

THE NATIONAL ARCHIVES  
LITTERA  
SCRIPTA  
MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 28      1934      NUMBER 225

Washington, Tuesday, November 19, 1963

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**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,  
Washington, D.C., 20402

**FEDERAL REGISTER**

Telephone

WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations 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.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (a) of § 213.3307 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 63-12082; Filed, Nov. 18, 1963; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (18) of paragraph (a) of § 213.3306 is revoked.

(R.S. 1723, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 63-12083; Filed, Nov. 18, 1963; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (h)(2) of § 213.3113 is revoked and paragraph (i)(1) is added as set out below.

§ 213.3113 Department of Agriculture.

\* \* \* \* \*

(i) *International Agricultural Service.*

(1) Positions of Technical Leader at Grade GS-12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 63-12081; Filed, Nov. 18, 1963; 8:47 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 442.1, 442.2, 442.4, 443.1, 444.4]

### PART 310—INTEREST, ANNUAL CHARGE, AND REPURCHASE AGREEMENT FOR INSURED LOANS

#### Lender's Interest Rate and Repurchase Agreement

Sections 310.3 and 310.4, Title 6, Code of Federal Regulations (28 F.R. 9937), are revised to reflect a change in the rate of return to the lender and to establish a new fixed period, and to read as follows:

§ 310.3 Farm Ownership, Labor Housing, and Soil and Water loans made by lenders other than the United States to applicants other than public bodies.

Farm Ownership, Labor Housing, and Soil and Water loans made with funds advanced by lenders other than the United States to applicants other than organizations which are public bodies will be insured at the time of loan closing. The interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan. The interest rate to the lender will be 4½ percent with a 4-year repurchase agreement.

§ 310.4 Labor Housing and Soil and Water loans made by lenders other than the United States to public bodies.

Labor Housing and Soil and Water loans made with funds advanced by lenders other than the United States to organizations which are public bodies will be insured at the time of loan closing. The interest rate to the lender will be determined by negotiation. The annual charge will be one percent. The interest rate to the borrower will be the rate to the lender plus one percent, but not to exceed five percent. The length of the fixed period will be four years.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308; 42 U.S.C. 1484, 7 U.S.C. 1927, 1928)

This order is effective November 12, 1963.

Dated: November 12, 1963.

HOWARD BERTSCH,  
*Administrator,*  
*Farmers Home Administration.*

[F.R. Doc. 63-12074; Filed, Nov. 18, 1963; 8:47 a.m.]

## Title 7—AGRICULTURE

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

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

#### Subpart—United States Standards<sup>1</sup> for Grades of Canned Grapefruit Juice

##### FLAVOR

On December 11, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 12222) regarding an amendment to the United States Standards for grades of Canned Grapefruit Juice (§§ 52.1191-52.1203).

*Statement of consideration leading to the amendment.* No change from the proposal of November 11, 1962, is made in the amendment. The amendment will apply to Canned Grapefruit Juice produced from fruit grown in Florida and Texas only. It increases the minimum Brix-acid ratio in U.S. Grade A unsweetened canned grapefruit juice when the Brix is 10.5 degrees or more from 7.0 to 1 to a minimum of 7.5 to 1 when produced from grapefruit grown in Florida or Texas.

After consideration of all relevant matters presented including the aforesaid notice, the following amendment to the United States Standards for Grades of Canned Grapefruit Juice, in the same form and manner as set forth in the aforesaid notice, is hereby promulgated pursuant to the authority contained in the Agricultural Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627):

Subdivision (iii) of § 52.1199(a)(1) is revised to read as follows:

§ 52.1199 Flavor.

(a) \* \* \*

(1) \* \* \*

(iii) Brix-acid ratio: Not less than 8 to 1 nor more than 14 to 1: *Provided, That—*

(a) When the juice has a Brix of 9.5° or more, the Brix-acid ratio may be not less than 7.5 to 1; or

(b) When the juice has a Brix of 10.5° or more, the Brix-acid ratio may be not less than 7 to 1, except that when the canned grapefruit juice is produced from grapefruit grown in Florida or Texas the Brix-acid ratio may be not less than 7.5 to 1.

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

(Secs. 202-208, 60 Stat. 1687, as amended; 7 U.S.C. 1621-1627)

Dated: November 14, 1963, to become effective on December 20, 1963.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 63-12102; Filed, Nov. 18, 1963;  
8:50 a.m.]

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

### SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

## PART 751—LAND USE ADJUSTMENT PROGRAM

### Subpart—1963 Cropland Conversion Program

#### EFFECT OF AGREEMENT ON OTHER LAND IN FARM

The regulations governing the 1963 Cropland Conversion Program, 28 F.R. 3314, as amended, are hereby further amended by adding paragraph (d) to § 751.20, as follows:

#### § 751.20 Effect of agreement on other land in farm.

\* \* \* \* \*

(d) Notwithstanding any other provision of this section, a number of acres of cropland equal to the tobacco acreage allotment which is leased and transferred in accordance with Part 724 of this Chapter from a farm subject to a cropland conversion agreement, which might otherwise be devoted to nonconserving crops, shall be considered to be devoted to tobacco on the farm from which the allotment is leased and transferred and shall not be devoted to any other nonconserving use during the period for which the tobacco allotment is leased and transferred.

(Sec. 16(a), 76 Stat. 606, 16 U.S.C. 590p(a))

Effective date: Date of signature.

Signed at Washington, D.C., on November 14, 1963.

E. A. JAEENKE,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-12103; Filed, Nov. 18, 1963;  
8:50 a.m.]

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

### PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

#### Order Amending Order, as Amended, Regulating Handling of Grapefruit Grown in Indian River District in Florida

#### § 912.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations made in connection with the issuance of the order and the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Vero Beach, Florida, June 19, 1963, upon proposed amendments to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912; 28 F.R. 23), regulating the handling of grapefruit grown in the Indian River District in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, and as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby amended, regulates the handling of grapefruit grown in the Indian River District in Florida in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement upon which hearings have been held;

(3) The order, as amended, and as hereby amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Indian River District in Florida which make necessary different terms and provisions applicable to different parts of the production area;

(5) All handling of grapefruit grown in the Indian River District, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determination.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of grapefruit grown in the Indian River District in Florida, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapefruit covered by this order) who, during the period beginning August 1, 1962, through July 31, 1963, handled more than 50 percent of the volume of grapefruit covered by the said order, as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and

who, during the determined representative period (August 1, 1962, through July 31, 1963), were engaged in the production area in the production of grapefruit for market; such producers having also produced for market at least two-thirds of the volume of grapefruit represented in such referendum.

*It is, therefore, ordered,* That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 912.42 *Handler's accounts* is amended to read as follows:

#### § 912.42 Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

#### § 912.47 [Amended]

2. Section 912.47 *Issuance of volume regulation* is amended by inserting after the first sentence thereof the following: "Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act."

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

Dated, November 8, 1963, to become effective 30 days after publication in the FEDERAL REGISTER.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 63-12101; Filed, Nov. 18, 1963;  
8:50 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### PART 1464—TOBACCO

#### Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1963 crop of types 21, 22, 23, 31, 35, 36, and 37

tobacco, under the tobacco loan program published August 7, 1963 (28 F.R. 8019).

Sec.		
1464.1531	1963 Crop—Virginia Fire-cured Tobacco, Type 21, Advance Schedule.	
1464.1532	1963 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.	
1464.1533	1963 Crop—Burley Tobacco, Type 31, Advance Schedule.	
1464.1534	1963 Crop—Dark Air-cured Tobacco, Types 35 and 36, Advance Schedule.	
1464.1535	1963 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.	

AUTHORITY: §§ 1464.1531 to 1464.1535 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813.

**§ 1464.1531 1963 Crop—Virginia Fire-cured Tobacco, Type 21, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	60.12	60.12		
A2F	55.12	56.12		
A1D	60.12	60.12		
A2D	55.12	56.12		
B1F	58.12	58.12		
B2F	55.12	55.12	50.12	
B3F	46.12	48.12	44.12	39.12
B4F	38.12	42.12	40.12	37.12
B5F	35.12	36.12	35.12	33.12
B1D	58.12	58.12		
B2D	54.12	54.12	49.12	
B3D	46.12	47.12	44.12	39.12
B4D	38.12	41.12	39.12	37.12
B5D	35.12	36.12	35.12	33.12
B3M	38.12	39.12	38.12	37.12
B4M	37.12	38.12	37.12	35.12
B5M	33.12	34.12	33.12	29.12
B4G	38.12	39.12	38.12	37.12
B5G	37.12	38.12	37.12	35.12
C1L	62.12	62.12	57.12	53.12
C2L	57.12	57.12	53.12	49.12
C3L	50.12	50.12	46.12	42.12
C4L	40.12	41.12	40.12	37.12
C5L	35.12	36.12	35.12	33.12
C1F	62.12	62.12	57.12	53.12
C2F	57.12	57.12	53.12	49.12
C3F	50.12	50.12	46.12	42.12
C4F	40.12	42.12	41.12	37.12
C5F	35.12	37.12	36.12	33.12
C2D	35.12	36.12	35.12	33.12
C3D	31.12	32.12	31.12	29.12
C4D	30.12	31.12	30.12	28.12
C5D	26.12	27.12	26.12	24.12
C3M	36.12	38.12	37.12	35.12
C4M	34.12	35.12	34.12	32.12
C5M	31.12	33.12	31.12	29.12
C3G	32.12	33.12	32.12	30.12
C4G	29.12	30.12	29.12	27.12
C5G	26.12	27.12	26.12	24.12

<sup>1</sup>The Cooperative Associations through which price support is made available for Virginia fire-cured, type 21, Burley, type 31, and Virginia sun-cured, type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "DAM" (damaged), "No-G" (no grade), N2, N2L, N2R, N2G, N-K, botched, nested, off-type, or decayed will not be accepted. Tobacco of types 22, 23, 35, and 36 graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of types 21, 31, and 37, graded "W" (doubtful keeping order) will not be accepted. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 35 and 36 grades marked with the

[Dollars per hundred pounds, farm sales weight]

Grade	Grade	Grade		
X1L	42.12	X3M	34.12	
X2L	39.12	X3M	45	32.12
X3L	36.12	X4M	32.12	
X4L	35.12	X4M	45	30.12
X5L	30.12	X5M	28.12	
X1F	43.12	X5M	45	25.12
X2F	40.12	X3G	34.12	
X3F	38.12	X3G	45	32.12
X4F	35.12	X4G	31.12	
X5F	30.12	X4G	45	29.12
X1D	41.12	X5G	26.12	
X2D	38.12	X5G	45	24.12
X3D	36.12	N1L	21.12	
X4D	33.12	N1D	21.12	
X5D	28.12	N1G	21.12	

**§ 1464.1532 1963 Crop—Kentucky-Tennessee Fire-Cured Tobacco, Types 22 and 23, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	64	64		
A2F	60	60		
A3F	50	50		
A1D	64	64		
A2D	60	60		
A3D	50	50		
B1F	52	54	50	
B2F	49	51	48	
B3F	44	46	44	38
B4F	41	43	41	34
B5F	36	37	35	29
B3VF	42	44	41	33
B4VF	40	41	39	31
B5VF	34	35	33	25
B1D	52	54	50	
B2D	49	51	48	
B3D	47	49	47	40
B4D	42	44	42	35
B5D	35	36	33	27
B3M	43	45	42	36
B4M	38	40	37	29
B5M	29	31	27	21
B3G	43	45	43	34
B4G	38	40	37	28
B5G	32	33	29	23
C1L	53	54	51	
C2L	49	50	48	
C3L	47	48	45	39
C4L	44	45	43	37
C5L	39	40	39	32
C1F	53	54	51	
C2F	49	50	48	
C3F	45	47	45	39
C4F	43	44	42	36
C5F	39	40	39	32
C3VF	43	44	42	36
C4VF	39	40	38	33
C5VF	37	38	36	28
C1D	50	51	48	
C2D	43	45	42	
C3D	39	41	39	34
C4D	35	36	33	29
C5D	31	32	30	26
C3M	42	44	41	36
C4M	37	38	36	32
C5M	35	36	32	26
C3G	39	40	37	33
C4G	36	37	32	29
C5G	29	30	27	25

Grade	Grade	Grade	
X1L	46	X5F	34
X2L	43	X3VF	38
X3L	41	X4VF	34
X4L	39	X5VF	28
X5L	35	X1D	42
X1F	45	X2D	40
X2F	43	X3D	36
X3F	41	X4D	32
X4F	37	X5D	26

special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 21, 22, and 23 grades of 47 length and types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate 5 percent below the advance rate otherwise applicable for 46 length of each grade. The advance rates for grades A1F, A1R, A2F, and A2R of types 35 and 36 in 47 length shall be the same as those for such grades in 46 length.

