

PART I



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Contents

**Agricultural Marketing Service**

PROPOSED RULE MAKING:  
Milk in Louisville-Lexington-Evansville marketing area; hearing ..... 12368

RULES AND REGULATIONS:  
Carrots grown in South Texas; shipments limitation ..... 12358

**Agricultural Research Service**

RULES AND REGULATIONS:  
Scabies in sheep; designation of free, infected, and eradication areas ..... 12359

**Agricultural Stabilization and Conservation Service**

RULES AND REGULATIONS:  
Sugarcane, Florida; 1962 crop prices ..... 12358

Wheat stabilization program, 1962; requirements of eligibility, and final payment ..... 12358

**Agriculture Department**

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

NOTICES:  
Cooperative State Research Service; designation ..... 12379

North Dakota and Oklahoma; designation of areas for emergency loans ..... 12379

**Alien Property Office**

NOTICES:  
Pollini, Erwin; intention to return vested property ..... 12379

**Atomic Energy Commission**

NOTICES:  
Facility licenses; issuance:  
General Electric Co. .... 12370

Worcester Polytechnic Institute. 12371

**Civil Aeronautics Board**

NOTICES:  
Bonanza Air Lines, Inc., and Western Air Lines, Inc.; proposed "thrift" fares ..... 12371

**Commerce Department**

See International Commerce Bureau.

**Defense Department**

See Navy Department.

**Federal Aviation Agency**

PROPOSED RULE MAKING:  
Restricted area; alteration ..... 12368

Transition area; designation ..... 12368

RULES AND REGULATIONS:  
Control zones and transition areas; alterations and designations (3 documents) ..... 12339, 12341

Control zones, transition areas, and control area extensions; alterations, revocations, and designations (3 documents) ... 12340, 12342

Federal airways; alterations and revocation (2 documents) ..... 12341, 12342

Federal airways and reporting point; alteration and designation ..... 12341

IFR altitudes; miscellaneous amendments ..... 12343

Standard instrument approach procedures; miscellaneous amendments ..... 12348

Transition areas:  
Designation; modification ..... 12342

Revocation ..... 12343

**Federal Communications Commission**

RULES AND REGULATIONS:  
Reorganization and revision of chapter ..... 12386

**Federal Maritime Commission**

NOTICES:  
Agreements filed for approval:  
American President Lines, Ltd., and United States Lines Co. (2 documents) ..... 12372

Mediterranean-U.S.A. Great Lakes Westbound Freight Conference and Medchi Freight Pool Agreement ..... 12373

Niagara Frontier Port Authority and Pittston Stevedoring Corp., Inc. .... 12373

Pacific Far East Line, Inc., and United States Line Co. .... 12373

**Federal Power Commission**

NOTICES:  
Hearings, etc.:  
Colorado Interstate Gas Co. .... 12373

Colorado Interstate Gas Co. et al ..... 12373

Colorado-Wyoming Gas Co. et al ..... 12374

El Paso Natural Gas Co. et al. ... 12374

Hill & Wagner et al. .... 12376

Natural Gas Pipeline Company of America ..... 12376

Northern Natural Gas Co. .... 12376

Pan American Petroleum Corp. et al. .... 12377

Rounds, Don M., et al. .... 12378

Texas Gas Transmission Corp. ... 12377

**Federal Reserve System**

NOTICES:  
Baystate Corp.; application for approval of acquisition of shares of bank ..... 12378

RULES AND REGULATIONS:  
Payment of interest on deposits:  
Interest on time certificate falling due on holiday ..... 12360

Withdrawal of uninsured portion of deposit after bank merger ..... 12360

(Continued on next page)

12337

disease incurred while participating in the traditional NROTC summer cruise, benefits may attach for all NROTC students both Regular and Contract. Nevertheless, because of the conditions involved, such as line of duty, an individual determination must be made in each instance.

(3) *Traveling.* Coverage is also provided for disabilities or deaths which occur while traveling to or from the traditional NROTC summer cruises. In any given case, however, the question whether the student was actually "traveling to or from" the cruise may become an issue on which the receipt of benefits will depend.

(4) *Flight instruction.* Where flight instruction is part of the NROTC Program, benefits will accrue for all NROTC students, both Regular and Contract, if disability is incurred from injury in line of duty and as the proximate result of the performance of the training. Whether the various legal conditions are met, however, may become a question on which the receipt of benefits will depend.

(5) *Academic instruction.* No benefits from the military laws discussed accrue to any NROTC students who are injured or contract disease as a result of participating in their normal academic curriculum. This area is not considered as falling within the categories of duty or training for which benefits are prescribed.

