

rules of this Treasury decision respecting release of excess tax withheld, and exemption from, or reduction in the rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL]

CHARLES I. FOX,
Acting Commissioner
of Internal Revenue.

Approved: December 9, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-10584; Filed, Dec. 14, 1959;
8:54 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORT

PART 415—LABOR ORGANIZATION ANNUAL FINANCIAL REPORT—FISCAL YEAR ENDING PRIOR TO DECEMBER 16, 1959

Correction and Redesignation

In Federal Register Document 59-10446 appearing in the issue for Wednesday, December 9, 1959, at page 9931, make the following editorial correction:

In the second paragraph of the prefatory statement, on page 9931, and in the first paragraph of § 403.1, the date "December 31, 1959" shall be changed to "December 16, 1959."

Chapter IV, Title 29, Code of Federal Regulations, is hereby amended by redesignating Part 403 thereof, pursuant to the authority therein cited, as Part 415 and by amending the title thereof to read "Labor Organization Annual Financial Report—Fiscal Years Ending Prior to December 16, 1959," and by redesignating the sections in such part from §§ 403.1 to 403.7, both inclusive, to §§ 415.1 to 415.7, both inclusive, and by effecting a similar redesignation in the reference to sections of the part under the title "Authority."

Since this amendment only effects an editorial change and does not amend the substance of the aforesaid regulation, public participation and delayed effective date are not required for its promulgation by the Administrative Procedure Act, and it shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of December 1959.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 59-10578; Filed, Dec. 14, 1959;
8:52 a.m.]

No. 243—2

Chapter V—Wage and Hour Division, Department of Labor

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN VIRGIN ISLANDS

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 522 (24 F.R. 8447), as amended by Administrative Order No. 527 (24 F.R. 9207), appointed and convened Special Industry Committee No. 6 for the Virgin Islands and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the Virgin Islands who are engaged in commerce or in the production of goods for commerce. There was not referred to the committee the wage rate fixed for the air transportation industry (23 F.R. 2375) which had reached the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR Part 694, except §§ 694.1(g) and 694.2(g) thereof, effective December 30, 1959, to read as follows:

Sec.

694.1 Definition of industries in the Virgin Islands.

694.2 Wage rates.

694.3 Notices.

AUTHORITY: §§ 694.1 to 694.3 Issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 694.1 Definition of the industries in the Virgin Islands.

The industries in the Virgin Islands to which this part shall apply are hereby defined as follows:

(a) *Alcoholic beverages and industrial alcohol industry.* This industry shall include the manufacture of alcoholic beverages, including, but not by way of limitation, the distilling, rectifying, blending, or bottling of rum, gin, whisky, brandy, liqueurs, cordials, wine, and beer, and the manufacture of industrial and other types of alcohol.

(b) *Banking, real estate, accounting, and insurance industry.* This industry shall include the business carried on by any banking, insurance, financial, real

estate, or accounting firm, institution, agency, or enterprise.

(c) *Bay rum and other toilet preparations industry.* This industry shall include the manufacture, including bottling and packaging, of bay oil, bay rum, perfumes, colognes, toilet waters, and other toilet preparations.

(d) *Fruit and vegetable packing, farm products assembling, and meat packing industry.* This industry shall include:

(1) The assembling and preparing for market of fresh fruits, vegetables, and other related products; and

(2) The slaughtering of meat animals and the dressing and packing of meat, and all operations incidental thereto.

(e) *Jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry.* This industry shall include the manufacture of precious and costume jewelry, watchbands, cigarette lighters, scissors, fishing rods and reels, binoculars, ball point pens, thermometers, metal floor dividers, industrial belting, and parts therefor.

(f) *Shipping, marine transportation, and ship and boat building industry.* This industry shall include:

(1) The transportation of passengers and cargo by water, and all activities in connection therewith, including, but without limitation, the operation of terminals, piers, wharves, and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operations of tourist bureaus, and travel and ticket agencies; and

(2) The building, repairing, and maintenance of ships and boats, and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

(g) *Air transportation industry.* This industry shall include the transportation of passengers and cargo by air, and all activities in connection therewith.¹

(h) *Wholesale distribution, trucking, construction, communications and public utilities industry.* This industry shall include:

(1) The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the activities of importers, exporters, wholesalers, public warehouses, and brokers and agents (except realty and financial), including manufacturers' selling agencies;

(2) The activities carried on by any common or contract carrier engaged in the transportation of property by motor vehicle;

(3) The designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, including, but without limitation, factories, highways, bridges, sewers and water mains, irrigation canals and pipe lines, harbors, and airfields; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wreck-

¹ This classification was established by wage order effective April 26, 1958 (23 F.R. 2375).

ing or other demolition of such improvements and facilities:

(4) The activities carried on by any radio or television system of communication or by any messenger service; and

(5) The activities carried on by any public utility enterprise engaged in the furnishing of such services as the transmission of messages, the operation of a telephone system, the generation or distribution of electric power, the manufacture or distribution of gas, the storage or distribution of water, or any similar service.