[Dollars per hundred pounds, farm sales weight]

Grade	Grade	Grade	
X3M	36	X5G	22
X4M	32	N1L	25
X5M	26	N1D	22
X3G	32	N1G	21
X4G	25		

**§ 1464.1533 1963 Crop—Burley Tobacco, Type 31, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
B1F	70.12	T4D	35.12
B2F	68.12	T5D	32.12
B3F	66.12	T4K	32.12
B4F	64.12	T5K	29.12
B5F	59.12	T4GF	38.12
B3VF	60.12	T5GF	33.12
B4VF	56.12	T4GR	32.12
B5VF	50.12	T5GR	29.12
B3K	56.12	C1L	73.12
B4K	51.12	C2L	72.12
B5K	41.12	C3L	71.12
B1FR	63.12	C4L	70.12
B2FR	61.12	C5L	66.12
B3FR	58.12	C1F	73.12
B4FR	55.12	C2F	72.12
B5FR	51.12	C3F	71.12
B1R	56.12	C4F	70.12
B2R	54.12	C5F	66.12
B3R	51.12	C9V	66.12
B4R	48.12	C4V	63.12
B5R	45.12	C5V	57.12
B3VR	45.12	C3K	60.12
B4VR	43.12	C4K	58.12
B5VR	39.12	C5K	52.12
B4D	39.12	C3R	63.12
B5D	34.12	C4R	61.12
B3M	56.12	C5R	56.12
B4M	51.12	C3M	62.12
B5M	41.12	C4M	59.12
B3GF	48.12	C5M	54.12
B4GF	45.12	C4G	47.12
B5GF	40.12	C5G	41.12
B3GR	37.12	X1L	73.12
B4GR	34.12	X2L	72.12
B5GR	31.12	X3L	71.12
M3F	56.12	X4L	68.12
M4F	51.12	X5L	63.12
M5F	48.12	X1F	73.12
M3R	45.12	X2F	72.12
M4R	40.12	X3F	71.12
M5R	35.12	X4F	68.12
T3F	58.12	X5F	63.12
T4F	53.12	X3R	62.12
T5F	49.12	X4R	58.12
T4VF	46.12	X5R	51.12
T5VF	42.12	X4M	58.12
T3FR	54.12	X5M	47.12
T4FR	49.12	X4G	46.12
T5FR	44.12	X5G	39.12
T3R	44.12	N1L	50.12
T4R	41.12	N1F	42.12
T5R	36.12	N1R	29.12
T4VR	36.12	N1G	26.12
T5VR	31.12		

**§ 1464.1534 1963 Crop—Dark Air-cured Tobacco, Types 35 and 36, Advance Schedule.<sup>1</sup>**

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	52	52	
A2F	48	48	45
A3F	43	44	42
A1R	52	52	
A2R	48	48	45
A3R	43	44	42
B1F	48	49	47
B2F	45	46	45
B3F	43	44	43
B4F	41	42	41
B5F	37	38	37
B3FV	41	42	41
B4FV	40	41	40
B5FV	37	38	37
B1R	48	49	47
B2R	45	46	45

**RULES AND REGULATIONS**

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
B3R	42	43	42
B4R	40	41	40
B5R	37	38	37
B1D	48	49	47
B2D	45	46	45
B3D	42	43	42
B4D	41	42	41
B5D	36	37	36
B3M	41	42	41
B4M	38	39	38
B5M	33	34	33
B3G	40	41	40
B4G	38	39	38
B5G	32	33	32
C1L	46	47	46
C2L	45	46	45
C3L	44	45	44
C4L	41	42	41
C5L	34	35	34
C1F	46	47	46
C2F	44	45	44
C3F	43	44	43
C4F	40	41	40
C5F	33	34	33
C3FV	40	41	40
C4FV	38	39	38
C5FV	32	33	32
C1R	44	45	44
C2R	42	43	42
C3R	41	42	41
C4R	37	38	37
C5R	30	31	30
C3M	40	41	40
C4M	36	37	36
C5M	29	30	29
C4G	37	38	37
C5G	28	29	28

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44
B5G	37.12	36.12
C1L	57.12	52.12
C2L	51.12	47.12
C3L	48.12	45.12
C4L	41.12	40.12
C5L	36.12	35.12
C1F	57.12	52.12
C2F	51.12	47.12
C3F	48.12	44.12
C4F	41.12	40.12
C5F	36.12	35.12
C1R	55.12	50.12
C2R	49.12	45.12
C3R	43.12	41.12
C4R	38.12	37.12
C5R	34.12	33.12
C3M	38.12	37.12
C4M	36.12	35.12
C5M	34.12	33.12
C4G	34.12	33.12
C5G	29.12	28.12

Grade	Grade	Grade	Grade
T3F	38	X4F	37
T4F	34	X5F	33
T5F	26	X3FV	35
T3R	38	X4FV	33
T4R	34	X5FV	29
T5R	26	X1R	42
T3D	38	X2R	39
T4D	34	X3R	37
T5D	26	X4R	33
T3M	37	X5R	30
T4M	32	X3D	37
T5M	25	X4D	32
T3G	37	X5D	25
T4G	32	X3M	34
T5G	25	X4M	31
X1L	42	X5M	26
X2L	40	X3G	34
X3L	39	X4G	28
X4L	36	X5G	23
X5L	34	N1L	25
X1F	42	N1R	23
X2F	40	N1G	21
X3F	38		

§ 1464.1535 1963 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.<sup>1</sup>

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44
A1F	59.12	53.12
A2F	56.12	50.12
A3F	53.12	50.12
A1R	59.12	54.12
A2R	57.12	51.12
A3R	54.12	51.12
B1F	57.12	53.12
B2F	56.12	52.12
B3F	50.12	47.12
B4F	43.12	42.12
B5F	39.12	38.12
B1R	58.12	54.12
B2R	57.12	53.12
B3R	50.12	47.12
B4R	45.12	43.12
B5R	39.12	38.12
B1D	57.12	53.12
B2D	56.12	52.12
B3D	49.12	46.12
B4D	42.12	41.12
B5D	38.12	37.12
B3M	42.12	41.12
B4M	41.12	40.12
B5M	37.12	36.12
B3G	42.12	41.12
B4G	41.12	40.12

See footnote on page 12249.

Form No. 24, if so approved by SBA. This amendment extends that right to Licensees (1) the majority of whose voting stock is owned by one or more commercial banks that are members of the Federal Deposit Insurance Corporation, or (2) the majority of whose voting stock is owned by a single bank holding company whose subsidiary banks are members of the Federal Deposit Insurance Corporation. The amendment requires the Licensee to keep in its permanent records evidence of the bank or bank holding company's approval of such coverage. This amendment further permits the fidelity bond coverage requirement of the Licensee to be satisfied if the Licensee's portfolio items are held pursuant to a custodianship agreement by a commercial bank, a member of the Federal Deposit Insurance Corporation.

Since the subject amendment amounts to a relaxation of the former regulation, and is therefore exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, it shall become effective upon publication in the FEDERAL REGISTER.

The regulations governing Small Business Investment Companies (27 F.R. 9743-9754) are further amended by revising § 107.711 in its entirety to read as follows:

**§ 107.711 Fidelity insurance.**

(a) Each Licensee shall obtain and maintain a fidelity bond which must be executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to sections 6-13 of Title 6 of the United States Code as an acceptable surety on Federal bonds. Each officer and employee who has control over or access to cash securities or other property of the Licensee shall be covered by such fidelity bond. The form of bond must meet the provisions of paragraphs (b) and (f) of this section.

(b) Each Licensee shall be covered by a Brokers Blanket Bond, Standard Form No. 14. A Licensee may be covered by Bankers Blanket Bond, Standard Form No. 24, if it meets the provisions of paragraph (c) of this section. In general, riders to such standard form bonds are unacceptable and should not be used unless they patently increase the benefits under the policy. SBA has held the following riders to be unacceptable:

- SR 5307, Valuation Clause Rider;
- SR 5568, Discovery Rider (Form 14);
- SR 5506, Discovery Rider (Form 24);
- SR 5571, Rider-Discovery Form, or
- SR 5771, Rights after Termination or Cancellation;
- SR 5301, Delete Misplacement Rider.

(c) A Licensee, the majority (more than 50 percent) of whose voting stock is owned by one or more commercial banks that are members of the Federal Deposit Insurance Corporation, or the majority of whose voting stock is owned by a single bank holding company whose subsidiary banks are members of the Federal Deposit Insurance Corporation, may be included as a joint insured under a Bankers Blanket Bond, Standard Form

Effective date: Date of signature.  
Signed at Washington, D.C., on November 12, 1963.

H. D. GODFREY,  
*Executive Vice President,*  
*Commodity Credit Corporation.*

[F.R. Doc. 63-12035; Filed, Nov. 18, 1963; 8:45 a.m.]

**Title 13—BUSINESS CREDIT AND ASSISTANCE**

**Chapter I—Small Business Administration**

[Amdt. 5 [Rev. 2]]

**PART 107—SMALL BUSINESS INVESTMENT COMPANIES**

**Fidelity Bond Requirements of Licensees**

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is hereby amended, as set forth below, § 107.711 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754 and amended in 28 F.R. 681, 1627, 3021, and 10860.

Formerly, § 107.711 of these regulations permitted a Licensee which is wholly owned by a commercial bank to be included as a joint insured under the bank's Bankers Blanket Bond, Standard

No. 24, which insures the parent commercial bank(s) or the parent bank holding company. In those instances and to the extent that coverage under Bankers Blanket Bond, Standard Form No. 24, has been restricted by the use of one or more deductible insuring clauses which would apply to the Licensee also, a Brokers Blanket Bond, Standard Form No. 14, must be employed to furnish coverage for the deductible amounts.

