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Title 3—THE PRESIDENT

Order of November 24, 1959

TO HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES AND INDEPENDENT ESTABLISHMENTS AUTHORIZING THAT FEDERAL EMPLOYEES IN THE STATE OF HAWAII BE EXCUSED FROM DUTY ON FRIDAY, NOVEMBER 27, 1959

Employees of the several executive departments, independent establishments, and other governmental agencies in Hawaii, including the General Accounting Office, the Government Printing Office, and the field services of the respective departments, establishments, and agencies of the Federal Government in the State of Hawaii, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty all day Friday, November 27, 1959, the day which has been designated by the Governor for the celebration of the admission of the State of Hawaii into the Union; and such period shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

This order shall not be construed as excusing from duty those employees of the Department of State, the Department of Defense, or other departments, establishments, or agencies who for national security or other public reasons should, in the judgment of the respective heads thereof, be at their posts of duty.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
November 24, 1959.

[F.R. Doc. 59-10055; Filed, Nov. 25, 1959; 10:54 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Notice of a proposed amendment to the regulations governing the grading and inspection of egg products (7 CFR Part 55) was published in the FEDERAL REGISTER on October 1, 1959 (24 F.R. 7899). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The amendment changes the basis of charging for appeal inspections, prohibits the reuse of egg products containers which bear official identification unless the marks are obliterated; and a clarification amendment to the provisions relating to laboratory tests which are made when frozen egg products other than those produced in official plants are inspected. The amendment hereinafter set forth is essentially the same as was published in the aforesaid notice except that modification has been made with respect to the basis for charges for appeal gradings.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective thirty (30) days after publication in the FEDERAL REGISTER.

The amendment is as follows:

1. Add a new § 55.32 to read:

§ 55.32 Report of violations.

Each grader, inspector, and sampler shall report, in the manner prescribed by the Administrator, all violations and noncompliance under the Act and this

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A Federal Aviation Agency peak-day survey for calendar year 1958, showed 12 aircraft movements between Fort Mill and the Fayetteville area. The Federal Aviation Agency is of the opinion that this amount of traffic does not warrant the designation of a new airway when a segment of an adjacent airway may be used without any undue restrictions; in this case Victor 194. Should future surveys show an increase in traffic over the segment in question, a modification of Victor 54 will be considered.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted; and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 600.6054 and 601.6054 (14 CFR 1958 Supp., 600.6054, 601.6054) are amended as follows:

1. Section 600.6054 *VOR Federal airway No. 54 (Quitman, Tex., to Charlotte, N.C.)*:

a. In the caption delete "*(Quitman, Tex., to Charlotte, N.C.)*," and substitute therefor "*(Quitman, Tex., to Pinehurst, N.C.)*."

b. In the text delete "to the Charlotte, N.C., omnirange station." and substitute therefor "Fort Mill, S.C., VOR; via the INT of the Fort Mill 069° and the Pinehurst 281° radials to the Pinehurst, N.C., VOR."

2. Section 601.6054 *VOR Federal airway No. 54 control areas (Quitman, Tex., to Charlotte, N.C.)*: In the caption delete "*(Quitman, Tex., to Charlotte, N.C.)*." and substitute therefor "*(Quitman, Tex., to Pinehurst, N.C.)*."

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 19, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-9982; Filed, Nov. 25, 1959; 8:45 a.m.]

[Airspace Docket No. 59-WA-395]

[Amdt. 128]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of a Control Area Extension

The purpose of this amendment to § 601.1272 of the regulations of the Administrator is to modify the description of the Baltimore, Md., control area extension.

In Airspace Docket No. 59-WA-34, effective concurrently with this action, the southern boundary of the Aberdeen, Md., Restricted Area (R-54) is modified to coincide with the northern edge of VOR Federal airway No. 44. The modification of R-54 revokes the portion of the restricted area which conflicted with the Baltimore control area extension. Therefore, all reference to the Aberdeen Restricted Area (R-54), as well as the reference to the Edgewood Arsenal Restricted Area (R-82) which is no longer in existence, is being deleted from the description of the Baltimore control area extension.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1272 (14 CFR 1958 Supp., 601.1272) is amended to read:

§ 601.1272 Control area extension (Baltimore, Md.).

The airspace within a 15-mile radius of the Baltimore VOR. The portion of this control area extension which lies within the Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor (R-542) shall be used only after obtaining prior approval from the controlling agency.

This amendment shall become effective 0001 e.s.t. January 14, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on November 19, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-9983; Filed, Nov. 25, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBSTANCES THAT ARE GENERALLY RECOGNIZED AS SAFE

Correction

In F.R. Doc. 59-9820, appearing at page 9368 of the issue for Friday, November 20, 1959, under the heading "Nutrients" in § 121.101, the word "Tocopherols" should be listed in its proper alphabetical order.

Title 25—INDIANS

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

SUBCHAPTER P—MINING

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 176—LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Suspension of Operations and Production on Mining Leases of Indian Trust Land Other Than Oil and Gas

On page 4215 of the FEDERAL REGISTER of May 26, 1959, there was published a notice of proposed rule making to add new sections to the subject parts. The purpose of the additions is to expedite action in authorizing suspension of operations and production on mining leases of Indian trust land other than oil and gas.

