practice and procedure.

§ 35.6 Submission for staff suggestions.

Any public utility may submit a rate schedule or any part thereof or any material relating thereto for the purpose of receiving staff suggestions and comments thereon prior to filing with the Commission.

§ 35.7 Number of copies to be supplied.

(a) Rate schedules or parts thereof and material relating thereto, certificates of concurrence, notices of cancellation or termination, and notices of succession submitted for filing shall be supplied to the Commission in duplicate: *Provided, however,* That a rate schedule filing which proposes increased rates or charges, together with the required data therefor, shall be furnished in quintuplicate.

(b) All documents submitted for filing, including the letter of transmittal, shall be included in one package, and addressed to the Federal Power Commission, Washington, D.C., 20426. The Secretary is authorized to request additional copies of such documents.

§ 35.8 Comments by interested parties.

Comments of any purchaser or other interested party concerning any rate schedule filing made pursuant to this part shall be submitted to the Commission within 20 days after the date of such rate schedule filing. This section shall not limit any opportunity to submit protests, complaints, notices of intervention, and petitions to intervene in accordance with the Commission's rules of practice and procedure.

§ 35.9 Identification and numbering of rate schedules.

Every rate schedule filed will be numbered by the Commission and the filing public utility advised of the Rate Schedule FPC number. Whenever a rate schedule offered for filing changes, alters or modifies any rate, charge, classification, or service, or any rule, regulation, practice or contract relating thereto, or provides additionally for a rate, charge, classification or service, or any rule, regulation or practice or contract relating thereto, but is dependent upon and amendatory of an existing rate schedule on file with the Commission, it will be designated as a supplement or an exhibit to the existing rate schedule and will be so numbered.

§ 35.10 Form and style of rate schedules.

(a) Every rate schedule offered for filing with the Commission under this part, shall show on a title page, which shall be otherwise blank, (1) the name of the filing public utility, (2) the names of other utilities rendering or receiving service under the rate schedule; and (3) a brief description of the service to be provided under the rate schedule.

(b) All rate schedules tendered for filing under this part must be printed or otherwise reproduced on 8½ inches wide by 11 inches long white, durable paper so as to result in a clear and permanent record. All copies must be clear, legible, complete, and must show the name(s) of all signatories to executed documents.

§ 35.11 Waiver of notice requirement.

Upon application and for good cause shown, the Commission may, by order, provide that a rate schedule, or part thereof, shall be effective as of a date prior to the date of filing or prior to the date the rate schedule would become ef-

fective in accordance with these rules. Application for waiver of the prior notice requirement shall show (a) how and the extent to which the filing public utility and purchaser(s) under such rate schedule, or part thereof, would be affected if the notice requirement is not waived, and (b) the effects of the waiver, if granted, upon purchasers under other rate schedules. The filing public utility requesting such waiver of notice shall serve copies of its request therefor upon all purchasers.

DOCUMENTS TO BE SUBMITTED WITH A FILING

§ 35.12 Filing of initial rate schedules.

(a) The letter of a public utility transmitting to the Commission for filing an initial rate schedule shall list the documents submitted with the filing; give the date on which the service under that schedule is expected to commence; state the names and addresses of those to whom the rate schedule has been mailed; contain a brief description of the kinds of services to be furnished at the rates specified therein; and summarize the circumstances which show that all requisite agreement to the rate schedule or the filing thereof, including any contract embodied therein, has in fact been obtained. In the case of coordination and interchange arrangements in the nature of power pooling transactions, all supporting data required to be submitted in support of a rate schedule filing shall also be submitted by parties filing certificates of concurrence, or a representative to file supporting data on behalf of all parties may be designated as provided in § 35.1

(b) In addition, the following material shall be submitted:

(1) Estimates of the transactions and revenues under an initial rate schedule. This shall include estimates, by months and for the year, of the quantities of services to be rendered and of the revenues to be derived therefrom during the 12 months immediately following the month in which those services will commence. Such estimates should be subdivided by classes of service, customers, and delivery points and shall show all billing determinants, e.g., kw, kwh, fuel adjustment, power factor adjustment. These estimates will not be required where they cannot be made with relative accuracy as, for example, in cases of interconnection arrangements containing schedules of rates for emergency energy, spinning reserve or economy energy or in cases of coordination and integration of hydroelectric generating resources whose output cannot be predicted quantitatively due to water conditions.