(d) In order for the provisions of paragraph (c) of this section to be applicable, the board of directors of the commercial bank(s) or the bank holding company must approve extending the Bankers Blanket Bond, Standard Form No. 24, to include the Licensee as a joint insured. They also must approve any Brokers Blanket Bond, Standard Form No. 14, needed to furnish the coverage restricted by deductible insuring clauses as set forth in paragraph (c) of this section. A certified copy of the minutes of the meeting(s) of the board of directors of such parent organization(s) at which such bond or bonds were approved shall be retained in the permanent records of the Licensee.

(e) The board of directors of the Licensee must approve the fidelity bond or bonds of the Licensee. A certified copy of the minutes of the meeting(s) of the board of directors at which such approval was given must be retained in the permanent files of the Licensee. In addition, the Licensee must obtain from the issuer of such fidelity bond a statement in writing certifying that the bond or bonds, as provided, fulfill the requirements of § 107.711 of these regulations.

(f) Each Licensee, at least thirty days prior to making any request to the surety to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall have as a part of its verified bond a rider or endorsement providing that the surety will notify SBA of its intent to cancel the fidelity bond at least thirty days in advance of the effective date of the cancellation. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety. Such notifications to SBA shall be by certified mail addressed to the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416.

(g) The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee (including any undisbursed commitment, under section 107.301(b)(1)) plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

Assets plus loans and investments serviced for others:	Minimum coverage
Up to \$400,000	\$25,000
\$400,001 to \$500,000	30,000
\$500,001 to \$750,000	40,000
\$750,001 to \$1,000,000	50,000
\$1,000,001 to \$2,000,000	75,000
\$2,000,001 to \$3,000,000	100,000
\$3,000,001 to \$4,000,000	125,000
\$4,000,001 to \$5,000,000	150,000

Assets plus loans and investments serviced for others—Con.	Minimum coverage
\$5,000,001 to \$7,500,000	\$175,000
\$7,500,001 to \$10,000,000	200,000
\$10,000,001 and over	(1)

<sup>1</sup> \$200,000 plus \$10,000 for each \$1,000,000 or fraction thereof over \$10,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than \$1,000,000.

(h) Notwithstanding the provisions of paragraph (g) of this section, if a Licensee's portfolio securities are held by a commercial bank, which is a member of the Federal Deposit Insurance Corporation, as custodian under a custodianship agreement, such commercial bank's fidelity bond may be construed as furnishing the Licensee with adequate surety protection for securities and funds in its custody: *Provided*, That the amount of assets, as defined in paragraph (g) of this section, in the possession of the Licensee at any one time, or \$400,000, whichever is greater, is covered by a Brokers Blanket Bond, Standard Form No. 14.

Dated: November 13, 1963.

EUGENE P. FOLEY,  
Administrator.

[F.R. Doc. 63-12080; Filed, Nov. 18, 1963; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62—SW—69]

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

##### PART 73—SPECIAL USE AIRSPACE [NEW]

##### Alteration of Restricted Areas and Controlled Airspace

On August 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9441) stating that the Federal Aviation Agency proposed to expand the Fort Chaffee, Ark., Restricted Areas R-2401 and R-2402, alter the alignment of Federal airway 13W and add R-2402 to the continental control area.

It was also stated in the notice that both R-2401 and R-2402 would continue to be designated as joint use restricted areas with the Federal Aviation Agency, St. Louis ARTC Center acting as controlling agency. R-2401 and R-2402 are presently located in control area transferred from the St. Louis ARTC Center to the Fort Worth ARTC Center by the Federal Aviation Agency in an adjustment of the national airspace and action has since been taken in Airspace Docket No. 63—WA—51, 28 F.R. 7342, to reflect Fort Worth ARTC Center as the controlling agency of these restricted areas.

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, therefore, for the reasons stated in the notice, the following actions are taken:

1. In § 73.24 (28 F.R. 19-7, January 26, 1963, and 28 F.R. 7342, July 18, 1963), R-2401 and R-2402 Fort Chaffee, Ark., are amended to read:

R-2401 Fort Chaffee, Ark.

*Boundaries.* Beginning at latitude 35°18'32" N., longitude 94°12'02" W.; to latitude 35°18'06" N., longitude 94°16'04" W.; to latitude 35°17'15" N., longitude 94°17'30" W.; to latitude 35°15'59" N., longitude 94°18'33" W.; to latitude 35°13'36" N., longitude 94°15'10" W.; to latitude 35°13'36" N., longitude 94°11'56" W.; to point of beginning.

*Designated altitudes.* Surface to 13,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Fort Worth ARTC Center.

*Using agency.* Commanding General, Fort Chaffee, Ark.

R-2402 Fort Chaffee, Ark.

*Boundaries.* Beginning at latitude 35°17'25" N., longitude 94°12'02" W.; to latitude 35°13'36" N., longitude 94°11'56" W.; to latitude 35°13'36" N., longitude 94°10'32" W.; to latitude 35°11'05" N., longitude 94°10'32" W.; to latitude 35°11'05" N., longitude 94°01'29" W.; to latitude 35°16'56" N., longitude 94°01'33" W.; to latitude 35°17'36" N., longitude 94°06'00" W.; to latitude 35°17'09" N., longitude 94°09'55" W.; to point of beginning.

*Designated altitudes.* Surface to 30,000 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, Fort Worth ARTC Center.

*Using agency.* Commanding General, Fort Chaffee, Ark.

2. In § 71.123 (27 F.R. 220-6, November 10, 1962, 28 F.R. 907), V-13 "Fort Smith 222° radials;" is deleted and "Fort Smith 223° radials;" is substituted therefor.

3. In § 71.151 (27 F.R. 220-54, November 10, 1962), "R-2402 Fort Chaffee, Ark." is added.

These amendments shall become effective 0001 e.s.t., January 9, 1964.

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

Issued in Washington, D.C., on November 8, 1963.

CLIFFORD P. BURTON,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 63-12068; Filed, Nov. 18, 1963; 8:46 a.m.]

[Airspace Docket No. 63—WE—37]

##### PART 73—SPECIAL USE AIRSPACE [NEW]

##### Alteration of Restricted Area

On August 9, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8217) stating that the Federal Aviation Agency proposed to alter the Cuddeback Dry Lake, California, Restricted Area R-2509 by deleting the reference to VFR in the time of designation.

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

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

In the text of § 73.25 California (28 F.R. 19-8, January 26, 1963), R-2509 Cuddeback Dry Lake, Calif., "Time of designation. Continuous, VFR." is deleted and "Time of designation. Continuous." is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 9, 1964.

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

Issued in Washington, D.C., on November 8, 1963.

CLIFFORD P. BURTON,  
Acting Director,  
Air Traffic Service.

[F.R. Doc. 63-12067; Filed, Nov. 18, 1963;  
8:46 a.m.]

[Airspace Docket No. 63-WA-61]

**PART 75—ESTABLISHMENT OF JET ROUTES [NEW]**

**Revocation of Jet Route**

On September 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9790) stating that the Federal Aviation Agency (FAA) proposed the revocation of Jet Route No. 33 in its entirety.

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 amendment having been published, therefore for the reasons stated in the notice, § 75.100 (28 F.R. 19-50, January 26, 1963) is amended as follows: "Jet Route No. 33 (Lake Charles, La., to Kansas City, Mo.)" is revoked.

This amendment shall become effective 0001 e.s.t., January 9, 1964.

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

Issued in Washington, D.C., on November 12, 1963.

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

[F.R. Doc. 63-12066; Filed, Nov. 18, 1963;  
8:46 a.m.]

**SUBCHAPTER I—AIRPORTS [NEW]**

[Reg. Docket No. 2049; Amdt. 151-2]

**PART 151—FEDERAL AID TO AIRPORTS [NEW]**

**United States' Share of Project Costs in Public Land States**

The purpose of this amendment is to revise the provision, in §151.43(c) of Part 151 [New] of the Federal Aviation regulations, stating the United States' share of the costs of an approved project for airport development in each State in which the unappropriated and unre-

served public lands and nontaxable Indian lands (individual and tribal) exceed five percent of its total land.

The several United States' percentage shares of project costs have been redetermined in conjunction with the Department of the Interior in accordance with section 10(b) of the Federal Airport Act, as amended (49 U.S.C. 1109), and this redetermination has resulted in changes for all of the listed States except Alaska, Colorado, and Nevada.

Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required and it may be made effective upon publication.

In consideration of the foregoing, effective November 19, 1963, the table in § 151.43(c) of Part 151 [New] of Title 14, Chapter I, Code of Federal Regulations, is amended to read as follows:

**§ 151.43 United States share of project costs.**

State:	Percent
Alaska	62.50
Arizona	60.99
California	53.96
Colorado	53.30
Idaho	55.81
Montana	53.08
Nevada	62.50
New Mexico	56.32
Oregon	55.59
South Dakota	52.57
Utah	61.54
Washington	51.55
Wyoming	57.31

This amendment is issued under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101 through 1119).

Issued in Washington, D.C., on November 8, 1963.

N. E. HALABY,  
Administrator.

[F.R. Doc. 63-12064; Filed, Nov. 18, 1963;  
8:45 a.m.]

**Title 20—EMPLOYEES' BENEFITS**

**Chapter II—Railroad Retirement Board**

**PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS**

**Proof of Death**

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), paragraph (a) of § 239.2 of Part 239 (20 CFR 239.2(a)) of the regulations under such act is amended by Board Order 63-191, dated November 6, 1963, to read as follows:

**§ 239.2 Proof of death.**

(a) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred, a certificate by the custodian of the public record of death, or a certificate

or statement of death issued by a local registrar or public health official; or

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: November 13, 1963.

By authority of the Board.

LAWRENCE GARLAND,  
Secretary of the Board.

[F.R. Doc. 63-12079; Filed, Nov. 18, 1963;  
8:47 a.m.]

**Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare**

[Reg. No. 1, further amended]

**PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION**

**Disclosure to States Administering Grants-In-Aid Programs**

Regulation No. 1 of the Social Security Administration, as amended (20 CFR 401.1 et seq.) is further amended as follows:

1. Subparagraphs (1) and (3) of paragraph (g) of § 401.3 are amended to read as follows:

**§ 401.3 Information which may be disclosed and to whom.**

(g) (1) To any officer or employee of an agency of a State government lawfully charged with the administration of a program receiving grants-in-aid under titles I, V, X, XIV, or XVI of the Social Security Act, information regarding benefits paid or entitlement to benefits under title II of the Social Security Act and, if it has been determined, the date of birth of a recipient or applicant, and also whether a period of disability has been established for such recipient or applicant, the beginning and ending date of such period, and the date determined to be the date of onset of such disability, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant. Medical information relating to an individual may be furnished for such a purpose to such an officer or employee only upon consent of such individual and of the source of such information or, if such source is not available, of a physician in the employ of the Department.

(3) To any officer or employee of an agency of a State government lawfully charged with the administration of a program receiving grants-in-aid under title IV of the Social Security Act, the information specified in subparagraph (1) of this paragraph and in addition, in accordance with requirements and procedures issued from time to time by the Bureau of Family Services of the Welfare Administration, information concerning the whereabouts of a deserting parent of a child of a family eligible for aid under a program receiving grants-in-aid under title IV of the Social Security Act.