(d) *Extent of benefits.* The benefits which may accrue in any given situation including, e.g., simple treatment or hospitalization, depend on the particular circumstances and the law involved. Under 10 U.S.C. 6148, e.g., Regular NROTC students are entitled, if otherwise eligible, to the same benefits as members of the Regular Navy and, under 5 U.S.C. 802, Contract NROTC students are accorded benefits, if otherwise eligible, as civilian employees of the Federal Government.

(6) *Determination of eligibility.* Benefits may be applicable in any situation (except as set forth in this section) where an NROTC student is disabled or dies as a result of, or during the course of, participation in NROTC activities. Therefore, in the event of disability or death under such circumstances, a complete statement of all facts surrounding the incurrance of the disability or death will provide a firm basis from which a determination as to entitlement to benefits may be made. This is not to say that every incident involving an NROTC student needs to be the subject of a report for this purpose. But where it appears to the cognizant commander that benefits may be applicable, or where reports are otherwise required (as, e.g., under sec. 0911 of the JAG Manual), the question should be raised.

(R.S. 161, sec. 4, 70 Stat. 805, secs. 5031, 6148, 6901, 70A Stat. 278, 383, 420, as amended, sec. 204(1), 76 Stat. 458; 5 U.S.C. 22, 802, 10 U.S.C. 5031, 6148, 6901, 37 U.S.C. 204(1))

Dated: November 15, 1963.

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.

[F.R. Doc. 63-12186; Filed, Nov. 21, 1963;  
8:45 a.m.]

## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER M—FORESTRY

#### PART 141—GENERAL FOREST REGULATIONS

##### Trespass

On page 5581 of the FEDERAL REGISTER of June 6, 1963, there was published a notice and text of a proposed amendment to § 141.22 of Title 25, Code of Federal Regulations. The purpose of the amendment is to clarify the authority for disposing of timber cut in trespass which is still on land under the direct control of the Government, and timber cut in trespass which has been moved to land not under the direct control of the Government.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendment. Two responses were received of which one was not applicable. The other comments and suggestions have been considered, and insofar as possible, have been included. This amendment shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,  
Secretary of the Interior.

NOVEMBER 16, 1963.

Section 141.22 is amended to read as follows:

##### § 141.22 Trespass.

(a) Federal statutes provide that:

(1) Willful and unauthorized setting fire to timber, underbrush, or grass or other inflammable material upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, is punishable by fine of not more than \$5,000 or imprisonment of not more than 5 years, or both.

(2) Whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material on such lands, leaves said fire without totally extinguishing it, or permits such fire to spread beyond his control, or leaves such fire unattended, shall

be fined not more than \$500 or imprisoned not more than 6 months, or both.

(3) The unlawful cutting or wanton injury or destruction of trees standing, growing, or being upon such lands is punishable by fine of not more than \$1,000 or imprisonment of not more than one year, or both.

(4) Section 1 of the act of June 25, 1948 (62 Stat. 787; 18 U.S.C. 1853) provides penalties for the unlawful cutting of timber on Government lands and on Indian lands under Government supervision.

(b) The Secretary may mark and forbid the removal of timber from restricted or trust Indian lands or direct its removal to a point of safekeeping when he has reason to believe that such timber was unlawfully cut. Any such timber that can be positively identified as Indian trust property should be sold to prevent its deterioration. When any timber cut in trespass is found to be removed to land not under Government supervision, the owner of the land should be notified that such timber is Indian trust property and any further action should be upon advice of the Office of the Solicitor of the Department of the Interior. Any timber sold under this § 141.22 may be disposed of under the provisions of this Part 141 insofar as they are applicable. The Secretary may accept payment of damages in full in the settlement of civil trespass cases without resort to court action.

[F.R. Doc. 63-12213; Filed, Nov. 21, 1963;  
8:47 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER C—CARRIERS BY WATER

#### PART 306—TRANSFERS OF CERTIFI- CATES AND PERMITS TO OPERATE

##### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 31st day of October A.D. 1963.

There being under consideration rules and regulations governing applications under section 312 of the Interstate Commerce Act, as amended, 49 U.S.C. 912, for approval of transfers of certificates and permits to operate as a water carrier in interstate or foreign commerce, and the matter of notice to persons interested in the proposed transfers (49 CFR Part 306):

##### § 306.4 [Amended]

*It is ordered,* That § 306.4 *Required exhibits,* be, and it is hereby, amended by deleting therefrom paragraph (f), certificate of notice of the filing of such applications upon water-line competitors.

*It is further ordered,* That paragraphs (b) and (c) of § 306.6 *Procedure,* be, and they are hereby, amended to read as follows: