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TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter I—Security of Waterfront Facilities [CGFR 58-52]

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

COAST GUARD PORT SECURITY CARDS

The United States Coast Guard is authorized to issue Coast Guard Port Security Cards (Form CG-2514) as one means of identification of persons regularly employed on vessels or waterfront facilities or persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities.

There are presently outstanding Coast Guard Port Security Cards originally issued to holders on applications made during the years since 1951. In many instances the application information furnished by the holders of such cards is outdated. Furthermore, outstanding Coast Guard Port Security Cards bear various expiration dates which have been extended from time to time by notices published in the FEDERAL REGISTER. A new regulation designated 33 CFR 125.12 is added to the regulations by this document in order to provide the Coast Guard with current information concerning the holders of Coast Guard Port Security Cards and to establish a uniform period of validity of eight years from the date of issuance. A person who applies for a new Coast Guard Port Security Card must surrender the old or expired Coast Guard Port Security Card at the time he receives his new one or in event the old Coast Guard Port Security Card was lost, stolen, or destroyed the applicant must comply with the provisions in 33 CFR 125.51, regarding the replacement of a lost Coast Guard Port Security Card.

The Coast Guard Document CGFR 57-3, entitled "Coast Guard Port Security Cards," dated January 22, 1957, and

published in the FEDERAL REGISTER January 29, 1957 (22 F. R. 581), which specified the period of validity of a Coast Guard Port Security Card, is canceled and is superseded by the regulations in this document.

Since the security interests of the United States call for the application of the provisions in Executive Order 10173, as amended, and because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Orders 10277 and 10352, the following regulation designated § 125.12 is prescribed and shall become effective on and after January 1, 1959:

§ 125.12 *Period of validity of Coast Guard Port Security Cards.* (a) The Coast Guard Port Security Card (Form CG-2514) shall be valid for a period of eight years from the date of issuance thereof unless sooner suspended or revoked by proper authority. On the first day after eight years from the date of issuance, the Coast Guard Port Security Card (Form CG-2514) is hereby declared invalid and shall be considered null and void for all purposes.

(b) The holder of a Coast Guard Port Security Card, which is about to expire or has expired, may apply for a new Coast Guard Port Security Card in accordance with the procedures set forth in § 125.21. In the event the applicant's Coast Guard Port Security Card has expired, such card shall accompany the application for a new Coast Guard Port Security Card. In the event the applicant is holding a valid Coast Guard Port Security Card at the time he submits his application for a new card, such person shall surrender the old or expired Coast Guard Port Security Card at the time he is issued a new Coast Guard Port Security Card.

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as the basis for the allowance of drawback on the exported articles;

c. Subparagraph (2) is amended by inserting "in the manufacture or production of articles" after the word "used".

d. Subparagraph (3) is amended to read:

(3) That the exported articles on which drawback is claimed were manufactured or produced either with the use of (i) the designated merchandise, (ii) other merchandise of the same kind and quality as the designated merchandise, or (iii) any combination of the foregoing;

e. Subparagraph (6) is amended by substituting "merchandise" for "sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or printing papers, coated or uncoated, or domestic products of any of the foregoing".

3. Section 22.5 (b) and (d) are amended by substituting "merchandise" for "sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or printing papers, coated or uncoated, or domestic products of any of the foregoing".

4. Section 22.5 (c) is amended by substituting "merchandise" for "sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or printing papers, coated or uncoated," and by deleting "with the use of such merchandise".

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 10, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10433; Filed, Dec. 17, 1958;
8:48 a. m.]

TITLE 25—INDIANS

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

PART 171—LEASING OF TRIBAL LANDS FOR MINING

PART 172—LEASING OF ALLOTTED LANDS FOR MINING

PART 173—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONTANA, FOR MINING

PART 174—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

PART 183—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

PART 184—LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION WY- OMING, FOR OIL AND GAS MINING

OVERRIDING ROYALTIES ON OIL AND GAS LEASES

On pages 3132 and 3133 of the FEDERAL REGISTER of May 10, 1958, there was published a notice of intention to add new paragraphs to Parts 171, 172, 173, 174, 183, and 184 of 25 CFR. The purpose

of these additions is to permit the payment of overriding royalties on oil and gas leases on Indian tribal and allotted lands. Interested persons were given an opportunity to submit their views, data, or arguments in writing on the proposed additions to the regulations to the Commissioner, Bureau of Indian Affairs, within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Several objections were made to that part of the proposed additions that provided that agreements creating overriding royalties or payments out of production would require the approval of the Secretary of the Interior. The objections have been thoroughly considered since the expiration of the 30-day period. As a result of such consideration, the additions as proposed have been modified to eliminate the requirement for approval by the Secretary of the Interior of agreements creating overriding royalties or payments out of production. In addition, the proposed additions have been enlarged to specifically state that assignments of leases or other instruments that have heretofore required the approval of the Secretary of the Interior would continue to require such approval.

