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Contents

THE PRESIDENT			
Executive Order			
Incentive pay for hazardous duty, pay for sea duty and duty at certain places, and basic allowances for quarters; amendment of certain executive orders.....	10631		
EXECUTIVE AGENCIES			
Agricultural Marketing Service			
PROPOSED RULE MAKING:			
Milk in certain marketing areas; recommended decisions and opportunity to file written exceptions on proposed amendments to agreements and orders:			
Memphis, Tenn., Ft. Smith, Ark., and Central Arkansas.....	10660		
Philadelphia, Pa., and Wilmington, Del.....	10646		
Ryegrass seed; recommended decision and opportunity to file written exceptions regarding proposed agreement and order.....	10675		
RULES AND REGULATIONS:			
Cotton; licensing of warehousemen for sampling.....	10633		
Cranberries; findings and determinations relative to expenses and rate of assessment, 1963-64 fiscal year.....	10634		
Milk in North Texas marketing area; order amending order.....	10635		
Agricultural Stabilization and Conservation Service			
NOTICES:			
Sugarcane; fair prices in Puerto Rico, fair wages and prices in Virgin Islands, and designation of presiding officers; hearing....	10688		
Agriculture Department			
<i>See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation.</i>			
NOTICES:			
Texas; designation of area for emergency loans.....	10688		
Army Department			
RULES AND REGULATIONS:			
Employment and compensation in Canal Zone; methods of filling vacancies.....	10633		
Atomic Energy Commission			
NOTICES:			
Mettler Instrument Corp.; petition for rule making.....	10690		
Civil Aeronautics Board			
NOTICES:			
Slick Corp.; proposed third-level, door-to-door deferred freight rates; investigation.....	10690		
Commodity Credit Corporation			
RULES AND REGULATIONS:			
Grains and related commodities: Price support, 1963 and subsequent crops.....	10636		
Wheat loan and purchase agreement program, 1963 crop.....	10636		
Customs Bureau			
NOTICES:			
Cotton textiles and products thereof produced or manufactured in Korea; restrictions on certain categories.....	10683		
Defense Department			
<i>See Army Department.</i>			
Federal Aviation Agency			
PROPOSED RULE MAKING:			
Control zones and transition areas; alterations, revocation, and designation (2 documents) ..	10679		
Restricted area/military climb corridor, controlled airspace and Federal airways; designations and alterations (3 documents) ..	10680, 10681		
RULES AND REGULATIONS:			
Airworthiness directives: Cessna 190 and 195 Series aircraft.....	10637		
		Douglas Model DC3 Series aircraft.....	10637
		North American Model NA-265 Series aircraft.....	10638
Federal Communications Commission			
NOTICES:			
Radio Station WTRF, Inc.; show cause order.....	10691		
<i>Hearings, etc.:</i>			
Eastside Broadcasting Co.....	10692		
Radio Station KAYE.....	10692		
Radio Station WTRF, Inc., and WDMG, Inc.....	10692		
Federal Power Commission			
NOTICES:			
<i>Hearings, etc.:</i>			
East Tennessee Natural Gas Co..	10694		
Northern Natural Gas Co.....	10695		
North Star Natural Gas Co.....	10695		
Union Texas Petroleum et al....	10695		
Federal Maritime Commission			
NOTICES:			
Agreements filed for approval:			
Frederic Henjes, Jr., Inc., et al.	10694		
Greater Baton Rouge Port Commission and Cargill, Inc.....	10693		
J. E. Bernard & Co., Inc., et al..	10693		
Fish and Wildlife Service			
RULES AND REGULATIONS:			
Hunting in wildlife refuge areas: Migratory game birds:			
Arizona and California; Havasu Lake and Imperial.....	10639		
Illinois; Chautauqua et al.....	10640		
Nevada; Fallon et al.....	10643		
Upland game:			
California; Sacramento.....	10644		
South Dakota; LaCreek.....	10644		
Washington; Columbia.....	10644		
Food and Drug Administration			
RULES AND REGULATIONS:			
Hair dyes; deletion of superseded material.....	10638		

(Continued on next page)

10629

of production based on 1956 figures and prevailing market prices. Acreage yields rose from the 1951-60 average of 877 pounds per acre to 960 in 1961 and 1,150 per acre in 1962.