(Secs. 205, 1102, and 1106, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 53 Stat. 1398, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 1302, and 1306)

2. *Effective date.* The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL,  
*Commissioner of Social Security.*

OCTOBER 31, 1963.

Approved: November 13, 1963.

ANTHONY J. CELEBREZZE,  
*Secretary of Health, Education,  
and Welfare.*

[F.R. Doc. 63-12094; Filed, Nov. 18, 1963;  
8:49 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 6690]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Miscellaneous Amendments

On February 7, 1962, notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 162 and 1054 of the Internal Revenue Code of 1954, to conform the regulations to changes made by section 8 of the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 1003), was published in the FEDERAL REGISTER (27 F.R. 1119). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.162, as set forth in paragraph 1 of the notice of proposed rule making, is changed by revising the historical note at the end thereof.

PAR. 2. Section 1.162-19, as set forth in paragraph 3 of the notice of proposed rule making, is revised.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] HAROLD T. SWARTZ,  
*Acting Commissioner of  
Internal Revenue.*

Approved: November 13, 1963.

STANLEY S. SURREY,  
*Assistant Secretary of the  
Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 8 of the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 1003), such regulations are amended as follows:

PARAGRAPH 1. Section 1.162 is amended by redesignating subsection (d) as subsection (e), adding a new subsection (d), and amending the historical note at the end thereof. These amended provisions read as follows:

#### § 1.162 Statutory provisions; trade or business expenses.

SEC. 162. *Trade or business expenses—\* \* \**

(d) *Capital contributions to Federal National Mortgage Association.* For purposes of this subtitle, whenever the amount of capital contributions evidenced by a share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718) exceeds the fair market value of the stock as of the issue date of such stock, the initial holder of the stock shall treat the excess as ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business.

(e) *Cross reference.* For special rule relating to expenses in connection with subdividing real property for sale, see section 1237.

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608); secs. 7(b) and 8, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1002, 1003)]

PAR. 2. Paragraph (a) of § 1.162-1 is amended to read as follows:

#### § 1.162-1 Business expenses.

(a) *In general.* Business expenses deductible from gross income include the ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business, except items which are used as the basis for a deduction or a credit under provisions of law other than section 162. The cost of goods purchased for resale, with proper adjustment for opening and closing inventories, is deducted from gross sales in computing gross income. See paragraph (a) of § 1.61-3. Among the items included in business expenses are management expenses, commissions (but see section 263 and the regulations thereunder), labor, supplies, incidental repairs, operating expenses of automobiles used in the trade or business, traveling expenses while away from home solely in the pursuit of a trade or business (see § 1.162-2), advertising and other selling expenses, together with insurance premiums against fire, storm, theft, accident, or other similar losses in the case of a business, and rental for the use of business property. No such item shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property. See section 1054 and the regulations thereunder. Penalty payments with respect to Federal taxes, whether on account of negligence, delinquency, or fraud, are not deductible from gross income. The full amount of the allowable deduction for ordinary and necessary expenses in carrying on a business is nevertheless deductible, even though such expenses exceed the gross income derived during the taxable year from such business. In the case of any sports program to which section 114 (relating to sports programs conducted for the American National Red Cross) applies, expenses described in section 114(a)(2) shall be allowable as deductions under section 162(a) only to the extent that such expenses exceed the amount ex-

cluded from gross income under section 114(a).

PAR. 3. The following section is inserted immediately after § 1.162-18.

#### § 1.162-19 Capital contributions to Federal National Mortgage Association.

(a) *In general.* The initial holder of stock of the Federal National Mortgage Association (FNMA) which is issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718) in a taxable year beginning after December 31, 1959, shall treat the excess, if any, of the issuance price (the amount of capital contributions evidenced by a share of stock) over the fair market value of the stock as of the issue date of such stock as an ordinary and necessary business expense paid or incurred during the year in which occurs the date of issuance of the stock. To the extent that a sale to FNMA of mortgage paper gives rise to the issuance of a share of FNMA stock during a taxable year beginning after December 31, 1959, such sale is to be treated in a manner consistent with the purpose for, and the legislative intent underlying the enactment of, the provisions of section 8, Act of September 14, 1960 (Public Law 86-779, 74 Stat. 1003). Thus, for the purpose of determining an initial holder's gain or loss from the sale to FNMA of mortgage paper, with respect to which a share of FNMA stock is issued in a taxable year beginning after December 31, 1959 (irrespective of when the sale is made), the amount realized by the initial holder from the sale of the mortgage paper is the amount of the "FNMA purchase price". The "FNMA purchase price" is the gross amount of the consideration agreed upon between FNMA and the initial holder for the purchase of the mortgage paper, without regard to any deduction therefrom as, for example, a deduction representing a capital contribution or a purchase or marketing fee. The date of issuance of the stock is the date which appears on the stock certificates of the initial holder as the date of issue. The initial holder is the original purchaser who is issued stock of the Federal National Mortgage Association pursuant to section 303(c) of the Act, and who appears on the books of FNMA as the initial holder. In determining the period for which the initial holder has held such stock, such period shall begin with the date of issuance.

(b) *Examples.* The provisions of paragraph (a) of this section may be illustrated by the following examples:

*Example (1).* A, a banking institution which reports its income on a calendar year basis, sold mortgage paper with an outstanding principal balance of \$12,500 to FNMA on October 17, 1960. The FNMA purchase price was \$11,500. A's basis for the mortgage paper was \$10,500. In accordance with the terms of the contract, FNMA deducted \$375 (\$250 representing capital contribution and \$125 representing purchase and marketing fee) from the amount of the purchase price. FNMA credited A's account with the amount of the capital contribution. A stock certificate evidencing two shares of FNMA common stock of \$100 par value was mailed to A and FNMA deducted \$200 from A's account, leaving a net balance of \$50

in such account. The stock certificate, bearing an issue date of November 1, 1960, was received by A on November 7, 1960. The fair market value of a share of FNMA stock on October 17, 1960, was \$65, on November 1, 1960, was \$67, and on November 7, 1960, was \$68. A may deduct \$66 the difference between the issuance price (\$200) and the fair market value (\$134) of the two shares of stock on the date of issuance (November 1, 1960), as a business expense for the taxable year 1960. The basis of each share of stock issued as of November 1, 1960 will be \$67. See section 1054 and § 1.1054-1. A's gain from the sale of the mortgage paper is \$875 computed as follows:

Amount realized (FNMA purchase price) -----	\$11,500
A's basis in mortgage paper -----	\$10,500
Purchase and marketing fee -----	125
	10,625
Gain on sale -----	875

*Example (2).* Assume the same facts as in Example (1), and, in addition, that A sold to FNMA on December 15, 1960, additional mortgage paper having an outstanding principal balance of \$12,500. FNMA deducted from the FNMA purchase price \$250 representing capital contribution and credited A's account with this amount. A then had a total credit of \$300 to his account consisting of the \$50 balance from the transaction described in Example (1) and \$250 from the December 15th transaction. A stock certificate evidencing three shares of FNMA common stock of \$100 par value was mailed to A and FNMA deducted \$300 from A's account. The stock certificate, bearing an issue date of January 1, 1961, was received by A on January 9, 1961. The fair market value of a share of FNMA stock on January 1, 1961, was \$69. A may deduct \$93, the difference between the issuance price (\$300) and the fair market value (\$207) of the three shares of stock on the date of issuance (January 1, 1961), as a business expense for the taxable year 1961. The gain or loss on the sale of mortgage paper on December 15, 1960, is reportable for the taxable year 1960.

PAR. 4. Section 1.1054 is redesignated § 1.1055 and as so redesignated is amended by redesignating section 1054 as section 1055 and by adding a historical note. The amended provisions read as follows:

**§ 1.1055 Statutory provisions; cross references.**

SEC. 1055. *Cross references.* \* \* \*

[Sec. 1055 as renumbered by sec. 8, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1003)]

PAR. 5. Immediately after § 1.1053-1 there are inserted the following new sections:

**§ 1.1054 Statutory provisions; certain stock of Federal National Mortgage Association.**

SEC. 1054. *Certain stock of Federal National Mortgage Association.* In the case of a share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718), the basis of such share in the hands of the initial holder shall be an amount equal to the capital contributions evidenced by such share reduced by the amount (if any) required by section 162(d) to be treated (with respect to such share) as ordinary and necessary expenses paid or incurred in carrying on a trade or business.

[Sec. 1054 as added by sec. 8, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1003)]

**§ 1.1054-1 Certain stock of Federal National Mortgage Association.**

(a) *In general.* The basis in the hands of the initial holder of a share of stock which is issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act (12 U.S.C., sec. 1718) in a taxable year beginning after December 31, 1959, shall be an amount equal to the issuance price of the stock reduced by the amount, if any, required by section 162(d) to be treated (with respect to such share) as an ordinary and necessary business expense. See section 162(d) and § 1.162-19. For purposes of this section the initial holder is the original purchaser who is issued stock of the Federal National Mortgage Association (FNMA) pursuant to section 303(c) of the Act and who appears on the books of FNMA as the initial holder. See § 1.162-19.

(b) *Example.* The provisions of this section may be illustrated by the following example:

*Example.* Pursuant to section 303(c) of the Federal National Mortgage Association Charter Act a certificate of FNMA stock is issued to A as of January 1, 1961. The issuance price of the stock was \$100 and the fair market value of the stock on the date of issue was \$69. A was required by section 162(d) to treat \$31 as a business expense for the year 1961. The basis of the share of stock in the hands of A, the initial holder, shall be \$69, the amount paid for the stock (\$100) reduced by \$31.

[F.R. Doc. 63-12089; Filed, Nov. 18, 1963; 8:49 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### SUBCHAPTER A—OFFICIAL RECORDS

#### PART 701—AVAILABILITY OF OFFICIAL RECORDS

#### SUBCHAPTER E—CLAIMS

#### PART 750—NAVY GENERAL CLAIMS

#### PART 756—NONAPPROPRIATED-FUND CLAIMS

#### SUBCHAPTER G—MISCELLANEOUS RULES

#### PART 766—USE OF DEPARTMENT OF THE NAVY AVIATION FACILITIES BY CIVIL AIRCRAFT

#### Miscellaneous Amendments

*Scope and purpose.* Section 701.3 is amended to indicate a function of the General Counsel for the Department of the Navy in regard to requests for records in matters under his cognizance. Section 750.25, titled "Claims arising in foreign countries", is amended to replace an obsolete statutory reference with a reference to the current law. Section 756.3 is revised to indicate the settlement authority of the Commander Naval Forces Marianas for nonappropriated-fund claims. Sections 766.10 and 766.15 are amended concerning insurance requirements of Aviation Facility Licenses. Corresponding changes to (1) Secretary of the Navy Instruction 3770.1A on use of Department of the Navy aviation facilities by civil aircraft and (2) the Manual of the Judge Advocate General are

distributed in due course to Navy and Marine Corps commands concerned.

