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FEDERAL REGISTER

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(b) *Officers of the Commission, information and submittals.* (1) During the continuance of emergency conditions the location or headquarters of the Commission shall be as designated by the Commission acting in regular course before the occurrence of the emergency conditions or such other place as the Commission may designate upon the occurrence of those conditions; the location of the Bureaus and Offices of the Commission, and Commission personnel assigned thereto, shall be at the headquarters of the Commission except as otherwise designated by authority of the Chairman, subject to modification or revocation by authority of the Commission; and the locations of the Regional Offices of the Commission and Commission personnel assigned thereto, shall be as designated by the respective Regional Engineers in charge thereof, subject to modification or revocation by authority of the Chairman.

(2) During the continuance of emergency conditions all formal or informal requests, filings, reports or other submittals to this Commission shall be addressed to Federal Power Commission, Official Mail and Messenger Service, United States Post Office Department, unless otherwise specified by authority of the Commission.

(c) *Organization, delegations of final authority.* (1) During the continuance of emergency conditions, the respective functions and responsibilities of the Commission, individual Commissioners and Commission staff members and the delegations of final authority shall to the extent possible be as set forth in §§ 3.4 and 3.5 unless otherwise modified or revoked by authority of the Chairman, Commission or other requirement of law.

(2) Action taken in the name and authority of the Commission during the continuance of emergency conditions and in the absence of a quorum of three Commissioners then capable of acting, shall be taken upon authority of the acting Commissioner or Commissioners whose authority shall mean and include the delegated authority to act for all other Commissioners.

(3) Action taken in the name and authority of the Commission during the continuance of emergency conditions in the absence of any Commissioner then capable of acting, shall be taken upon authority of any five members of the Commission staff, succeeding in the order as listed hereinafter, whose authority shall mean and include the delegated authority to act for all Commissioners. The order in which Commission staff members may act for the Commission pursuant to this subparagraph is: Executive Director, Chief, Bureau of Power, Chief, Bureau of Natural Gas, General Counsel, Assistant to the Chairman, Deputy Chief, Bureau of Power, Deputy Chief, Bureau of Natural Gas, Deputy General Counsel, Solicitor; and in the order of seniority, Assistant Chief and Division Chiefs, Bureau of Power, Division Chiefs, Bureau of Natural Gas, Assistants General Counsel; to be followed without regard to the particular Bureaus or Offices to which assigned, by the remaining Commission staff members in the order of the highest grade and longest period of service with the Federal Power Commission.

(4) Actions taken in the name and authority of the Commission by two or less Commissioners or five members of the Commission staff, as described above, shall be effective immediately (or as specified by the Commission order) but shall be subject to reconsideration by a statutory quorum of Commissioners within thirty days of the date upon which public notice is given that such a statutory quorum has been reconstituted and is functioning.

(5) During the continuance of emergency conditions, the authority of the Chairman shall be exercised by the Commissioner so designated by the President, if capable of acting, or if not by the person in the order as listed hereinafter who is capable of acting: Vice Chairman, other Commissioners in order of seniority, Executive Director, Chief, Bureau of Power, Chief, Bureau of Natural Gas, General Counsel, Assistant to the Chairman, Deputy Chief, Bureau of Power, Deputy Chief, Bureau of Natural Gas, Deputy General Counsel, Solicitor; and in the order of seniority, Assistant Chief and Division Chiefs, Bureau of Power, Division Chiefs, Bureau of Natural Gas, Assistants General Counsel; to be followed without regard to the particular Bureaus or Offices to which assigned, by the remaining Commission staff members in the order of the highest grade and longest period of service with the Federal Power Commission.

(6) The respective duties of the Secretary, Executive Director, Chiefs of Bureaus and Offices and Regional Engineers shall be discharged during the continuance of emergency conditions by the subordinate staff members designated to act in such capacity in the absence of the persons holding such offices and, if no subordinate has been so designated or the designated subordinate is not present at the place of duty, by the next subordinate official or employee in the respective Bureaus or Offices of highest grade and longest period of service with the Federal Power Commission in that grade present at the place of duty, subject to modification or revocation by authority of the Chairman with approval by authority of the Commission. The duties of other officials and employees shall be discharged as the respective Chiefs of Bureaus and Offices shall designate, subject to modification or revocation by authority of the Executive Director.