The proposed additions to the regulations, as modified, are hereby adopted as set forth below. These additions are effective upon publication in the FEDERAL REGISTER.

1. Section 171.26 is amended to change the caption and to add a new paragraph identified as (d), as follows:

§ 171.26 *Assignments and overriding royalties.* * * *

(d) Agreements creating overriding royalties or payments out of production on oil and gas leases shall not be considered as interests in the leases as such term is used in this section. Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Department of the Interior or any agency thereof shall not be required with respect thereto, but such agreements shall be subject to the condition that nothing in any such agreement shall be construed as modifying any of the obligations of the lessee, including, but not limited to, obligations for diligent development and operation, protection against drainage, compliance with oil and gas operating regulations (30 CFR Part 221), and the requirement for departmental approval before abandonment of any well. All such obligations are to remain in full force and effect, the same as if free of any such royalties or payments. The existence of agreements creating overriding royalties or payments out of production, whether or not actually paid, shall not be considered as justification for the approval of abandonment of any well. Nothing in this paragraph revokes the requirement for approval of assignments and other instruments which is required in this section, but any overriding royalties or payments out of production created by the terms of such assignments or instruments shall be subject to the condition stated above. Agreements creating overriding royalties

or payments out of production need not be filed with the Superintendent unless incorporated in assignments or instruments required to be filed pursuant to this section.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

2. Section 172.22 is amended to change the caption and to add a new paragraph identified as (d), as follows:

§ 172.22 *Assignments and overriding royalties.* * * *

(d) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

(35 Stat. 783, as amended; 25 U. S. C. 396)

3. Section 173.21 is amended to change the caption and to add a new paragraph identified as (d), as follows:

§ 173.21 *Assignments and overriding royalties.* * * *

(d) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

(Sec. 6, 41 Stat. 753, sec. 6, 44 Stat. 659)

4. Section 174.38 is amended to change the caption, to designate the existing text as paragraph (a), and to add a new paragraph identified as (b), as follows:

§ 174.38 *Assignments and overriding royalties.* * * *

(b) An agreement creating overriding royalties or payments out of production on oil and gas leases under this part shall be subject to the provisions of § 171.26 (d) of this subchapter, or as hereafter amended.

(Sec. 2, 35 Stat. 312, sec. 18, 41 Stat. 426, sec. 1, 45 Stat. 495, sec. 1, 47 Stat. 777; 25 U. S. C. 356)

5. Section 183.46 is amended by the addition of a new paragraph, reading as follows:

§ 183.46 *Approval of lease instruments.* * * *

(d) *Overriding royalties.* Agreements creating overriding royalties or payments out of production shall not be considered as interests in the leases as such term is used in paragraph (c) of this section. Agreements creating overriding royalties or payments out of production are hereby authorized and the approval of the Department of the Interior or any agency thereof shall not be required with respect thereto, but such agreements shall be subject to the condition that nothing in any such agreement shall be construed as modifying any of the obligations of the lessee, including, but not limited to, obligations for diligent development and operation, protection against drainage, compliance with oil and gas operating regulations in this part, and the requirement for departmental approval before abandonment of any well. All such obligations are to remain in full force and effect, the same as if free of any such royalties or payments. The existence of

agreements creating overriding royalties or payments out of production, whether or not actually paid, shall not be considered as justification for the approval of abandonment of any well. Nothing in this paragraph revokes the requirement for approval of assignments and other instruments which is required in this section, but any overriding royalties or payments out of production created by the terms of such assignments or instruments shall be subject to the condition stated above. Agreements creating overriding royalties or payments out of production need not be filed with the Superintendent unless incorporated in assignments or instruments required to be filed pursuant to paragraph (c) of this section.

(Sec. 3, 34 Stat. 543)

6. Section 184.26 is amended to change the caption, to designate the existing text as paragraph (a), and to add a new paragraph identified as (b), as follows:

§ 184.26 *Assignments and overriding royalties.* * * *

(b) An agreement creating overriding royalties or payments out of production under this part shall be subject to the provisions of § 171.26 (d) of this chapter, or as hereafter amended.

(Sec. 1, 39 Stat. 519)

ROSS LEFFLER,
Acting Secretary of the Interior.

DECEMBER 12, 1958.

[F. R. Doc. 58-10418; Filed, Dec. 17, 1958; 8:45 a. m.]

TITLE 50—WILDLIFE

**Chapter I—Fish and Wildlife Service,
Department of the Interior**

Subchapter K—Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products

PART 174—UNITED STATES STANDARDS FOR GRADES OF FROZEN HADDOCK FILLETS¹

On November 8, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F. R. 8732) whereby notice was given of the intention of the Director of the Bureau of Commercial Fisheries to recommend to the Secretary of the Interior, the adoption of United States Standards for Grades of Frozen Haddock Fillets, set forth therein in tentative form, to be codified as Title 50, Code of Federal Regulations, Part 174. Interested persons were given until November 20, 1958, to submit views or comments concerning the proposal.