1. Section 701.3 is revised to read as follows:

**§ 701.3 Production of official records in the absence of court order.**

(a) *Furnishing information from personnel and related records to personnel concerned.* Whether or not litigation is involved, naval personnel, civilian employees of the Naval Establishment, their personal representatives, e.g., executors, guardians, etc., or other properly interested parties, may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel, without following the procedures prescribed in either paragraph (c) or (d) of § 701.2, provided the interests of the United States are not prejudiced thereby. All such requests (except requests for medical records and records relating to matters under the cognizance of the General Counsel) shall be referred to the Judge Advocate General, Navy Department, Washington, D.C., 20350, or, in the 11th, 12th, 13th, 14th and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast, San Bruno, California, 94067. Requests for medical records shall be processed in accordance with the Department of Defense policy set forth in Part 66 of this chapter, as implemented by the Manual of the Medical Department. If in processing such a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General. Production of medical certificates or other medical reports concerning civilian employees is controlled by the provisions of the Executive Order and the Navy Civilian Personnel Instruction referred to in § 701.2(e).

(b) *Matters under the cognizance of the General Counsel.* The General Counsel, Navy Department, Washington, D.C., 20360, has been designated to act for the Secretary of the Navy with regard to requests for records in matters under his cognizance, i.e., in all cases in the field of business and commercial law. These matters are further outlined in the pertinent paragraph of the United States Government Organization Manual (e.g., page 175 of the 1963-64 edition).

(c) *Confidential nature of military personnel records.* Officers' and enlisted men's records are deemed confidential for good cause found within the meaning of the Administrative Procedure Act (5 U.S.C. 1002(c)) except to persons properly and directly concerned, including the serviceman himself, and personal representatives of the serviceman, e.g., executors, guardians, etc., who present proper proof thereof.

(d) *How to address requests for military, medical and other personnel records.* The serviceman, former serviceman, or personal representative may obtain access to the health and medical records of both Navy and Marine Corps personnel by applying to the Chief of the Bureau of Medicine and Surgery, Navy Department, Washington, D.C., 20360. Applications for Navy and Marine Corps personnel records should be

addressed to the Chief of Naval Personnel, Navy Department, Washington, D.C., 20370, or to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, D.C., 20380, as appropriate. Applications may be made in person or in writing.

2. Section 750.25(c) is revised to read as follows:

§ 750.25 Claims arising in foreign countries.

(c) Relation to other statutory provisions. Claims arising in foreign countries may, in proper cases, be cognizable under Public Law 87-769 (10 U.S.C. 2736) and §§ 750.27 to 750.28. They are expressly excluded, however, from consideration under the provisions governing the administrative settlement of Federal tort claims under Title 28, United States Code, and from the application of the civil action provisions of 28 U.S.C. 1346 (b).

3. Section 756.3 is revised to read as follows:

§ 756.3 Processing of claims.

Except as otherwise prescribed in this part, every claim in the amount of \$1,000 or less against a nonappropriated-fund activity within the United States, and in Territories, Commonwealths and possessions of the United States, for damage to or loss of personal property or for personal injury or death caused by the negligent or wrongful act or omission of any employee of the nonappropriated-fund activity, acting within the scope of his employment, will be processed in accordance with the Navy General Claims Regulations (Part 750 of this chapter). Such claims shall be adjudicated by the naval district commandant or district legal officer (or, with respect to cases arising in Guam, Commander Naval Forces Marianas or his Staff Legal Officer) within their authority as set forth in the Navy General Claims Regulations. Claims in excess of the commandant's or district legal officer's authority will be adjudicated by any of the following:

- (a) The Judge Advocate General.
(b) The Deputy Judge Advocate General.
(c) The Assistant Judge Advocate General (International and Administrative Law).
(d) The Director, Litigation and Claims Division, Office of the Judge Advocate General.
(e) The Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General.
(f) The Director, Office of the Judge Advocate General, West Coast.

4. Section 766.10(c) is revised to read as follows:

§ 766.10 How to request permission for civil use of landing facilities.

(c) Insurance. Each Application contemplating more than one landing per month will be accompanied by a certificate of insurance showing coverage as provided by § 766.15.

5. Section 766.15(d) is amended by revising the introductory paragraph to read as follows:

§ 766.15 Insurance.

(d) Insurance stipulations. A certificate of insurance shall be submitted with each Application form. Not less than five (5) days prior to the expiration of any policy evidenced by the certificate, a certificate showing renewal in like amount and to cover the same risks shall be submitted. All certificates shall be in form specified by the Chief, Bureau of Yards and Docks, and shall:

(R.S. 161 sec. 2, 66 Stat. 139, sec. 5031, 70A Stat. 278, as amended, 72 Stat. 397, sec. 1107, 72 Stat. 798, sec. 133(d), 76 Stat. 517, sec. 2736, 76 Stat. 767; 5 U.S.C. 22, 150k-1, 10 U.S.C. 133(d), 2736 (added by Pub. Law 87-769), 5031, 49 U.S.C. 1507)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, JR., Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

NOVEMBER 13, 1963.

[F.R. Doc. 63-12095; Filed, Nov. 18, 1963; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VII—Under Secretary of Commerce for Transportation

T-1—SHIPPING RESTRICTIONS; SUBGROUP A, HONG KONG, MACAO AND CUBA

Transportation Order T-1 (15 F.R. 8777, Dec. 8, 1950), as amended (26 F.R. 2711, March 31, 1961, 26 F.R. 5927, July 1, 1961, 27 F.R. 9102, Sept. 13, 1962), is hereby amended to read as follows:

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Sec.

- 1 Prohibited transportation and discharge.
2 Applications for adjustment or exceptions.
3 Reports.
4 Records.
5 Defense against claims for damages.
6 Violations.

AUTHORITY: Secs. 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154, as amended; Interpret or apply secs. 101, 705, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp.

§ 1 Prohibited transportation and discharge.

No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under

the laws of the United States any commodity at the time on the Positive List (as amended from time to time) of the Comprehensive Export Schedule of the Bureau of International Commerce, Department of Commerce (15 CFR Parts 368-399), any article designated as arms, ammunition, and implements of war in the United States Munitions List (22 CFR Parts 121-128), or any commodity, including fissionable materials controlled for export under the Atomic Energy Act of 1954 (10 CFR Parts 40 and 50), to any destination at the time in Subgroup A of the Comprehensive Export Schedule (15 CFR 371.3(a)), to Hong Kong, Macao, or Cuba, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any such port or place or at any other port or place in transit to any such destination, unless a validated export license under the Export Control Act of 1949, as amended, under section 414 of the Mutual Security Act of 1954, as amended, or under the Atomic Energy Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, the master of the ship or aircraft, or any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation. The consular officers of the United States are furnished with current information as to commodities on the Positive List and will advise whether commodities are currently on that List.

§ 2 Applications for adjustment or exceptions.

Any person affected by any provisions of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him, not suffered by others, or that its enforcement against him would not be in the interest of the national defense program. Such an application may be made by letter or telegram addressed to the Under Secretary for Transportation, Washington, D.C., 20230, reference T-1. If authorization is requested, any such application should specify in detail the material to be shipped, the name and address of the shipper and of the recipient of the shipment, the ports or places from which and to which the shipment is being made and the use to which the material shipped will be put. The application should also specify in detail the facts which support the applicant's claim for an exception.

§ 3 Reports.

Persons subject to this order shall submit such reports to the Under Secretary for Transportation as he shall require, subject to the terms of the Federal Reports Act.

§ 4 Records.

Each person participating in any transaction covered by this order shall retain in his possession, for at least two years, records of shipments in sufficient detail to permit an audit that determines

## RULES AND REGULATIONS

for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

#### § 5 Defense against claims for damages.

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this order or any provision thereof, notwithstanding that this order or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

#### § 6 Violations.

Any person who wilfully violates any provisions of this order or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this order.

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

LUTHER H. HODGES,  
Secretary of Commerce.

[F.R. Doc. 63-12063; Filed, Nov. 18, 1963;  
8:45 a.m.]

## Title 45—PUBLIC WELFARE

### Subtitle A—Department of Health, Education, and Welfare, General Administration

#### PART 60—FEDERAL FINANCIAL ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

##### Conditions to Federal Grant

The following amendment is hereby made to Part 60, 45 CFR (28 F.R. 5424, June 1, 1963), issued pursuant to Part IV of Title III of the Communications Act of 1934, as amended, Public Law 87-447 (76 Stat. 64, 47 U.S.C. 390):

Section 60.17 is amended to add a new paragraph (h), implementing Executive Order 11114 (28 F.R. 6485) which provides for the promoting and insuring of equal employment opportunity for all qualified persons without regard to race, creed, color or national origin under certain contracts for construction financed with assistance from the Federal Government. As amended, § 60.17 reads as follows:

##### § 60.17 Conditions to Federal grant.

In addition to any other conditions imposed by law or determined by the Secretary to be reasonably necessary to fulfill the purpose of the Federal grant,

each Federal grant shall be subject to the condition that the applicant shall:

\* \* \* \* \*

(h) Comply with such requirements as are established pursuant to Executive Order 10925 as amended and extended by Executive Order 11114 providing for promoting and insuring equal employment opportunity for all qualified persons without regard to race, creed, color or national origin under contracts for construction, as defined in the aforementioned Executive orders, financed with assistance from the Federal Government. (Sec. 396; 76 Stat. 67, 47 U.S.C. 396)

Dated: November 13, 1963.

[SEAL] ANTHONY J. CELEBREZZE,  
Secretary of Health, Education,  
and Welfare.

[F.R. Doc. 63-12093; Filed, Nov. 18, 1963;  
8:49 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 63-1053]

#### PART 10—PUBLIC SAFETY RADIO SERVICES

##### Frequency Coordination Procedures Governing Availability of Certain Special Emergency Frequencies

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of November 1963;

The Commission having under consideration the questions of frequency coordination of Special Emergency frequencies; and

It appearing, that § 10.462(f)(15), which sets forth frequency coordination procedures for certain frequencies allocated to the Special Emergency Radio Service has by the terms of that rule expired as of November 1, 1963; and

It further appearing, that certain of these frequencies in the 150 Mc/s band are within 30 kc/s of frequencies available to the Police Radio Service, and that the Associated Public-Safety Communication Officers, Inc. has filed a petition for rulemaking to provide alternative frequency coordination requirements for Special Emergency applicants; and

It further appearing, that pending the disposition of this petition, the status quo with respect to those frequencies should be maintained by retaining the pre-November 1, 1963, frequency coordination procedures set forth in § 10.462(f)(15); and

It further appearing, that § 10.462(f)(15) should be appropriately amended for that purpose, and that it would be impracticable to comply with the public notice procedures and the effective date requirements of section 4 of the Administrative Procedure Act;

It is ordered, Therefore, that, pursuant to the authority set forth in section 303 (f) and (r) of the Communications Act of 1934, as amended, § 10.462(f)(15)

is amended, effective November 13, 1963, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 14, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

Part 10 of the Commission's rules is amended to read as follows: Section 10.462(f)(15) is amended to read as follows:

#### § 10.462 Frequencies available to the Special Emergency Radio Service.

\* \* \* \* \*

(f) \* \* \* \* \*  
(15) Available for assignment: *Provided*, That until further order of the Commission, application is accompanied by a written and signed statement that licensees of all stations, excluding Special Emergency stations, located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc/s or less removed have concurred with such assignment, or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of such existing stations will not be caused.