(d) *Commission meetings.* As soon as possible following the occurrence of emergency conditions, the Commission shall convene at its headquarters, provide for the place, time and method of giving notice of future Commission meetings to those entitled thereto as shall be feasible and reasonable in the circumstances, subject to further order of the Commission. The Commission shall act by majority vote of those participating whether physically present or participating in Commission consideration through any means of communication.

(e) *Personnel and fiscal functions.* Subject to modification or revocation by authority of the Executive Director, authority to effect temporary appointments of such additional officers and employees, to classify and allocate positions to their proper grades, to issue travel orders, and to effect emergency purchases of supplies, equipment and services shall be exercised by the respective Chiefs of Bureaus and Offices and Regional Engineers, their deputies, or staff in line of succession, as may be required for the discharge of the lawful duties of the respective Bureaus and Offices.

(f) *Effect upon existing Commission requirements.* Except as herein otherwise provided, all outstanding Commission orders, rules and regulations shall remain in force and effect during the continuance of emergency conditions, subject to all lawful requirements and such changes as may be authorized by authority of the Chairman or the Commission.

(B) This order shall become effective upon the date of issuance thereof.

(C) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-12891; Filed, Dec. 28, 1962; 8:51 a.m.]

Title 25—INDIANS

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

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

PART 143—SALE OF TIMBER PRODUCTS AND USE OF FOREST LANDS FOR NONFOREST PURPOSES, MENOMINEE INDIAN RESERVATION

Miscellaneous Amendments

On page 9065 of the FEDERAL REGISTER of September 12, 1962, there was published a notice of and text of proposed amendments of Parts 141 and 143 of Title 25, Code of Federal Regulations.

The purpose of these amendments is to: (1) Redefine "Indian forest lands" so that no specific determination is needed to classify such lands; (2) expand and clarify the procedures for Indian operation of timber enterprises and permit the sale of timber products by tribal enterprises operating under approved agreements without compliance with 25 CFR Part 142; and (3) revoke 25 CFR Part 143, which pertains to forestry matters on the Menominee Reservation, as Federal trust responsibility over the Menominee Tribe was terminated on April 30, 1961.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendments. No com-

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ments, suggestions, or objections have been received, and the proposed amendments are hereby adopted and are set forth below. These amendments 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.

DECEMBER 21, 1962.

1. Paragraph (b) of § 141.1 is amended to read as follows:

§ 141.1 Definitions.

* * * * *

(b) "Indian forest lands" means lands held in trust by the United States for Indian tribes or individual Indians or owned by such tribes or individuals subject to restrictions against alienation, that are considered to be chiefly valuable for the production of forest crops, or on which it is considered that a forest cover should be maintained in order to protect watershed or other values. A formal inspection and land classification action is not required before applying the provisions of this Part 141 to the management of any particular tract of land.

2. Section 141.6 is amended to read as follows:

§ 141.6 Indian operations.

Subject to approval by the Secretary, the following actions may be taken:

(a) Indian tribal logging or sawmill enterprises may be initiated and organized with the consent of the authorized tribal representatives.

(b) Such enterprises which do not operate under the provisions of Part 142 of this chapter shall enter into formal agreements with tribal representatives for the use of tribal timber, and with the individual Indian owners for allotted timber.

(c) Such enterprises may contract for the purchase of Indian-owned timber with the consent of the tribal representatives or the individual owners at stumpage rates established by the Secretary.

(d) Such enterprises may negotiate for the purchase of non-Indian owned timber.

(e) Performance bonds need not be required in connection with the use of timber by such enterprises.

(f) Payment for tribal timber cut by such enterprises may be authorized by methods other than those in § 141.15.

(g) Authorized officers of tribal enterprises, operating under approved agreements for the use of tribal or allotted timber pursuant to this section, may sell the forest products produced in accordance with generally accepted trade practices without compliance with section 3709 of the Revised Statutes.