The carryover of all ryegrass seed increased from the 1951-60 average of 32 million to 56 million pounds in 1961 and 51 million pounds in 1962.

Demand for the seed has not kept pace with production. The increase in carryover during the last decade has caused a substantial deterioration in prices received by farmers for ryegrass seed. Evidence presented at the hearing indicated that an average 10-million-pound shift in carryover of annual ryegrass seed resulted in opposite movement of price by 84 cents per hundredweight. A similar shift in production caused an expected change in the opposite direction of 27 cents per hundredweight.

Witnesses at the hearing testified that production adjustments under a voluntary program had had some success in Oregon in previous years. Due to the lack of compliance by some growers, however, this program became ineffective.

These facts are strongly indicative of a need to eliminate some of the basic causes of disorderly marketing with respect to ryegrass seed. It appears that the industry would be benefited and returns to growers in a regulated area would be improved by a regulatory program providing for restrictions on the volume of ryegrass seed marketed.

(3) Although the above findings and conclusions with respect to the conditions existing in the ryegrass industry as they relate to Oregon-produced ryegrass, indicate that on the basis of jurisdiction and need the handling of ryegrass seed, under appropriate circumstances, is potentially subject to regulation under the Act. However, on the basis of the evidence adduced at the hearing with respect to the issue relating to the area to be affected by the proposal, it is hereby found and concluded that a marketing agreement and an order should not be entered into or issued at this time on the basis of the proposed regulation of ryegrass seed considered at the aforementioned hearing for the following reasons:

Under section 8c(11) of the Agricultural Marketing Agreement Act of 1937, as amended, marketing agreements and orders must be limited in their application to the smallest practicable area consistent with carrying out the declared policy of the Act. A finding to that effect is made a condition precedent to the issuance of an order. The proponents, the Oregon Ryegrass Growers Association, who submitted, and requested the hearing on, the proposed marketing agreement and order have consistently urged and supported an area covering the continental United States, and in so doing have indicated that any smaller area, including an area limited to the State of Oregon, would not be practicable. As previously mentioned, there is evidence in the record which indicates that 95 percent of the total commercial production of ryegrass seed marketed in the United States is produced in the State of Oregon, and there is not reliable and substantial evidence in the record with respect to the

extent of the past, present, and potential production of ryegrass seed and the number of producers outside of the State of Oregon. Taken as a whole, the state of the record on this basic issue leaves no alternative but to conclude that there is not sufficient evidence to provide a sound basis on which to make the required findings or a proper determination of the marketing or production area to be affected.

As respects the issue relating to the specific terms and provisions of the proposed regulatory program, only a brief discussion appears necessary. Considering the proponent's position discussed above with respect to the area to be affected, it is clear that such terms and provisions were formulated on the basis of and with a view to their application to an area covering the continental United States. Accordingly, a discussion of the issue of using such terms and provisions as applied to a national program would serve no useful purpose in view of the findings and conclusions that there is not sufficient evidence to support a finding that a marketing or production area to be affected be national in scope.

The testimony by proponents in support of such terms and provisions emphasized the need and practicality for authority to regulate according to such terms and provisions under a marketing agreement and order national in scope. Little or no consideration was given to other terms and provisions that might be made applicable to a smaller area, nor is there sufficient evidence to indicate the extent that the terms and provisions set forth in the notice could be applied to any such smaller area and which would serve as a basis for finding that such terms and provisions could be made applicable to a regional production or marketing area.

Rulings on briefs of interested parties. At the conclusion of the hearing, the presiding officer fixed March 7, 1963, as the latest date on which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the findings and conclusions to be drawn therefrom must be filed with the Hearing Clerk of the Department.