\* \* \* \* \*

[F.R. Doc. 63-12110; Filed, Nov. 18, 1963;  
8:52 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. No. 946]

#### PART 95—CAR SERVICE

##### St. Louis, San Francisco and Texas Railway Company Authorized to Operate Over Certain Trackage of the Southern Pacific Company (Formerly T&NO); Correction

At a Session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 13th day of November A.D. 1963.

It appearing, that a recent fire destroyed a bridge of the St. Louis, San Francisco and Texas Railway Company across Post Oak Creek near Sherman, Texas; and that the St. Louis, San Francisco and Texas Railway Company is unable to transport traffic over its line at that point, so as to properly serve the public and that the handling, routing and movement of this carrier's traffic (including trains) over the Southern Pacific Company (formerly T&NO) line between that line's Mile Post 324.66 and 326.69 for a distance of approximately 2.03 miles, will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable

and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered, That:*

§ 95.946 The St. Louis, San Francisco and Texas Railway Company authorized to operate over certain trackage of the Southern Pacific Company (formerly T&NO).

(a) The St. Louis, San Francisco and Texas Railway Company is authorized to handle and move traffic (including trains) over the Southern Pacific Company (formerly T&NO) line at Sherman, Texas between that line's Mile Post 324.66 and 326.69 for a distance of approximately 2.03 miles in order to serve the public and the commerce of the people.

(b) Application: The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

*Effective date.* This order shall become effective at 12:01 a.m., November 2, 1963.

*Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1964 unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

*It is further ordered,* That copies of this order and direction shall be served upon the Railroad Commission of Texas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car

service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-12077; Filed, Nov. 18, 1963; 8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

##### National Wildlife Refuges, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

##### MINNESOTA

##### RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Rice Lake National Wildlife Refuge, Minnesota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 5,000 acres or

33 percent of the total refuge area, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species to be taken: White-tailed deer only during the season specified below.

(b) Open season: From sunrise to sunset November 30 through December 22, 1963.

(c) Bag limit: One deer per person per season, any age or sex.

(d) Method of hunting:

(1) Weapons—Bow and arrow. Bows must have a pull of not less than 40 pounds at full draw. Arrowheads must be of all steel barbless design, blade must be not less than one inch wide for single, two edge blades and not less than three-inch circumference for three or more blades, minimum weight of all types 110 grains.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to December 23, 1963.

R. W. BURWELL,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

NOVEMBER 8, 1963.

[F.R. Doc. 63-12069; Filed, Nov. 18, 1963; 8:46 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-WE-94]

### FEDERAL AIRWAY

#### Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation regulations the substance of which is stated below.

VOR Federal airway No. 19 is designated in part from Cheyenne, Wyo. via Douglas, Wyo.; Casper, Wyo.; and Crazy Woman, Wyo.; to Sheridan, Wyo.; with east alternate segments designated between Cheyenne and Douglas; Douglas and Casper; Casper and Crazy Woman; and Crazy Woman to Sheridan.

The Federal Aviation Agency is considering the following actions:

1. Revoke V-19 main airway segment from Cheyenne to Douglas and redesignate V-19 east alternate between these points as V-19.
2. Revoke V-19 east alternate segments from Douglas to Casper; and Casper to Crazy Woman.
3. Revoke V-19 main airway segment from Crazy Woman to Sheridan, and

redesignate V-19 east alternate between those points as V-19.

The redesignation of V-19 main airway via the east alternate segments between Cheyenne and Douglas, and from Crazy Woman to Sheridan would provide additional usable altitudes for en route traffic as lower minimum en route altitudes have been established for the east alternate segments. The FAA peak day airway traffic survey shows no aircraft movements for V-19E between Douglas and Casper and a total of three aircraft movements for V-19E between Casper and Crazy Woman. Therefore, it appears that these east alternate segments of V-19 are unjustified as an assignment of airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal con-

ferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 12, 1963.

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

[F.R. Doc. 63-12065; Filed, Nov. 18, 1963; 8:45 a.m.]

# Notices

## ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

### CALIFORNIA NUCLEAR, INC.

#### Notice of Receipt of Application for a Byproduct, Source and Special Nuclear Material License

Please take notice that an application for a byproduct, source and special nuclear material license has been filed by California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Indiana.

The application proposes the receipt and transportation of waste byproduct, source and special nuclear material in all states of the United States except "Agreement States" as defined in § 150.3 (b), 10 CFR Part 150. The application proposes ultimate disposal by delivery to authorized land burial sites or by ocean disposal. A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., November 8, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,  
Assistant Director, Division  
of Licensing and Regulation.

[F.R. Doc. 63-12061; Filed, Nov. 18, 1963;  
8:45 a.m.]

[Docket No. 50-17]

### INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

#### Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 24, 1963, 28 F.R. 11431, the Atomic Energy Commission has issued Construction Permit No. CPRR-77 which authorizes Industrial Reactor Laboratories, Inc., and the Trustees of Columbia University in the City of New York to make certain modifications in the IRL reactor necessary for the conduct of the Advanced Pressure Tube Reactor Critical Experiment. The reactor is located in Plainsboro Township, Middlesex County, New Jersey.

The permit as issued is as set forth in the notice of proposed issuance of provisional construction permit published in the FEDERAL REGISTER, except that the earliest date for completion of the reactor has been changed from November 8, 1963, to November 9, 1963.

Dated at Bethesda, Md., this 9th day of November 1963.

For the Atomic Energy Commission.

ROBERT H. BRYAN,  
Chief, Research and Power Re-  
actor Safety Branch, Division  
of Licensing and Regulation.

[F.R. Doc. 63-12062; Filed, Nov. 18, 1963;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 14605]

### WEST COAST AIRLINES, INC.

#### Enforcement Case; Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding assigned to be held on December 3, 1963, is hereby postponed to January 29, 1964, at 10:00 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., November 14, 1963.

[SEAL]

EDWARD T. STODOLA,  
Hearing Examiner.

[F.R. Doc. 63-12090; Filed, Nov. 18, 1963;  
8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15210, 15211; FCC 63M-1241]

### CAPITOL CITY TELEVISION CO., INC. (KVUE) AND CAMELLIA CITY TELECASTERS

#### Notice of Prehearing Conference

In re applications of Capitol Television Company, Inc. (KVUE), Sacramento, California, Docket No. 15210, File No. BRCT-486, for renewal of Broadcast license; Charles L. Bowman, Foster A. Bullock, Jack F. Matranga and Irving J. Schwartz, d/b as Camellia City Telecasters, Sacramento, California, Docket No. 15211, File No. BPCT-3140, for construction permit for new television broadcast station.

1. In accordance with the order of the Chief Hearing Examiner dated November 5, 1963, released November 6, 1963, the prehearing conference in the above-entitled proceeding will be held on November 26, 1963, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

2. At such prehearing conference, counsel for each of the applicants will

outline what amendments, changes or modifications, if any, are contemplated in the presently pending applications in order to bring said applications up to date or effect any other changes or modifications in any parts of the proposals. Such amendments, changes or modifications as may be proposed are to be submitted with an appropriate petition for leave to amend on or before the close of business on Monday, December 2, 1963.

3. Counsel for Capitol Television Company, Inc. (KVUE) will be prepared to state in clear and unequivocal terms whether that applicant, if successful in this proceeding, intends to resume broadcasting over the facilities of Station KVUE in accordance with the terms of its present authorization and, if so, to describe the present condition of its studio, antenna, tower, transmission facilities and state whether all or part of such facilities are now available or will be available for use by Station KVUE in the event of the renewal of the license of that station.

4. Counsel for each applicant will be prepared to state for the record facts relating to the location of the proposed studio or studios, the transmitter site and the area and population to be served so as to lay a basis for discussing the possibility of stipulations relating to the physical facilities and technical proposals of the two applicants.

5. Counsel will also be prepared to discuss the desirability of entering into stipulations relative to the availability and quality of the station equipment, film, record, wire services and other services and facilities available from sources not controlled by the applicant.

6. Counsel will also be prepared to discuss the desirability of each applicant presenting all of its affirmative showing in writing and limiting the number and size of the exhibits to be offered in evidence.

7. It is the present intention of the Hearing Examiner to hold a second prehearing conference on Tuesday, December 10, 1963, to consider and rule on such petitions as may be filed by either applicant requesting leave to amend its application to effect the amendments, changes and modifications mentioned in paragraph 2 above. Other matters relating to the conduct of the hearing will also be considered at said conference.

8. Counsel for the parties are urged to meet informally and endeavor to enter into proposed stipulations relative to the areas in which there will be no contention of significant difference between the proposals of the two applicants and thereby eliminate the necessity of presenting evidence pertaining to such matters.

Is so ordered This the 13th day of November 1963.

Released: November 14, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-12105; Filed, Nov. 18, 1963;  
8:51 a.m.]

[Docket No. 15217; FCC 63M-1238]

**LAFOLLETTE BROADCASTING CO.,  
INC. (WLAF)**

**Order Scheduling Hearing**

In re application of Lafollette Broadcasting Company, Inc. (WLAF), La Follette, Tennessee, Docket No. 15217, File No. BP-15804; for construction permit.

It is ordered, This 12th day of November 1963, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on December 23, 1963, in Washington, D.C.; that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., December 9, 1963; and that counsel for the parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss, to the fullest extent applicable in light of the governing issues, all of the pertinent points enumerated in § 1.111 of the Commission's rules of practice and procedure.

Released: November 14, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-12106; Filed, Nov. 18, 1963;  
8:51 a.m.]

[Docket No. 15135; FCC 63R-501]

**RAUL SANTIAGO ROMAN**

**Memorandum Opinion and Order  
Amending Issues**

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

1. The Review Board has before it for consideration three petitions bearing on the hearing in this proceeding. These matters will be treated seriatim.<sup>1</sup>

<sup>1</sup>Under consideration are the following pleadings: petition for dismissal of application and revocation of orders for prehearing conference and hearing, filed August 29, 1963, by Arecibo Broadcasting Corporation, Inc., licensee of station WMNT, Manati, Puerto Rico, Efrain Archilla-Roig, Pedro Collazo-Barbosa, Luis G. Estades and Ernesto Archilla-Rivera; Broadcast Bureau's comments, filed September 19, 1963; Opposition, filed September 20, 1963 by Roman; Reply to opposition filed by Arecibo on September 30, 1963; Reply to Bureau's comments, filed by Arecibo on September 30, 1963; Bureau's petition to enlarge issues, filed September 19, 1963; Comments by Arecibo, filed September 30, 1963; Opposition, filed October 2, 1963 by Roman; Reply by Bureau to Roman's opposition, filed October 9, 1963; Petition for waiver, filed September 23, 1963 by Roman;

*Petition for dismissal.* 2. Arecibo Broadcasting Corporation, Inc., licensee of station WMNT, Manati, Puerto Rico, Efrain Archilla-Roig, Pedro Collazo-Barbosa, Luis G. Estades and Ernesto Archilla-Rivera hereafter referred to collectively as "Arecibo," seek dismissal of Roman's application on the ground that an outstanding order of the Superior Court of Puerto Rico (Civil No. CS 62-819) orders Roman and his wife:

\*\*\* to abstain themselves from establishing or undertaking the establishment or operation, as stockholders, owners, or employees, of a radio station in the towns of Manati, Vega Baja, Vega Alta and Barceloneta, Puerto Rico, for the term of five years starting from June 12, 1961. It is further adjudged that the defendants redress the damages caused to Arecibo Broadcasting Corp., Inc., in the sum of \$1,000.00 \* \* \*. The defendants are also ordered to pay costs, and having incurred in contumacy in this action, ordered to pay \$500.00 for legal fees.<sup>2</sup>

The basis of this order is a finding by that court that, in connection with the transfer of 50 percent of the stock and control of WMNT by Roman to Arecibo, Roman entered into an oral agreement not to compete. Such transfer was approved by this Commission on August 11, 1961 (File No. BTC-3812). Having notice of such alleged agreement only in pleadings filed by petitioner prior to the designation of the instant proceeding, the Commission, in its hearing order (FCC 63-711, released July 31, 1963) designated issues to determine, (1) whether the application for transfer of control of WMNT, Manati, Puerto Rico, contained any omissions of material facts and (2) in the light of evidence to be adduced pursuant to such issue, whether Roman has the requisite character qualifications.

