



FEDERAL REGISTER

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 16]

SPANISH PIMIENTOS IN TINS

Proposed Schedule of Drained Weights

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of sections 507 and 624 of the Tariff Act of 1930 (19 U.S.C. 1507, 1624), it is proposed to amend § 16.6(c) of the Customs regulations to provide for adoption of certain specified average drained weights for pimientos in various sizes of tins imported from Spain. In liquidations of entries, the adopted weight would represent the dutiable weight of the contents, the difference between the total weight of the contents and the drained weights being the allowance made for tare for the water.

Pimientos in tins are bought and sold by net weight which includes added water. In most instances entry is made at such commercial net weight or at a drained weight estimated by the importer.

Upon liquidation, duties may be reduced or advanced from estimated deposits, dependent upon the dutiable weight determined from tests of samples taken from each shipment. This proposal would provide an equitable basis for determining weight to the mutual benefit of importers and the Government.

To obtain the average drained weights, the contents of one three kilo size tin and six tins of each other size from each packer's first shipment in four successive crop years were drained in a suitable collander for not less than two minutes. The drained pimientos then were weighed to the closest one-quarter ounce. The averages of the test results are reflected in the drained weights proposed for adoption.

Should occasional customs sampling and testing of future import shipments disclose variations between verified actual drained weights and those adopted, the differences will be evaluated with a view to possible modification of the adopted schedule drained weights.

It is proposed to amend the regulations as set forth below:

In Part 16—Liquidation of duties, the heading of § 16.6 is amended to read "Tare; dutiable weights."

Section 16.6(c) is amended as follows: The first sentence is amended by substituting "the average for certain classes of merchandise" for "the average weight of coverings of certain classes of merchandise" and by inserting in the proper alphabetic order the following:

Pimientos in tins imported from Spain.—

Size can	Drained weights
3 kilos.....	30 pounds—case of 6 tins.
28 oz.....	36.72 pounds—case of 24 tins.
15 oz.....	17.72 pounds—case of 24 tins.
7 oz.....	8.62 pounds—case of 24 tins.
4 oz.....	5.33 pounds—case of 24 tins.

Such schedule drained weight shall be used as the customs dutiable weight in the liquidation of entries, the difference between the weight of the net contents of pimientos in tins and such drained weight being the allowance made in liquidation for tare for water.

Consideration will be given in the disposition of this proposal to any relevant data, views, suggestions or objections which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: August 13, 1964.

JAMES A. REED,
Assistant Secretary
of the Treasury.

[F.R. Doc. 64-8643; Filed, Aug. 21, 1964;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 141]

FORESTS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to amend Chapter I of Title 25, Code of Federal Regulations, by the revision of Part 141 to read as set forth below. The purpose of this amendment is to incorporate numerous changes necessitated by the passage of the Act of April 30, 1964, Public Law 88-301 (78 Stat. 186, 187). The act, supra, provides for the sustained-yield management of unallotted Indian lands and defines the objectives to be considered in the sale of timber from allotted land.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 141.3 is amended to read as follows:

§ 141.3 Objectives.

(a) The following objectives are to be sought in the management of unallotted Indian forest lands in accordance with the principles of sustained yield:

(1) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(2) The regulation of the cut in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(3) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining communities, to the end that the Indians may receive from their own property not only the stumpage value, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(4) The sale of Indian timber in open competitive markets in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(5) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(6) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.

(7) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

(b) Similar objectives are sought in the management of allotted Indian forest lands, but, in addition, the sales of timber shall be based upon a consideration of the needs and best interests of the Indian owner and his heirs. The Secretary shall take into consideration, among other things:

(1) The state of growth of the timber and the need for maintaining the productive capacity of the land for the benefit of the owner and his heirs.

(2) The highest and best use of the land, including the advisability of devoting it to other uses for the benefit of the owner and his heirs.

(3) The present and future financial needs of the owner and his heirs.

2. Section 141.7 is amended to read as follows:

§ 141.7 Timber sales from unallotted and allotted lands.

(a) On reservations where the volume of timber available for cutting is in

excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the owners of a majority Indian interest in trust or restricted timber on allotted lands. The consent of the Secretary is required in all cases.

(b) The Secretary may sell the timber on any Indian land held under a trust or other patent containing restrictions on alienations without the consent of the owners when in his judgment such action is necessary to prevent loss of values resulting from fire, insects, disease, windthrow, or other natural catastrophes.

(c) Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding \$500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding \$500 in value, the timber shall be appraised and sold at not less than its appraised value.

3. Section 141.9 is amended to read as follows:

§ 141.9 Timber sales without advertisement.

Sales of timber may be made without advertisement with the consent of the authorized representative of the tribe for tribal timber or with the consent of the owners of a majority Indian interest in trust or restricted timber on allotted lands, and the approval of the Secretary:

(a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding \$5,000. Such contracts shall not be made for a longer term than two years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any one calendar year. In the case of each negotiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the

factors on which the award is based, including a determination as to the reasonability of the price accepted.

4. Section 141.13 is amended to read as follows:

§ 141.13 Execution and approval of contracts.

(a) *Contracts for the sale of tribal timber.* All contracts for the sale of tribal timber shall be executed by the authorized representative of the tribe or tribal corporation. Contracts to be valid must be approved by the Secretary. There shall be included with the contract an affidavit executed by the appropriate officer of the tribe or tribal corporation setting forth the resolution or other authority of the governing body of the tribe or tribal corporation authorizing the sale.

(b) *Contracts for the sale of allotted timber.* Contracts for the sale of allotted timber shall be executed by the Indian owners or the Secretary acting pursuant to a power of attorney from the Indian owner, subject to conditions set forth in § 141.13(b) (1), (2), and (3). Contracts to be valid must be approved by the Secretary.

(1) The Secretary shall execute contracts on behalf of minors and Indian owners who are incompetent by reason of mental incapacity after consultation with any legally appointed guardian.

(2) The Secretary shall execute contracts for those persons whose ownership in a decedent's estate has not been determined or for those persons who cannot be located after a reasonable and diligent search and the giving of notice by publication.

(3) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary shall include such unrestricted interest in a sale of the trust or restricted interests in the timber, pursuant to Part 141, and perform any functions required of him by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deductions as service fees from such payments of sums in lieu of administrative expenses.

5. Section 141.18 is amended to read as follows:

§ 141.18 Deductions for administrative expenses.

In sales of timber from either allotted or unallotted lands, a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10 percent of the gross amount received for timber sold under regular supervision, and 5 percent when the timber is sold in such a manner that little administrative expense by the

Indian Bureau is required. Service fees in lieu of administrative deductions shall be determined in a similar manner.

(Act of April 30, 1964, 78 Stat. 186, 187)

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 18, 1964.

[F.R. Doc. 64-8528; Filed, Aug. 21, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

ONIONS

Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 980.103 Onion import regulation.

Except as otherwise provided, during the period September 14, 1964, through June 30, 1965, no person shall import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1½ inches minimum diameter; or 1 inch minimum to 2 inches maximum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the