(2) (i) Basis of the rate or charge proposed in an initial rate schedule and an explanation of how the proposed rate or charge was derived. For example, is it a standard rate of the filing public utility; is it a special rate arrived at through negotiations and, if so, were unusual customer requirements or competitive factors involved; and is it designed to produce a return substantially equal to the filing public utility's overall rate of return or is it essentially an increment cost plus a share of the savings rate? Were special cost of service studies pre-

pared in connection with the derivation of the rate?

(ii) A summary statement of all cost (whether fully distributed, incremental or other) computations involved in arriving at the derivation of the level of the rate, in sufficient detail to justify the rate, shall be submitted with the filing, except that if the filing includes nothing more than service to one or more added customers under an established rate of the utility for a particular class of service, such summary statement of cost computations is not required. In all cases, the Secretary is authorized to require the submission of the complete cost studies as part of the filing, public utility shall submit the same upon request by the Secretary in such form as he shall direct.

(3) A comparison of the proposed initial rate with other rates of the filing public utility for similar wholesale for resale and transmission services.

(4) If any facilities are installed or modified in order to supply the service to be furnished under the proposed rate schedule, the filing public utility shall show on an appropriate available map (or sketch) and single line diagram the additions or changes to be made.

§ 35.13 Filing of changes in rate schedules.

(a) The letter of a public utility transmitting to the Commission for filing a rate schedule, or part thereof, to supersede, supplement or otherwise change the provisions of a rate schedule required to be on file with the Commission, shall list the documents submitted with the filing; give the date on which the filing public utility proposes to make the changes in service and/or rate, charge, classification, rule, regulation, practice or contract effective; state the names and addresses of those to whom copies of the rate schedule has been mailed; include a brief description of the proposed changes in service and/or rate, charges, etc.; state the reasons for the proposed changes; and summarize the circumstances which show that all requisite agreement to the rate schedule or the filing thereof, including any contract embodied therein, has in fact been obtained. In the case of coordination and interchange arrangements in the nature of power pooling transactions, all supporting data required to be submitted in support of a rate schedule filing shall also be submitted by parties filing certificates of concurrence, or a representative to file supporting data on behalf of all parties may be designated as provided in § 35.1.

(b) In addition the following material shall be submitted:

(1) A statement comparing sales and services and revenues therefrom, by months and for the year, under both the rate schedule proposed to be superseded or supplemented and the proposed changed rate schedule, each applied to the transactions for the 12 months immediately preceding and to the 12 months immediately succeeding the date on which the new rate schedule is to become effective. Such comparisons should be made for each class of service, for each customer, and for each delivery point. The billing quantities involved in

the computation of the charges should also be shown.

(2) A comparison of the proposed rate with other rates of the filing public utility for similar wholesale for resale and transmission services.

(3) If any facilities are installed or modified in order to supply the service to be furnished under the proposed rate schedule, the filing public utility shall show on an appropriate available map (or sketch) and single line diagram the additions or changes to be made.

(4) (i) Except as provided in subdivision (ii) of this subparagraph, if the rate schedule provides for an increased rate, then 60 days prior to the date that such changed rate is proposed to become effective the filing public utility shall submit a statement showing its cost of the service to be supplied under the new rate schedule according to supporting statements A through N as described below. Simultaneously, the public utility shall submit the material on sales and revenues described in paragraph (a) of this section and, unless the rate schedule containing the proposed increased rate is likewise simultaneously filed, a summary statement of such proposed increased rate: *Provided, however,* That the submittal of such summary statement of the rate schedule shall not be in lieu of the rate schedule as required to be filed with the Commission pursuant to the regulations in this part.

(ii) No cost of service data shall be required in cases where the application of the proposed change in rate schedule effects rate increase of less than \$50,000 annually resulting from, but incidental to changes such as a rate design, delivery points and delivery voltage. Specifically designated rate increases of less than \$50,000 annually (as opposed to incidental increases), increases resulting from changes made in fuel clauses, and increases of rates comprising an integral part of coordination and interchange arrangements in the nature of power pooling transactions, shall be supported by cost data as identified in § 35.12(b) (2).