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of notice in the FEDERAL REGISTER. No objections were received to the purpose of the amendments. Several suggestions were submitted all of which point out that the proposed regulations should provide that the shutdown permits be conditioned upon obtaining the prior consent of the Indian lessors. It was also suggested that provision be made for holding hearings upon the request of either the Indian lessor or the lessee. The suggestions have been thoroughly considered since the expiration of the 30-day period. As the result of such suggestions the new §§ 171.14a relating to the general tribal mining leases and 173.16a relating to special Crow tribal mining leases have been modified to require the consent of the tribal lessor to the granting of shutdown permits. This necessitated changing the cross reference in § 173.16a from "172.15a" to "171.14a."

The proposed amendments are hereby adopted as so changed, and are set forth below. The amendments are effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 19, 1959.

1. A new § 171.14a is added, to read as follows:

§ 171.14a Suspension of operations and production on leases for minerals other than oil and gas.

The Secretary of the Interior or his authorized representative, after obtain-

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ing the consent of the tribe, may authorize suspension of operating and producing requirements on mining leases for minerals other than oil and gas whenever during the primary term of the leases, it is considered that marketing facilities are inadequate or economic conditions unsatisfactory. Applications by lessees for relief from all operating and producing requirements on such mineral leases shall be filed in triplicate, in the office of the Regional Mining Supervisor of the Geological Survey and a copy thereof filed with the Superintendent. Complete information must be furnished showing the necessity for such relief. Suspension of operations and production shall not relieve the lessee from the obligations of continued payment of the annual rental or the minimum royalty.

2. A new § 172.15a is added to read as follows:

§ 172.15a Suspension of operations and production on leases for minerals other than oil and gas.

The Secretary of the Interior or his authorized representative may authorize suspension of operating and producing requirements on mining leases for minerals other than oil and gas whenever it is considered that marketing facilities are inadequate or economic conditions unsatisfactory. Applications by lessees for relief from all operating and producing requirements on such mineral leases shall be filed in triplicate in the office of the Regional Mining Supervisor of the Geological Survey and a copy thereof filed with the Superintendent. Complete information must be furnished showing the necessity for such relief. Suspension of operations and production shall not relieve the lessee from the obligations of continued payment of the annual rental or the minimum royalty.

3. A new § 173.16a is added to read as follows:

§ 173.16a Suspension of operations and production on leases for minerals other than oil and gas.

The provisions of § 171.14a of this subchapter are applicable to leases under this part.

4. A new § 176.23a is added to read as follows:

§ 176.23a Suspension of operations and production on leases for minerals other than oil and gas.

The provisions of § 172.15a of this subchapter are applicable to leases under this part.

[F.R. Doc. 59-9989; Filed, Nov. 25, 1959; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 778—OVERTIME COMPENSATION

Profit-Sharing, Thrift and Savings Plans

Subsection 7(d) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U.S.C. 207) sets out certain payments to employees which are not to be included in their "regular rate" of wage payments for purposes of overtime compensation under section 7 of that act. Among payments of this type enumerated, are "bona fide thrift or savings plans". Paragraph (f) of § 778.6 in this part discusses thrift and savings plans with respect to overtime compensation, but it does not refer to Part 547 of this chapter which sets forth the requirements of a "bona fide thrift or savings plan". Therefore the purpose of this amendment is to provide such a cross reference.

Accordingly, pursuant to section 3(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002), and under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201–219), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165) and General Order No. 45-A (15 F.R. 3290), 29 CFR Part 778 is hereby amended as follows:

1. Paragraph (f) of § 778.6 is hereby amended to read as follows:

(f) *Profit-sharing, thrift, and savings plans.* Section 7(d)(3)(b) provides that the term "regular rate" shall not be deemed to include:

> Sums paid in recognition of services performed during a given period if * * * the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the Administrator set forth in appropriate regulations * * *.

Such sums may not, however, be credited toward overtime compensation due under the act. The Administrator has issued regulations under this section which are Parts 547 and 549 of this chapter. Payments made pursuant to plans which meet the requirements of the regulations in Parts 547 and 549 of this chapter will be properly excluded from the regular rate.

(52 Stat. 1060, as amended; 29 U.S.C. 201–219)

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of November 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-10000; Filed; Nov. 25, 1959; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 14—DEPARTMENTAL PROCEEDINGS

Petition Respecting a Rule

On page 7406 of the FEDERAL REGISTER of September 15, 1959, there was published a notice of proposed rule making to accord any interested person the right to petition for the issuance, amendment, or repeal of a rule as provided by the Administrative Procedure Act. Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations. None were submitted within the 30-day period and the proposed regulation is hereby adopted without change and is set forth below. This regulation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(Sec. 4, 60 Stat. 238; 5 U.S.C. 1033(d))

FRED A. SEATON,
Secretary of the Interior.

NOVEMBER 19, 1959.

Part 14, reading as follows, is added to 43 CFR, Subtitle A:

§ 14.1 Petition respecting a rule.

Any interested person may petition in accordance with the provisions of subsection (d) of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(d)) for the issuance, amendment, or repeal of a rule. The petition shall be addressed to the Secretary of the Interior, Washington 25, D.C. It shall identify the rule for which modification or repeal is requested, or shall provide the text of a proposed rule or amendment, and shall set forth reasons in support of the petition. The petition will be given prompt consideration and the petitioner will be notified promptly of action taken.

[F.R. Doc. 59-9995; Filed, Nov. 25, 1959; 8:46 a.m.]

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