3. At no time has Roman denied the existence of such oral agreement in pleadings before the Commission. He does assert in his opposition to the instant petition that the order of the Superior Court of Puerto Rico, supra, has been appealed to the Supreme Court of Puerto Rico (No. R 63-198) and, therefore, that such order is not final. In reply, petitioners assert in effect that the prohibition against Roman's continuing the prosecution of his application is presently in effect and that since he cannot go ahead with such prosecution, the proceeding should be terminated and the application dismissed. The facts relied on by Arecibo in support of its request do not provide a sufficient basis to justify the dismissal of the instant application. Furthermore, the Broadcast Bureau points out that Section 309 of the Communications Act provides that where the Commission is unable to make a finding that the public interest, convenience, and necessity would be served by the grant of an application, such application shall be designated for hearing. Arecibo's request for revocation of the

Broadcast Bureau comments, filed September 27, 1963; and Comments by Arecibo, filed September 30, 1963.

<sup>2</sup>The certified Order of the Superior Court of Puerto Rico dated July 31, 1963 in the case of Arecibo Broadcasting Corp., Inc. v. Raul Santiago Roman and a certified translation thereof accompany the petition.

orders for hearing and prehearing have been considered herewith as aspects of the more general request, which includes them, to dismiss the application and terminate the proceeding.

*Petition to enlarge issues.* 4. The Broadcast Bureau asserts and we agree that, while the facts as to the Puerto Rican court order do not justify dismissal of the application, they are sufficient to warrant the appropriate enlargement of issues. The Bureau requests the addition of the following issue as to the legal qualifications of Roman:

To determine, in the light of the judgment in Civil No. CS 62-819 in the Superior Court of Puerto Rico, whether the applicant is legally qualified to be a broadcast licensee.

Although the facts presented by Arecibo in its petition do raise a question for resolution, it is the Review Board's opinion that the following issue more nearly approximates the crucial point at issue under such stated facts:

To determine whether, in the light of the proceedings pending in Civil No. CS 62-819 in the Superior Court of Puerto Rico, there would be any impediment to the construction and operation of the station by Raul Santiago Roman.

5. The Bureau's request to enlarge issues is untimely. However, the request is based on the Puerto Rican court order, which came to the Commission's attention only by virtue of Arecibo's petition for dismissal, and the Bureau acted promptly thereafter. Hence, good cause has been shown for such late filing, and the Bureau's request will be granted to the extent indicated.

*Petition for waiver.* 6. Roman has filed a petition for waiver of the provisions of § 1.362 of the rules concerning the timeliness of publication of local notice and the time for filing the certification thereof with the Commission.<sup>3</sup> By Order released July 31, 1963 (FCC 63M-879) the hearing in this proceeding was scheduled for October 3, 1963. According to the affidavit of publication filed by Roman, on September 23, 1963, notice was published on August 23, 24, 27, and 30, 1963 in El Imparcial, a daily newspaper published in San Juan, Puerto Rico.

7. Arecibo offers no objection to grant of the waiver. The Broadcast Bureau, in its comments, questions whether the publication in El Imparcial was published in the correct newspaper as required by § 1.362(b),<sup>4</sup> and states that, since Roman has not demonstrated that El Imparcial was the correct means of publication, it will not support the re-

<sup>3</sup>Section 1.362 requires that "notice shall be published at least twice a week for the two weeks immediately following release of the Commission's order specifying the time and place of the commencement of the hearing" and that "within 7 days of the last day of publication" the applicant shall file a statement informing the Commission of such publication.

<sup>4</sup>Section 1.362(b) requires that, if no daily newspaper is published in the designated community, then a weekly will be used and only if a weekly is not published will the out-of-town daily newspaper of greatest circulation in the community in which the station is proposed to be located be used for the publication of the local notice.

requested waiver. The Bureau states that if Roman were to cure this deficiency it would not object to a grant of the waiver.

8. Applicant Roman, who has not replied to the Bureau's comments, has not provided information sufficient to resolve the question raised by the Bureau. Under the circumstances and in view of the substantial compliance by Roman with the timeliness provisions of the Act<sup>5</sup> and rules, we are inclined not to rule out the possibility that the absence of a reply may have been an oversight on the part of Roman; and, since the failure to satisfy the local notice requirements can be fatal, we will, despite the additional delay occasioned thereby, withhold action on the petition for waiver and allow the applicant ten days from the release date of this order in which to make the showing in a supplementary filing with this Commission that such publication was in fact in complete compliance with § 1.362, if such was the case.

Accordingly, it is ordered, This 12th day of November, 1963, that the petition for dismissal of application and revocation of orders for prehearing conference and hearing, filed August 29, 1963 by Arecibo is denied; that the Broadcast Bureau's petition to enlarge issues, filed September 19, 1963 is granted to the extent indicated herein; that the following issue is added to the designated issues:

To determine whether, in the light of the proceedings pending in Civil No. CS 62-819 in the Superior Court of Puerto Rico, there would be any impediment to the construction and operation of the station by Raul Santiago Roman;

and that action on the Petition for Waiver, filed September 23, 1963 by Raul Santiago Roman is withheld pending receipt from Raul Santiago Roman within 10 days from the release date of this order of the requested additional information specified herein.

Released: November 13, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-12107; Filed, Nov. 18, 1963; 8:51 a.m.]

[Docket No. 15135; FCC 63M-1236]

**RAUL SANTIAGO ROMAN**  
**Order Continuing Hearing**

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

The Hearing Examiner having under consideration an unopposed motion filed November 6, 1963, by the applicant for a further continuance of the hearing herein until December 9, 1963; together with the understandings and procedural arrangements developed during a second prehearing conference on November 13; It is ordered, This 13th day of November 1963, that the motion of Raul San-

tiago Roman for continuance of the hearing until December 9 is hereby granted and that the hearing is rescheduled to commence at 10 a.m., December 9, 1963, at the Commission's offices, Washington, D.C.

Released: November 13, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-12108; Filed, Nov. 18, 1963; 8:51 a.m.]

[Docket No. 15192; FCC 63M-1234]

**WHITEVILLE BROADCASTING CO.**  
**(WENC)**

**Order Continuing Hearing**

In re application of Whiteville Broadcasting Company (WENC), Whiteville, North Carolina, Docket No. 15192, File No. BP-13390; for construction permit.

Pursuant to the agreements reached at the prehearing conference held on November 12, 1963, the evidentiary hearing in the above-entitled proceeding now scheduled to be held on December 11, 1963, is continued to January 8, 1964.

It is so ordered, This the 12th day of November 1963.

Released: November 13, 1963.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 63-12109; Filed, Nov. 18, 1963; 8:51 a.m.]

**FEDERAL MARITIME COMMISSION**  
**STATES STEAMSHIP CO. AND REDERI-**  
**AKTIEBOLAGET NORDSTJERNAN**  
**(JOHNSON LINE)**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9278, between States Steamship Company and Rederiaktiebolaget Nordstjernan (Johnson Line), covers a through billing arrangement on cargo from ports in California, Oregon and Washington, U.S.A. to ports on the West Coast of India, Ceylon and West Pakistan, with transshipment at Hong Kong or Japanese ports.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval,

disapproval or modification, together with request for hearing should such hearing be desired.

Dated: November 13, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-12088; Filed, Nov. 18, 1963; 8:49 a.m.]

**STATES STEAMSHIP CO. AND REDERI-**  
**AKTIEBOLAGET NORDSTJERNAN**  
**(JOHNSON LINE)**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9277, between States Steamship Company and Rederiaktiebolaget Nordstjernan (Johnson Line), covers a through billing arrangement on cargo from ports on the West Coast of India, Ceylon and West Pakistan to ports in California, Oregon and Washington, U.S.A., with transshipment at Hong Kong or Japanese ports.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 13, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-12087; Filed, Nov. 18, 1963; 8:49 a.m.]

**STATES STEAMSHIP CO. AND EVERETT**  
**ORIENT LINE, INC.**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9274, between States Steamship Company and Everett Orient Line, Inc., covers a through billing arrangement on cargo from ports in California, Oregon and Washington, U.S.A., to ports on the East Coast of India, East Pakistan and Burma, with transshipment at Hong Kong or Japanese ports.

<sup>5</sup> Section 311(a) (2) of the Communications Act of 1934, as amended, requires that local notice be given "at least 10 days before commencement of such hearing."

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 14, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-12085; Filed, Nov. 18, 1963;  
8:48 a.m.]

### STATES STEAMSHIP CO. AND EVERETT ORIENT LINE, INC.

#### Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9276, between States Steamship Company and Everett Orient Line, Inc., covers a through billing arrangement on cargo from ports on the East Coast of India, East Pakistan and Burma, to ports in California, Oregon and Washington, U.S.A., with transshipment at Hong Kong or Japanese ports.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 14, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-12086; Filed, Nov. 18, 1963;  
8:48 a.m.]

[Docket No. 1142]

### POTATO CHIPS AND RELATED SNACK PRODUCTS; SEATTLE/ALASKA RAIL BELT

#### Discontinuance of Proceeding on Increase in Freight Rates

By order dated September 6, 1963, the Commission entered into an investiga-

tion concerning the lawfulness of Alaska Freight Lines, Inc., increased rates on potato chips and related snack products in tariff schedules designated therein, and suspended the operation of said schedules to and including January 13, 1964. The Commission on October 14, 1963, granted Alaska Freight Lines, Inc. special permission authority to cancel such suspended matter on less than statutory notice under Special Permission No. 4162-R and, pursuant thereto, such matter has been properly cancelled, and Alaska Freight Lines, Inc. has filed a motion to dismiss based on that ground. It appears that continuation of the investigation would no longer serve any useful purpose. For that reason, there is no need to consider the "protest" whereby Weaver Bros. Inc. objected to being named as a respondent herein or the motion to dismiss filed by Alaska Steamship Co. Therefore,

*It is ordered,* That this proceeding is hereby discontinued;

*It is further ordered,* That copies of this order shall be filed with said tariff schedules in the Bureau of Domestic Regulation, Federal Maritime Commission;

*It is further ordered,* That a copy of this order shall be forthwith served upon the respondents herein; and that this order be published in the FEDERAL REGISTER.

By the Commission November 7, 1963.

THOMAS LISI,  
Secretary.