(iii) The statement of the cost of service should contain an analysis of system costs for a test period of twelve consecutive months including return, taxes, depreciation, and operating expenses, and an allocation of such costs to the services rendered. The information submitted with the statement shall show the data itemized below for the test period, together with any significant changes in facilities, operations, or costs experience during that period, or which are known and are measurable with reasonable accuracy at the time of the filing, and which will become effective within eight months of the last month of available actual experience. Pursuant to application of the filing public utility made at the time of filing of a rate schedule, the Secretary may allow deviations from the data herein required.

(iv) The statement of cost of service shall include an attestation by the chief accounting officer or other authorized accounting representative of the filing public utility that the cost statements and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact,

set forth the results shown by such books. Following is a description of statements A through N required to be filed pursuant to this subparagraph:

Statement A—Balance sheet. Balance sheets in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees as of the beginning and the end of the test period, and the most recently available balance sheet, including therein the footnotes, if any, applicable thereto.

Statement B—Income statements. Income statements in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees for the test period, and the most recently available income statement, including therein footnotes, if any, applicable thereto.

Statement C—Earned surplus statement. Earned surplus statements for the test period, showing debits and credits according to descriptive captions, the balance as of the beginning and the end of the test period, and the most recently available earned surplus statement, including therein the footnotes, if any, applicable thereto.

Statement D—Cost of plant. A statement of the cost of plant by functional classification² as of the beginning and the end of the test period.

Statement E—Accumulated depreciation. A statement of the accumulated provision for depreciation by functional classification as of the beginning and the end of the test period.

Statement F—Average working capital. A statement, by components, of the claimed working capital using averages of the amounts as of the beginning and the end of each month of the test period.

Statement G—Rate of return. Show the percentage rate of return claimed, with a brief statement of the basis therefor. Additionally, the following data should be furnished:⁴

(a) **Debt capital.** Show for each class and series of long-term debt outstanding as of the date of the most recently available balance sheet:

- (1) Net proceeds.
- (2) Net proceeds per unit.
- (3) Cost of money and yield to maturity based on the interest rate and net proceeds per unit outstanding determined by reference to any generally accepted table of bond yields.
- (4) Show weighted average cost of debt capital as determined from the foregoing detail.

(b) **Preferred stock capital.** Show for each class and series of preferred stock outstanding as of the date of the most recently available balance sheet:

- (1) Net proceeds.
- (2) Net proceeds per unit or share.
- (3) Cost of money. Dividend rate divided by net proceeds per unit or share.
- (4) Show weighted average cost of preferred stock capital as determined from the foregoing detail.

(c) **Common stock capital.** Show for each sale of common stock during the five-year period preceding the date of the most recently available balance sheet:

- (1) Net proceeds.

² Functional classification refers to the classification as among production, transmission, distribution, and general functions.

⁴ Where fifty percent or more of the common stock of the public utility is not held by the public but is owned by another corporation, the information required by this section in respect of debt capital and preferred stock capital shall be submitted to the extent applicable, and in addition the data described shall be submitted with respect to the debt, preferred stock and common stock of the parent company.

RULES AND REGULATIONS

- (2) Net proceeds per share.
 (3) Book value per share at date immediately prior to date of issuance.
 (4) Latest published earnings per share at date of issuance.

- (5) Dividend rate at date of issuance.
 (6) The following information on outstanding common stock for each of the five calendar years preceding the date of the most recently available balance sheet:

Years	Average number of shares outstanding	Book value (per share)	Annual earnings (per share)	Annual dividend (rate per share)	Dividends (percent earnings)	Average market price, basis monthly, high-low	Earnings price ratio ¹	Dividend price ratio ²
1								
2								
3								
4								
5								

¹ Relationship of annual earnings per share to average of the 12 monthly high-low market values of stock. In the case of monthly data, use latest reported earnings in computing ratio of earnings to average high-low market value for month.

² Relationship of dividend per share to average high-low market value of stock.

Statement H—Operating expenses. For the test period show operating expenses by functional classification.