(i) *Miscellaneous industries.* These industries shall include the manufacture of all products and all other activities except those included in the definitions of the alcoholic beverages and industrial alcohol industry, the banking, real estate, accounting, and insurance industry, the bay rum and other toilet preparations industry, the fruit and vegetable packing, farm products assembling, and meat packing industry, the jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry, the shipping, marine transportation, and ship and boat building industry, the air transportation industry and the wholesale distribution, trucking, construction, communications, and public utilities industry as defined herein.

§ 694.2 Wage rates.

(a) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in alcoholic beverages and industrial alcohol industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the banking, real estate, accounting, and insurance industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the bay rum and other toilet preparations industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 45 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fruit and vegetable packing, farm products assembling, and meat packing industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(f) Wages at a rate of not less than \$1.00 an hour shall be paid under section

6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shipping, marine transportation, and ship and boat building industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(g) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the air transportation industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.*

(h) Wages at a rate of not less than 77 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wholesale distribution, trucking, construction, communications and public utilities industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(i) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous industries in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

§ 694.3 Notices.

Every employer subject to the provisions of § 694.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 694.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 8th day of December 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-10581; Filed, Dec. 14, 1959;
8:53 a.m.]

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Correction

In Federal Register Document 59-10084, appearing in the issue for Tuesday, December 1, 1959, at page 9585, make the following change:

In the paragraph entitled "Authority", on page 9585, the reference in the first line to section "699.2" shall be changed to "699.3".

Signed at Washington, D.C., this 7th day of December 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-10567; Filed, Dec. 14, 1959;
8:49 a.m.]

* This wage rate was established by wage order effective April 26, 1958 (23 F.R. 2375).

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Eligibility for and Disposition of the United States Flag for Burial Purposes

In § 1.10, paragraphs (a)(1)(v) and (b)(1) are amended to read as follows:

§ 1.10 Eligibility for and disposition of the United States Flag for burial purposes.

(a) *Eligibility for burial flags*—(1) *Persons eligible.* * * *

(v) Any person who served in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who dies after separation from such service under conditions other than dishonorable, on or after April 25, 1951 (38 U.S.C. 107(a)).

(b) *Disposition of burial flags.* (1) When a flag is actually used to drape the casket of a deceased veteran, it must be delivered to the next of kin following interment. Where the flag is not claimed by the next of kin it may be given upon request to a close friend or associate of the deceased veteran. Such action will constitute final and conclusive determination of rights under this section. (38 U.S.C. 901).

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective December 15, 1959.

[SEAL]

BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 59-10588; Filed, Dec. 14, 1959;
8:54 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

Final Decision Determining Prevailing Minimum Wages in Evaporated Milk Industry

This matter is before me for decision on exceptions which have been filed to the tentative decision (24 F.R. 2401) determining prevailing minimum wages in the evaporated milk industry under the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35-45).

Exceptions have been filed by the Evaporated Milk Association, Carnation

Company, Defiance Milk Products Company, the United Dairy Company, American Stores Dairy Co., Gehl Guernsey Farms Inc., The Page Milk Company, and the Westerville Creamery Co. They are directed at (a) the area for which the minimum wage is determined, (b) the minimum wage which is found to be prevailing, and (c) the tolerance permitted for probationary workers, by the tentative decision. Many of these exceptions and supporting arguments were advanced prior to, and are considered and rejected in the tentative decision. I remain unpersuaded by them, and my reasons are those expressed in the tentative decision.

The association contends that only "awards" of Government contracts, as distinguished from "bids", should be considered in deciding the locality or localities for which determination should be made. It objects to the fact that the pertinent evidence does not compare the value of each award, and argues for a different conclusion on this issue based on its Exhibit N, first submitted after the hearing and record were closed.

Exhibit N cannot be considered, because, to do so, would deprive other parties to the hearing of their rights to cross-examine and submit rebuttal evidence concerning it, as provided in section 7(c) of the Administrative Procedure Act governing these proceedings. The evidence supporting the tentative decision that there is industry-wide competition for Government contracts for evaporated milk treats of the number of bids and awards for each of the several areas of origin and destination, rather than the value of each. This evidence demonstrates that at the time competitive bids are invited, the locality in which the evaporated milk will be produced cannot be determined any more narrowly than all the area in which the industry has its condenseries. Since it is the area or areas of competition which must thus be measured in deciding the area or areas to be selected for prevailing minimum wage determination, it becomes plain that the tentative decision was correct in examining the areas from which all competitive bids were received, rather than merely the successful bids. This is because the total bids on each procurement, and not awards, measure the competition for it. In sum, none of the arguments relied on by any of the exceptants warrants modification of the finding as to "locality" in the tentative decision, and it is made final.