3. The introductory paragraph of § 141.8 is amended to read as follows:

§ 141.8 Advertisement of sales.

Except as provided in §§ 141.6, 141.9, and 141.19, sales of timber shall be made only after advertising.

4. Section 141.14 is amended to read as follows;

§ 141.14 Bonds required.

Performance bonds will be required in connection with all sales of Indian timber, except they may or may not be required, as determined by the approving officer, in connection with the use of timber by tribal enterprises pursuant to § 141.6, or in timber cutting permits issued pursuant to § 141.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed $10,000 the bond shall be approximately 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds $10,000 but is not over $100,000, the bond shall be approximately 15 percent of the estimated stumpage value but not less than $2,000; in sales in which the estimated stumpage value exceeds $100,000 but is not over $250,000, the bond shall be approximately 10 percent of the estimated stumpage value but not less than $15,000; and in sales in which the estimated stumpage value exceeds $250,000, the bond shall be approximately 5 percent of the estimated stumpage value but not less than $25,000. Bonds may be in the form of a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government bonds supported by appropriate power of attorney and performance bond.

5. Section 141.15 is amended to read as follows:

§ 141.15 Payments for timber.

The basis of volume determination for timber sold shall be the Scribner Decimal C, International ¼ inch, or International Decimal ¼ inch log rules, cubic volume, weight, or such other form of measurement as the Secretary shall designate for each sale. Payment for timber will be required in advance of cutting pursuant to § 141.16, except for Indian enterprises pursuant to § 141.6. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided,* That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately 3 months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust allotted timber, pursuant to § 141.16, shall not operate to reduce the size of advance deposits required by this section, but may postpone the necessity of requiring such deposits until the advance payments on the particular allotments being cut have been exhausted.

6. Part 143 of Title 25, Code of Federal Regulations, is revoked.

[F.R. Doc. 62-12895; Filed, Dec. 28, 1962; 8:51 a.m.]

PART 142—SALE OF LUMBER AND OTHER FOREST PRODUCTS PRODUCED BY INDIAN ENTERPRISES FROM THE FORESTS ON INDIAN RESERVATIONS

On pages 9148-9149 of the FEDERAL REGISTER of September 14, 1962, there was published a notice of and text of proposed amendment of Part 142 of Title 25, Code of Federal Regulations. The purpose of the amendment is to provide opportunities for organized tribal forest enterprises to conduct sales of lumber and other forest products. Bureau guidance is needed for small-scale operations where the enterprise organization has limited experience in conducting such sales; or where no formal agreement has been entered into between the enterprise and the tribal representatives or individual Indians for the purchase of tribal or allotted stumpage.

Part 142 is recodified to incorporate numerous editorial corrections in addition to the substantive changes, above.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendment. The only suggestion received was accepted, resulting in a change in § 142.12 consisting of changing "60 days" to "90 days" to conform with general trade practices. With this change the proposed amendment is hereby adopted and is set forth below. 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.

DECEMBER 26, 1962.

Sec.
142.1 Definitions.
142.2 Purpose of regulations.
142.3 Applicability of regulations.
142.4 Sale in open market.
142.5 Advertisement in trade journals and newspapers.
142.6 Advertising, general.
142.7 Proposals for purchase.
142.8 Proposals to Government departments.
142.9 Cash sales.
142.10 Payments, discounts, and credit sales.
142.11 Commission sales agents.
142.12 Deposits.

AUTHORITY: §§ 142.1 to 142.12 issued under R.S. 161, 54 Stat. 504, as amended; 5 U.S.C. 22, 41 U.S.C. 6b.

§ 142.1 Definitions.

As used in this part:

(a) "Secretary" means Secretary of the Interior or his authorized representative.

(b) "Forest products" means lumber, lath, shingles, crating, ties, bolts, logs, bark, pulpwood, or other marketable materials obtained from forests and authorized for removal by the Indian enterprises.

§ 142.2 Purpose of regulations.

The regulations in this Part 142 prescribe the terms and conditions under which forest products produced by Indian tribal enterprises from the forests

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