Statement I—Depreciation expense. For the test period show depreciation expense by functional classification. The annual rates used in computing such expense and the method of determining such depreciation rates should also be shown.

Statement J—Income taxes. For the test period show income taxes computed on the basis of the rate of return claimed and separated as between Federal and State taxes; the principal components of the tax adjustments shall be described and the amounts thereof shown separately. Amounts for deferred taxes debit and credit should be shown. There also should be shown the amounts and basis of assignment of income taxes attributed to other utility departments and nonutility operations together with any tax savings affecting the total tax liability. If the filing public utility joins in a consolidated tax return, there shall be given the total estimated tax savings, expressed as a percentage, resulting from the filing of a consolidated return, as well as a full explanation of the method of computing the tax savings. Any abnormalities (such as non-recurring income, gains, losses, deductions, etc.) affecting the income tax for the test period shall be explained and the tax effect thereon set forth.

Statement K—Other taxes. For the test period other taxes shall be classified under appropriate headings of Federal, State and local with appropriate subclassifications.

Statement L—Over-all cost of service. For the test period show the over-all cost of service for the filing public utility's electric utility operations during the test period, including allowances for return and income taxes based upon the rate of return claimed, together with the total electric utility operating revenues of the filing public utility for the test period. If the amount of the filing public utility's total electric utility operating revenue differs significantly from its overall cost of service including allowances for claimed return and income taxes, the filing public utility shall show the amounts available for return and taxes on income and return expressed as a percentage of rate base.

Statement M—Allocated cost of service. For the test period show the cost of service allocated to the sales or services for which the increased rate or charge is proposed, including the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(1) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show, in addition to the over-all cost of service, the cost of service related to such special facilities.

(2) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the pro-

posed rate schedules and the kwh delivered from the filing public utility's supply system.

(3) Computations showing the demand responsibility of the service, based upon considerations of the monthly maximum demands supplied from the seller's system, the maximum demands of the service under the proposed rate schedules, and the demands of the service at the time of the maximum system demand. Such non-coincident and coincident demand data, including date and hour for the system and for the service, should be shown for each month of the test period together with a statement explaining how the demand ratio used in the filing party's cost study was derived.

(4) Estimated peak hour and annual energy losses applicable to sales under the proposed rate schedule expressed as a percentage of system output.

Statement N—Comparison of cost of service. For the test period compare the allocated cost of service shown in Statement L above with revenues under the proposed rates. If the amount of revenue under the proposed new rates differs significantly from allocated cost of service including allowances for claimed return and income taxes, the filing public utility shall show the amounts available for return and taxes on income, and shall show return expressed as a percentage of rate base allocated to the service concerned.

(1) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show, in addition to the over-all cost of service, the cost of service related to such special facilities.

Statement O—Fuel cost adjustment factor. If the rate schedule embodies a fuel clause, show the derivation of the fuel cost adjustment factor as stated therein.

(c) If a rate schedule required to be on file with this Commission is not required to be supported by cost of service data as set forth in this section but such data may be needed for Commission analysis, these regulations contemplate that each filing public utility may be required, by letter of the Secretary, to submit specified cost data.

(d) Filing public utilities in completing the supporting cost of service data herein required should be guided by applicable Commission precedents and policy statements considered in the light of their respective operating conditions and sales and services subject to this Commission's regulatory jurisdiction.

OTHER FILING REQUIREMENTS

§ 35.14 Fuel cost adjustment clauses.

(a) Fuel adjustment clauses which are not in conformity with the principles set out below are not in the public interest. These regulations contemplate

that the filing of proposed rate schedules which embody fuel clauses failing to conform to the following principles may result in suspension of those parts of such rate schedules:

(1) It shall be the intent of the fuel clause to reflect changes in the fuel component (and fuel only) per kilowatt hour of delivered energy cost. Where the adjustment does not automatically reflect changes in the system heat rate, the public utility shall make appropriate amendments as significant changes occur in system operations, and at least every five years, and such amendments shall be filed with the Commission in accordance with § 35.13.

(2) The base cost of fuel, which cost shall include no items other than those in Account 151, of the Commission's Uniform System of Accounts for Public Utilities and Licensees, shall be stated in cents per million B.t.u.