Briefs were filed within the allotted time by Charles S. Kizer, president and John G. Swatzka, secretary, Oregon Ryegrass Growers Association, C. H. Devaney, president, Texas Farm Bureau; Edwin Hawes III, Wharton, Texas; and Tom Harpool, president, Texas Certified Seed Producers, Inc.

Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the finds and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

CHARLES S. MURPHY,
Acting Secretary.

SEPTEMBER 27, 1963.
[F.R. Doc. 63-10490; Filed, Oct. 2, 1963;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

CROW RESERVATION

Proposed Leasing and Permitting

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the revised statutes, sections 161 (5 U.S.C. 22), and 463 and 465 (25 U.S.C. 2 and 9), and pursuant to other authorizing Acts, it is proposed to amend § 131.15, Title 25 of the Code of Federal Regulations, concerning the leasing of the trust lands of those Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, who may lease their trust lands without the approval of the Secretary of the Interior pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), to read as set forth below.

The purposes of the revision are (1) to more clearly define the responsibilities of Crow Indians who avail themselves of the privilege of leasing their trust lands without Departmental approval under the cited statutes, (2) to define the role of the Secretary of the Interior as the officer of the Federal Government charged with the responsibility for the proper discharge of the obligations of the United States with respect to the trust lands of such Indians, and (3) to state the Department's interpretation of the cited statutes.

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 amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 131.15 is amended to read as follows:

§ 131.15 Crow Reservation.

(a) Notwithstanding the regulations in other sections of this Part 131, Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, may lease their trust lands and the trust lands of their minor children for farming or grazing purposes without the approval of the Secretary pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80). However, at their election Crow Indians classified as competent may authorize the Secretary to lease, or assist in the leasing of such lands. When this prerogative is exercised, the general regulations contained in this Part 131 shall be applicable.

(b) The Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), provides that no lease for farming or grazing purposes shall be made for a period longer than five years, except irrigable lands under the Big Horn Canal, which may be leased for periods of 10 years. No such lease

shall provide the lessee a preference right to future leases.

(c) All leases entered into by Crow Indians classified as competent, under the above-cited special statutes, must be recorded at the Crow Agency. Such recording shall constitute notice to all persons. Under these special statutes, Crow Indians classified as competent are not entirely free to lease their property. The five-year (ten-year in the case of lands under the Big Horn Canal) limitation is intended to afford a protection to the Indians. The essence of this protection is the right to deal with the property free, clear, and unencumbered at intervals at least as frequent as those provided by law. If lessees are able to obtain new leases long before the termination of existing leases, they are in a position to set their own terms. In these circumstances lessees could perpetuate their leaseholds and the protection of the statutory limitations as to terms would be destroyed. Therefore, in implementation of the foregoing interpretation, any lease which, on its face, is in violation of statutory limitations or requirements, and any lease executed more than 12 months prior to the commencement of the term thereof or which purports to cancel an existing lease with the same lessee as of a future date and take effect upon such cancellation will not be recorded. Under a Crow tribal program, approved by the Department of the Interior, competent Crow Indians may, under certain circumstances, enter into agreements which require that, for a specified term, their leases be approved. Information concerning whether a competent Crow Indian has executed such an instrument is available at the office of the Superintendent of the Crow Agency, Bureau of Indian Affairs, Crow Agency, Montana. Any lease entered into with a competent Crow Indian during the time such an instrument is in effect will be returned without recordation.

(d) Where any of the following conditions exist, leases will be recorded but the lessee and lessor will be notified of the condition: (1) The lease has not been executed by all owners of the land described in the lease, (2) there is, of record, a lease on the land for all or a part of the same term, or (3) there are other deficiencies such as, but not limited to, erroneous land descriptions, and alterations which are not clearly endorsed by the lessor.

(e) Except as provided herein, Crow Indians classified as competent who lease lands under the Act of May 26, 1926 (44 Stat. 658), as amended, shall have the full responsibility for obtaining compliance with the terms of any lease so made. In fulfilling the Secretary's legal responsibility to protect and conserve trust and restricted Indian lands, leases executed by Crow Indians under the special statutes cited herein shall contain stipulations requiring sound land utilization plans and conservation practices.