After consideration of all relevant matters presented, minor modifications in the text of the Standards for Grades of Frozen Haddock Fillets have been made in the interest of clarity. As so modified the standards set forth below, constituting a new Part 174, Title 50, are adopted pursuant to the authority contained in Title II, section 205, of the Agricultural Marketing Act of 1946, as

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

amended (7 U. S. C. 1624) and shall become effective March 1, 1959.

Dated: December 12, 1958.

ROSS LEFFLER,
Acting Secretary of the Interior.

PRODUCT DESCRIPTION AND GRADES

- Sec. 174.1 Product description.
- 174.2 Grades of frozen haddock fillets.

WEIGHTS AND DIMENSIONS

- 174.6 Recommended weights and dimensions.

FACTORS OF QUALITY

- 174.11 Ascertaining the grade.
- 174.12 Evaluation of the unscored factor of flavor and odor.
- 174.13 Ascertaining the rating for the factors which are scored; appearance, size, defects, and character.
- 174.14 Appearance.
- 174.15 Size.
- 174.16 Defects.
- 174.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

- 174.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

- 174.25 Tolerances for certification of officially drawn samples.

SCORE SHEET

- 174.31 Score sheet for frozen haddock fillets.

AUTHORITY: §§ 174.1 to 174.31 issued under sec. 205, 60 Stat. 1090, as amended, sec. 6, 70 Stat. 1122; 7 U. S. C. 1624, 16 U. S. C. 742e. Interpret or apply Bur. Budg. Order Mar. 22, 1958, 23 F. R. 2304.

PRODUCT DESCRIPTION AND GRADES

§ 174.1 *Product description.* The product described in this part consists of clean, whole, wholesome fillets or primarily large pieces of clean, whole, wholesome fillets, cut away from either side of haddock, *Melanogrammus aeglefinus*; the fillets may be either skinless or with skin on. They are packaged and frozen in accordance with good commercial practice and are maintained at temperatures necessary for the preservation of the product. (This part does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

§ 174.2 *Grades of frozen haddock fillets.* (a) "U. S. Grade A" is the quality of frozen haddock fillets that possess a good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in this part have a total score of 85 to 100 points.

(b) "U. S. Grade B" is the quality of frozen haddock fillets that possess at least a reasonably good flavor and odor; and for those factors which are rated in accordance with the scoring system outlined in this part have a total score of not less than 70 points: *Provided*, That no factor receives maximum point score deduction.

(c) "Substandard" is the quality of frozen haddock fillets that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 174.6 *Recommended weights and dimensions.* (a) The recommendations as to net weights and dimensions of packaged frozen haddock fillets are not in-

corporated in the grades of the finished product since net weights and dimensions, as such, are not factors of quality for the purpose of these grades.

(b) It is recommended that the net weights of the packaged frozen haddock fillets be not less than 12 ounces and not over 10 pounds.

FACTORS OF QUALITY

§ 174.11 *Ascertaining the grade.* The grade of frozen haddock fillets is ascertained by observing the product in the frozen and thawed states and after representative sample units have been cooked in a suitable manner. The following factors are evaluated in ascertaining the grade of the product: Flavor, odor, appearance, size, defects, and character.

(a) These factors are rated in the following manner:

(1) *Flavor and odor.* These factors are rated by organoleptic examination. Score points are not assessed (see § 174.12).

(2) *Appearance, size, defects, and character.* These factors are rated by score points expressed numerically on the scale of 100.

(b) The four factors and the maximum number of points that may be given each are as follows:

Factors:	Points
Appearance	25
Size	20
Defects	40
Character	15
Total score..... 100	

§ 174.12 *Evaluation of the unscored factor of flavor and odor—(a) Good flavor and odor.* "Good flavor and odor" (essential requirement for a Grade A product) means that the fish flesh has good flavor and odor characteristic of haddock (*Melanogrammus aeglefinus*); and is free from staleness, and off-flavors and off-odors of any kind.

(b) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" (minimum requirement of a Grade B product) means that the fish flesh may be somewhat lacking in good flavor and odor; and is free from objectionable off-flavors and off-odors of any kind.

§ 174.13 *Ascertaining the rating for the factors which are scored; appearance, size, defects, and character.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. Point deductions are allotted for each degree or amount of variation within each factor. The value for each factor is the maximum points allotted for the factor less the sum of the deduction-points within the factor.

§ 174.14 *Appearance.* (a) *General:* The factor of appearance refers to the color of the fish flesh, and to the degree of surface dehydration of the product.

(b) For the purpose of rating the factor of appearance the schedule of deduction-points in Tables I and II apply. Haddock fillets which receive 25 deduction-points for this factor shall not be graded above Substandard regardless of