(3) The fuel adjustment shall not apply to any part of that energy generated by hydro-electric generating stations.

(b) Any change in the fuel adjustment factor or in the base cost of fuel shall be submitted with supporting data as a filed rate change.

§ 35.15 Notices of cancellation or termination.

When a rate schedule or part thereof required to be on file with the Commission is proposed to be cancelled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, each party required to file the schedule shall notify the Commission of the proposed cancellation or termination on the form indicated in § 131.53 of this chapter at least thirty days but not more than ninety days prior to the date such cancellation or termination is proposed to take effect. A copy of such notice to the Commission shall be duly posted. With such notice each filing party shall submit a statement giving the reasons for the proposed cancellation or termination, and a list of the affected purchasers to whom the notice has been mailed. For good cause shown, the Commission may by order provide that the notice of cancellation or termination shall be effective as of a date prior to the date of filing or prior to the date the filing would become effective in accordance with these rules.

§ 35.16 Notice of succession.

Whenever the name of a public utility is changed, or its operating control is transferred to another public utility in whole or in part, or a receiver or trustee is appointed to operate any public utility, the exact name of the public utility, receiver, or trustee which will operate the property thereafter shall be filed within 30 days thereafter with the Commission on the form indicated in § 131.51 of this chapter.

§ 35.17 Changes relating to suspended rate schedules or parts thereof.

(a) *Withdrawal of suspended rate schedules or parts thereof.* Where a rate schedule or part thereof has been

⁵ See General Policy and Interpretations, § 2.4, Part 2, Subchapter A, Chapter I, Title 18, Code of Federal Regulations (18 CFR 2.4).

suspended by the Commission, it may be withdrawn during the period of suspension only by special permission of the Commission granted upon application therefor and for good cause shown. If permitted to be withdrawn, any such rate schedule may be refiled with the Commission within a one-year period thereafter only with special permission of the Commission for good cause shown.

(b) *Changes in suspended rate schedules or parts thereof.* A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown.

(c) *Changes in rate schedules or parts thereof continued in effect and which were proposed to be changed by the suspended filing.* A public utility may not, within the period of suspension, file any change in a rate schedule or part thereof continued in effect by operation of an order of suspension and which was proposed to be changed by the suspended filing, except by special permission of the Commission granted upon application therefor and for good cause shown.

§ 35.18 Rates established by order of the Commission.

Every rate schedule filed to make effective the rates, charges, classifications or services, or any rule, regulation, practice or contract relating thereto, established in conformity with an order of the Commission shall bear the following additional notation on the title page:

Filed in Compliance with an Order of the Federal Power Commission Docket No. -----
Entered ----- Day of -----

§ 35.19 Submission of information by reference.

If all or any portion of the information called for in this part has already been submitted to the Commission, substantially in the form prescribed above, specific reference thereto may be made in lieu of re-submission in response to the requirements of this part.

§ 35.20 Filing of rate schedules, notices, etc., by persons authorized to transmit electric energy from the United States to a foreign country.

Persons authorized to transmit electric energy from the United States to a foreign country and required by the provisions of § 32.38 of this chapter, to file all rate schedules, supplements, notices of succession in ownership or operation, notices of cancellation, and certificates of concurrence with respect to such energy shall do so in the form and manner specified in § 35.1 through 35.16 as applicable to public utilities.

§ 35.21 Applicability to licensees and others subject to section 19 or 20 of the Federal Power Act.

Upon further order of this Commission issued upon its own motion or upon complaint or request by any person or State within the meaning of sections 19 or 20 of the Federal Power Act, the provisions