(f) Leases made by competent Crow Indians shall be subject to the right to issue permits and leases to prospect for, develop, and mine oil, gas, and other minerals, and to grant rights of way and easements, in accordance with applicable law and regulations. In the issuance or granting of such permits, leases, rights of way or easements due consideration will be given to the interests of lessees and to the adjustment of any damages to such interests. In the event of a dispute as to the amount of such damage, the matter will be referred to the Secretary whose determination will be final as to the amount of said damage.

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

SEPTEMBER 27, 1963.

[F.R. Doc. 63-10474; Filed, Oct. 2, 1963;
8:46 a.m.]

National Park Service

[36 CFR Part 7]

BLUE RIDGE PARKWAY, VIRGINIA AND NORTH CAROLINA

Camping and Horseback Riding

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southeast Region Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend § 7.34 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to establish hours camps may be left unattended and to control horseback riding on trails.

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 amendments to the Superintendent, Blue Ridge Parkway, P.O. Box 1710, Roanoke, Virginia, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

New paragraphs (i) and (j) are added to § 7.34 to read as follows:

§ 7.34 Blue Ridge Parkway.

(i) Camping: Campers shall not leave their camps unattended for more than 24 hours without special permission of the Superintendent, obtained in advance, and camps must be occupied 24 hours prior to the request to leave them unattended. In the absence of such permission camping equipment left unattended in any public camping area for more than 24 hours is subject to removal by order of the Superintendent, the expense of such removal and storage to be paid by the person leaving such equipment.

(j) Horseback riding is prohibited on the Appalachian Trail, and on all other trails except where otherwise indicated

by appropriate signs posted by the Superintendent.

SAM P. WEEMS,
Superintendent,
Blue Ridge Parkway.

[F.R. Doc. 63-10477; Filed, Oct. 2, 1963;
8:46 a.m.]

Office of the Secretary

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 3)]

OIL IMPORTS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Proclamation 3279, as amended (24 F.R. 1781, 3527, 10133; 25 F.R. 13945; 26 F.R. 507, 811; 27 F.R. 11985; 28 F.R. 4077, 5931 and E.O. 11051, 27 F.R. 9683), it is proposed to add a new section 6 to Oil Import Regulation 1 (Revision 3) as amended (27 F.R. 12442; 28 F.R. 2677, 4953 and 6353) and to amend as indicated below sections 5, 7, 8, 11, 12, 21 and 22 of that regulation.

The proposed amendments to sections 5 and 7 would require persons to file an application for allocation of imports of crude oil, unfinished oils, residual fuel oil, and other finished products in each allocation period. There would no longer be any continuing applications for allocations of imports of finished products other than residual fuel oil to be used as fuel or for imports of residual fuel oil in Districts II-IV. However, persons would no longer be required to file separate applications for licenses. Under the proposed amendments one form would serve both purposes. The proposed amendments would therefore eliminate one step in the administrative process.

A new section 6 is proposed providing for the maintenance of records and the inspection of records and facilities. This amendment is designed to provide the Oil Import Administration with a means of verifying the various certifications which are made to it and of assuring compliance with the regulations.

The proposed amendment to section 8 would specifically require that all requests for entry without licenses of small quantities be in writing.

Allocations of imports of unfinished oil are restricted to 10 percent of the permissible imports of crude oil. However, section 11 (relating to District V) provides that if the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude oil the Administrator may allocate the remaining balance among persons requesting an increase. In past allocation periods it has been the practice of most eligible persons to apply for an allocation of imports of unfinished oil equal to 10 percent of their crude oil allocation. Consequently, there have been no occasions where there has been any significant quantity of unfinished oils available for redistribution. Accordingly, the proposed amendment to section 11 would delete the provisions authorizing the Administrator to redistribute any quantities