[F.R. Doc. 63-12084; Filed, Nov. 18, 1963;  
8:48 a.m.]

### FEDERAL POWER COMMISSION

[Project No. 2395]

#### FLAMBEAU POWER CO.

#### Notice of Application for License

NOVEMBER 8, 1963.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Flambeau Power Company (correspondence to: Leonard Kuehl, President, Flambeau Power Company, Park Falls, Wisconsin) for license for constructed Project No. 2395, known as the Pixley Hydro-Electric Project, located on the Flambeau River, in Price County, near the City of Park Falls, State of Wisconsin.

The project consists of: An earth embankment on each side of a 25-foot high reinforced concrete dam with two 20-foot long taintor gates and a 91-foot long x 38-foot wide x 24-foot high powerhouse integral with the dam containing two pairs of Type S. Horizontal H. Morgan Smith 36 inch wheels rated at 800 horsepower (each pair) connected to two 480 kilowatt Westinghouse generators and one pair of Type O Horizontal S. Morgan Smith wheels rated at 250 horsepower connected to one 240 kilowatts General Electric generator. Also included in the project is a substation and other necessary electrical and mechanical appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 31, 1963. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 63-12078; Filed, Nov. 18, 1963;  
8:47 a.m.]

### INTERSTATE COMMERCE COMMISSION

#### FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 14, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 38647: *T.O.F.C. service—window and rolled glass from and to southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8470), for interested rail carriers. Rates on window glass and rolled glass, loaded in or on highway trailers, and transported on railroad flat cars, between points in southwestern territory, also Memphis, Tenn., and Natchez, Miss., and between those points, on the one hand, and points in southern and western trunk-line territories, on the other.

Grounds for relief: Carrier competition.

Tariffs: Supplement 149 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345 and 5 other schedules named in the application.

FSA No. 38648: *T.O.F.C. service—glass and commodity rates from and to southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8472), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in or on highway trailers and transported on railroad flat cars, between Gallatin and Portland, Tenn., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 40 to Southwestern Freight Bureau, agent, tariff I.C.C. 4511.

FSA No. 38649: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 8), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 21 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 53.

FSA No. 38650: *Joint motor-rail rates—Niagara Frontier*. Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 9), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central and midwest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 21 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 53.

FSA No. 38651: *Liquefied chlorine gas to Franklin, Va.* Filed by O. W. South, Jr., agent (No. A4404), for and on behalf of Atlantic Coast Line Railroad Company. Rates on liquefied chlorine gas, in tank car loads, from Acme, N.C., to Franklin, Va.

Grounds for relief: Market competition.

Tariff: Supplement 62 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 38652: *Sodium silicate to Albemarle, N.C.* Filed by O.W. South, Jr., agent (No. A4403), for interested rail carriers. Rates on sodium silicate, other than dry, in tank car loads, from Cincinnati, Ohio, to Albemarle, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 150 to Southern Freight Association, agent, tariff I.C.C. S-116.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-12075; Filed, Nov. 18, 1963; 8:47 a.m.]

[Notice No. 899]

**MOTOR CARRIER TRANSFER PROCEEDINGS**

NOVEMBER 14, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66243. By order of November 13, 1963, the Transfer Board approved the transfer to Frank Corso Inc., Hamden, Conn., of Certificate in No. MC 31564 (Sub-No. 1), issued March 20, 1961, to Frank Corso, Hamden, Conn., authorizing the transportation of: Bananas, from port facilities in the New York, N.Y., commercial zone, to points in Connecticut, and to Springfield, Mass; and from Baltimore, Md., to New Haven and Hartford, Conn., and Springfield, Mass.

Sidney L. Goldstein, 109 Church Street, New Haven, Conn., attorney for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-12076; Filed, Nov. 18, 1963; 8:47 a.m.]

**FOURTH SECTION APPLICATIONS FOR RELIEF**

NOVEMBER 13, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

**LONG-AND-SHORT HAUL**

FSA No. 38639: *T.O.F.C. service—Class and commodity rates from and to southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8468), for interested rail carriers. Rates on property moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars, between points in southwestern territory, on the one hand, and Benton Harbor and St. Joseph, Mich., and Salem, Ohio, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 3 to Southwestern Freight Bureau, agent, tariff I.C.C. 4547.

FSA No. 38640: *T.O.F.C. service—class rates from and to southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8469), for interested rail carriers. Rates on property moving on class rates, loaded in or on trailers and transported on railroad flat cars, between StLSF stations Jonesboro, Ark., Winfield, Kans., Monett and Sikeston, Mo., and Durant, Okla., on the one hand, and points in official (including Illinois), southern, southwestern, and western trunkline territories, on the other.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 149 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345 and 7 other schedules named in the application.

FSA No. 38641: *T.O.F.C. service—commodity rates from and to southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8471), for interested rail carriers. Rates on property moving on commodity rates, loaded in or on trailers and transported on railroad flat cars, between Austin, Redwing, Rochester, Minn., and Marshalltown, Iowa, on the one hand, and points in southwestern territory, also Memphis, Tenn., and Natchez, Miss., on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 78 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA No. 38643: *Joint motor-rail rates—Southwestern Motor Freight*. Filed by J. D. Hughett, agent (No. 52), for interested carriers. Rates on property moving on class and commodity rates, loaded in highway trailers, and moving over joint routes of applicant rail and motor carriers, between points in Arkansas, Colorado, Louisiana, Oklahoma, New Mexico, Texas, and Wyo-

ming, also Memphis, Tenn., Natchez and Vicksburg, Miss., and Southwest City, Mo.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 17 to J. D. Hughett, agent, tariff MF-I.C.C. 373 and 7 other schedules named in the application.

FSA No. 38644: *Common salt to southwestern territory*. Filed by Southwestern Freight Bureau, agent (No. B-8475), for interested rail carriers. Rates on common salt (sodium chloride), as described in the application, in carloads, from points in Michigan, New York, and Ohio, also Ojibway and Sarnia, Ontario, Canada, to points in southwestern territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 39 to Southwestern Freight Bureau, agent, tariff I.C.C. 4505.

FSA No. 38645: *Returned flour between points in southern territory*. Filed by O. W. South, Jr., agent (No. A4399), for interested rail carriers. Rates on flour, in airslide cars, in carloads, returned from original destination to original point of shipment, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities gateway points, Washington, D.C., and points intermediate to St. Louis, Mo., on lines of southern carriers.

Grounds for relief: Carrier competition.

Tariff: Supplement 128 to Southern Freight Association, agent, tariff I.C.C. S-182.

FSA No. 38646: *Joint motor-rail rates—between the East and South*. Filed by Southern Motor Carriers Rate Conference, agent (No. 84), for interested carriers. Rates on property moving on class and commodity rates, moving over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 12 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1246 and 9 other schedules named in the application.

**AGGREGATE-OF-INTERMEDIATES**

FSA No. 38642: *T.O.F.C. service—freight all kinds between Colorado and Utah points*. Filed by the Denver and Rio Grande Western Railroad Company (No. 3), for itself. Rates on freight, all kinds, as described in uniform freight classification, loaded in trailers furnished by shipper, and transported on railroad flat cars, from and to Colorado Springs, Denver, Grand Junction, Pueblo, Colo., and Salt Lake City, Utah.

Grounds for relief: Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 63-12036; Filed, Nov. 15, 1963; 8:48 a.m.]

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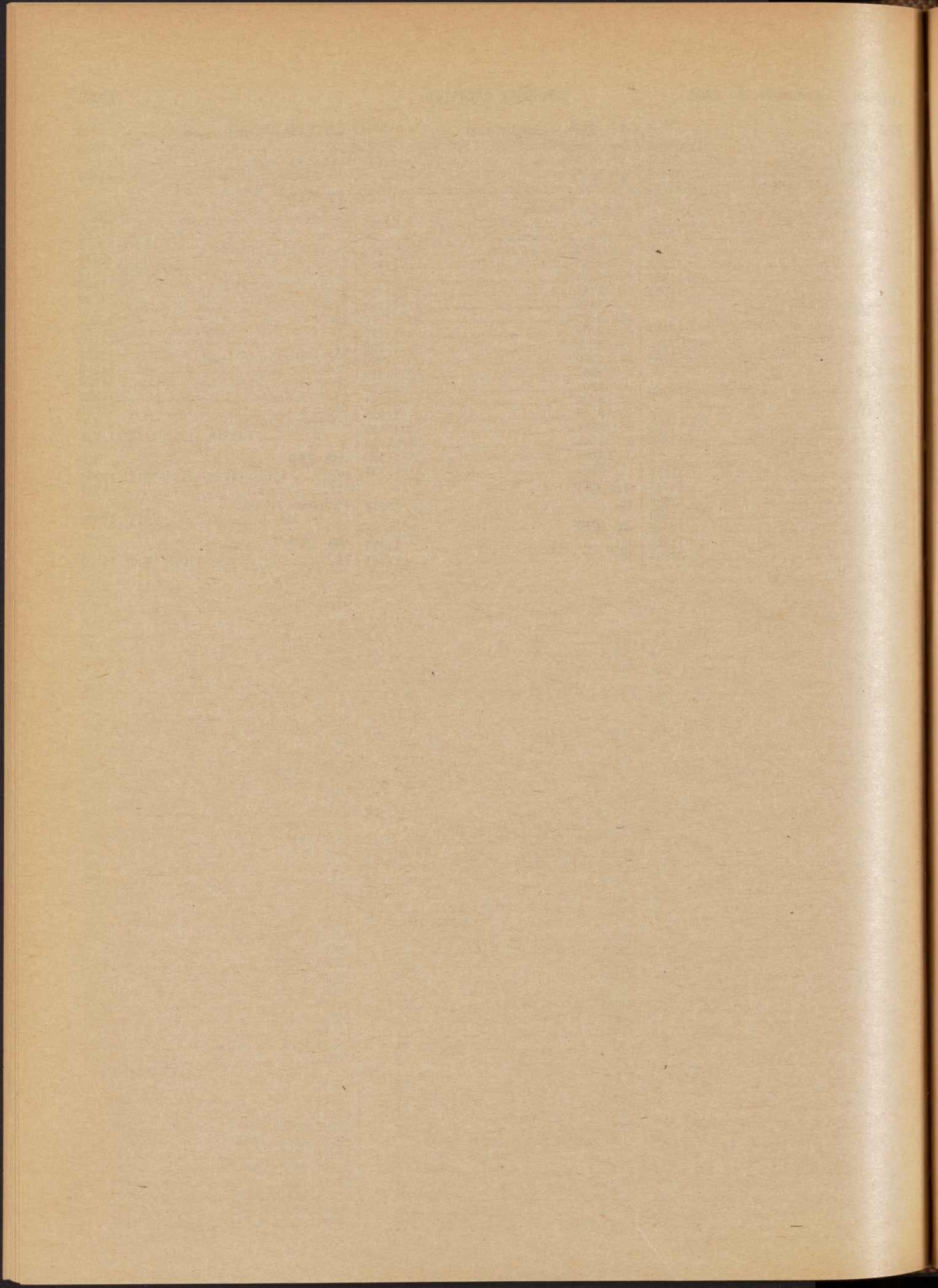
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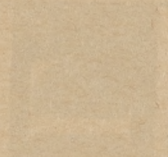
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