of §§ 35.1-35.19 shall be operative as to any licensee or others who are subject to this Commission's jurisdiction in respect to services and the rates and charges of payment therefor by reason of the requirements of sections 19 or 20 of the Federal Power Act. The requirement of this section for compliance with the provisions of §§ 35.1 through 35.19 shall be in addition to and independent of any obligation for compliance with those regulations by reason of the provisions of sections 205 and 206 of the Federal Power Act. For purposes of applying this section "Electric Service" as otherwise defined in § 35.2(a) shall mean: Services to customers or consumers of power within the meaning of sections 19 or 20 of the Federal Power Act which may be comprised of various classes of capacity and energy and/or transmission services subject to the jurisdiction of this Commission. "Electric Service" shall include the utilization of facilities owned or operated by any licensee or others to effect any of the foregoing sales or services whether by leasing or other arrangements. As defined herein "Electric Service" is without regard to the form of payment or compensation for the sales or services rendered, whether by purchase and sale, interchange, exchange, wheeling charge, facilities charge, rental or otherwise. For purposes of applying this section, "Rate Schedule" as otherwise defined in § 35.2 (b) shall mean: A statement of (1) electric service as defined in this § 35.21 (2) rates and charges for or in connection with that service, and (3) all classifications, practices, rules, regulations, or contracts which in any manner affect or relate to the aforementioned service, rates and charges. This statement shall be in writing and may take the physical form of a contractual document, purchase or sale agreement, lease of facilities, tariff or other writing. Any oral agreement or understanding forming a part of such statement shall be reduced to writing and made a part thereof.

[F.R. Doc. 63-10397; Filed, Oct. 1, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHEMICALS USED IN WASHING FRUITS AND VEGETABLES

The Commissioner of Food and Drugs, having evaluated data in a petition filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, and other relevant material, has concluded that an amendment to § 121.1091 should issue to prescribe the use of sodium dodecylbenzenesulfonate in the washing or lye peeling of fruits and

* See footnote 2.

vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1091(a)(2) is amended to read as follows:

§ 121.1091 Chemicals used in washing fruits and vegetables.

(a) * * *

(2) Substances identified in this subparagraph and subject to such limitations as are provided:

Substances	Limitations
Potassium bromide.....	
Sodium dodecylbenzenesulfonate (alkyl group not less than 65% C ₁₂ and not less than 90% C ₁₁ to C ₁₃).....	Not to exceed 0.2% in wash water. May be used in the washing or to assist in the lye peeling of fruits and vegetables.
Sodium hypochlorite.....	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: September 26, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10427; Filed, Oct. 1, 1963; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER M—COAST GUARD VESSELS [CGFR 63-56]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

Exemption of Statutory Requirements for U.S.C.G.C. Bramble

The "U.S.C.G.C. Bramble" was transferred from Miami, Florida, to Detroit,

Michigan, for service on the Great Lakes. Because of its special construction, this Buoy Tender carries the forward masthead light and after range light with a horizontal separation of 16 feet.

The provisions of section 2 and Rule 13(b) in section 6 of the Act of October 11, 1951 (65 Stat. 407, 415; 33 U.S.C. 143a, 145k), and section 1 of the Act of December 3, 1945, as amended (59 Stat. 590; 33 U.S.C. 360), provide in essence that Coast Guard vessels of special construction may be exempted from certain requirements of the various applicable laws on rules of the road with respect to the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels when navigating on the high seas or on navigable waters of the United States, its territories or possessions. Section 2 of the Act of October 11, 1951, and section 1 of the Act of December 3, 1945, also provide that if any exempted vessel or class of vessels, by reason of special construction, cannot comply with the applicable requirements, the lights prescribed shall conform as closely to the requirements of the applicable laws as it is found and certified to be feasible. These laws also require that notices of such findings or certifications and the requirements describing the character and position of the lights to be displayed on such exempted vessels shall be published in the FEDERAL REGISTER and in the Notice to Mariners.

It is hereby found the "U.S.C.G.C. Bramble," Buoy Tender, Class 180-C, is of special construction and cannot comply with the minimum requirement for horizontal separation of range lights in Rule 3(e), Great Lakes Rules (33 U.S.C. 252(e)), and is therefore exempted from this requirement. This law requires in part that for a vessel over 100 feet register length the horizontal separation between the forward masthead light and the after range light shall be more than 50 feet. In lieu thereof, this vessel shall carry the forward masthead light and after range light with a horizontal separation of 16 feet. Except as otherwise provided herein, the "U.S.C.G.C. Bramble" is in full compliance with the other applicable provisions of the Great Lakes Rules (33 U.S.C. 241-295). The amendments to 33 CFR 135.25(g) and 135.50(d) in this document continue this exemption in effect and reflect the change in area of operation for the "U.S.C.G.C. Bramble."

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Order 167-6 dated November 17, 1953 (18 F.R. 7571), to promulgate regulations in accordance with the statutes cited with the regulations below the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

§ 135.25 International Rules; horizontal separation of range lights.

1. Section 135.25(g) is amended by deleting from the list of Buoy Tenders

the vessel "U.S.C.G.C. Bramble (WAGL-392)."

(Sec. 2, 65 Stat. 407; 33 U.S.C. 143a. Interpret or apply sec. 6, Rule 13(b), 65 Stat. 415; 33 U.S.C. 145k. Treasury Department Order 167-6, November 17, 1953, 18 F.R. 7571)

§ 135.50 Great Lakes Rules; horizontal separation of range lights.

2. Section 135.50(d) is amended by inserting in the list of Buoy Tenders after "U.S.C.G.C. Acacia (WAGL-406)" the vessel "U.S.C.G.C. Bramble (WAGL-392)."

(Sec. 1, 59 Stat. 590; U.S.C. 360. Treasury Department Order 167-6, November 17, 1953, 18 F.R. 7571)

Dated: September 24, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63-10414; Filed, Oct. 1, 1963; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

[CGFR 63-59]

PART 94—LIFESAVING EQUIPMENT

Subpart 94.43—Ring Life Buoys and Water Lights

INSPECTED BARGES; RING LIFE BUOY REQUIREMENTS

Pursuant to the notices of proposed rulemaking published in the FEDERAL REGISTER on February 2, 1963 (28 F.R. 1052-1058) and February 16, 1963 (28 F.R. 1510, 1511) and the Merchant Marine Council Public Hearing Agenda dated March 25, 1963 (CG-249), the Merchant Marine Council held a public hearing on March 25, 1963 for the purpose of receiving comments, views and data.

The proposals considered were identified as Items I to XI, inclusive. Item V regarding "vessel operations and inspection" contained a proposal entitled "unmanned barges; ring life buoy requirements." This proposal was to require 2 ring life buoys on all inspected barges, whether manned or unmanned, regardless of the route or waters navigated. This proposal was intended to clarify the application of existing requirements to inspected barges. Oral objections were made at the public hearing and 18 written objections were received, and the Council deferred action until after objections could be resolved. A further study was made concerning the proposal and it was found that the vast majority of the inspected, unmanned barges were not required to carry ring life buoys. Therefore, the proposal is adopted in part to require all manned inspected barges to carry 2 ring life buoys, and a specific exception added to 46 CFR 94.43-10(a) stating that unmanned barges are ex-

empt from carrying ring life buoys. This proposal, as revised, is approved and set forth in this document, which is the 11th of a series regarding the regulations considered at the March 25, 1963 Public Hearing and Annual Session of the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), and 167-38 dated October 26, 1959 (24 F.R. 8857), the following amendment to 46 CFR 94.43-10(a) (including Table 94.43-10(a)) is prescribed and shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date:

§ 94.43-10 Number required.

(a) The minimum number of approved 30-inch ring life buoys and the minimum number of which shall have water lights attached, shall be in accordance with Table 94.43-10(a): *Provided*, That unmanned barges are exempt from this section.

TABLE 94.43-10(a)

Length of vessel in feet	Ocean ¹		All services other than ocean	
	Minimum number of ring life buoys	Minimum number of ring life buoys in column 2 which shall have water lights attached	Minimum number of ring life buoys	Minimum number of ring life buoys in column 4 which shall have water lights attached
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Under 100.....	8	6	2	0
100 and under 200..	8	6	4	2
200 and under 300..	8	6	6	2
300 and under 400..	12	6	12	4
400 and under 600..	18	9	18	9
600 and under 800..	24	12	24	12
800 and over.....	30	15	30	15

¹ Manned barges shall be equipped with 1 ring life buoy at each end of the vessel.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p. 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; CGFR 56-28, July 24, 1956, 21 F.R. 5659; 167-38, October 26, 1959, 24 F.R. 8857)

Dated: September 24, 1963.

[SEAL] D. McG. MORRISON,
Acting Commandant,
Vice Admiral, U.S. Coast Guard.

[F.R. Doc. 63-10413; Filed, Oct. 1, 1963; 8:46 a.m.]