The Association's basic arguments in support of its exception to the finding that the prevailing minimum wage in the industry is \$1.68, were all advanced prior to, and were considered and overruled by the tentative decision. Nothing is now presented requiring any change in the terms of such decision on this issue. The additional arguments now made by the other exceptants in support of that exception, even if valid, are irrelevant to the grounds upon which a determination must rest under the Act. It is argued that the determination is not only inflationary, and, therefore, contrary to the Administration's policy of combating inflation, but also that it gives

the multi-plant producers an advantage over the single plant producers in competing for government contracts. The exceptants who oppose the determination as inflationary misunderstand the Administration's policy and the Walsh-Healey Public Contracts Act. As pointed out in my recent determination under the Act in the Surgical Instruments and Apparatus Industry (23 F.R. 5875) "The President's appeal clearly is not directed to wages paid by an industry, including its prevailing minimum wages, but to future agreements between management and labor for increases in existing wages resulting in price increases to the public". There is nothing in the record to justify the exceptant's unsupported assumption that, in discharging the statutory mandate of the Act by making applicable to all who sell to the government the prevailing minimum wages already in effect in the industry as a whole, price increase to the public will result. On the contrary, it appears from these exceptants' companion argument that there will not be any price increase to the public. One producer says: "If we were to increase our rates to qualify under the proposed rate it would mean a substantial increase in our costs. This action on our part would put us in a position to continue to bid on the Army requirements, but would put us in a very unfavorable position to remain competitive in the domestic business which takes approximately 85% of our production." The clear implication is that the impact on members of the industry paying less than its prevailing minimum wage would not appear to require or permit a price rise to the public.

Several single plant producers have taken exception to the tentative decision on the ground that the proposed determination will give the multi-plant producers an advantage in competing for government contracts. They argue that if they raise their wage scale in order to qualify for government contracts, they will be at a disadvantage in competing for non-government business since, as a practical matter, they would have to make the higher scale applicable to all their workers, and not merely to those working on government contracts. The multi-plant producer, they contend, can confine its government work to one or two plants and need not conform the wage scales of its plants not engaged in government production to the higher scale in those producing for the government. Thus, the argument continues, the single plant producer must choose between (a) keeping its present scale and foregoing government business or (b) raising its present scale and foregoing non-government business, while the multi-plant producer may do both.

The record does not substantiate the assumption, implicit in that argument—that the multi-plant producers now pay less than the prevailing minimum wage determined in the tentative decision to a substantial number of their employees in most of their plants. Nor is there any substantiation in the record for the further assumption that it is more practical for multi-plant producers to confine some of their plants solely to government production than it is for single plant pro-

ducers to segregate their government production. But regardless of the relative practicalities of either, to accede to exceptants' arguments, is to frustrate the intent of Congress, in enacting the Act, "To impose obligations upon those favored with Government business and to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power and offending fair social standards of employment" (Perkins v. Lukens Steel Co., 310 U.S. 113, 128).

Another exceptant objects to the determination on the ground that "no consideration whatsoever seems to have been given to the cost of fringe benefits." No evidence was offered by any party, at the hearing or thereafter, as to the nature, extent, value or uniformity of fringe benefits in the industry. The inference is plain that no party believed that such evidence, if at all relevant in this proceeding, would in any way affect the proper conclusions to be drawn from the wage data which was introduced. The bald assertion made by the exceptant that "wide variations in fringe benefits within the industry would create inequities among companies" is not evidence that there are wide variations; nor would such evidence, standing alone, require or even indicate the inference that the variations create inequities.

In their exceptions to the tolerance provided for "probationary workers" in the tentative decision, the Association and one of the other exceptants assert that the term "probationary worker", as used in the survey questionnaire, was misunderstood and misapplied by many of the answering condenseries. They do not refer to any evidence in the record to support their assertions; nor have I been able to find any such evidence. This exception is overruled.

All remaining exceptions have been duly considered and are overruled as being without foundation in fact, law, or both.

Accordingly, pursuant to authority vested by the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35 et seq.) Title 41, Code of Federal Regulations Part 202, § 202.40 (41 CFR 202.40) is amended to read as follows:

§ 202.40 Evaporated milk industry.

(a) *Definition.* The evaporated milk industry is defined as that industry which manufactures or furnishes evaporated milk.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the evaporated milk industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than \$1.68 per hour arrived at either on a time or incentive basis.

(c) *Tolerance.* Probationary workers may be employed at wages not less than \$1.63 an hour, arrived at either on a time or incentive basis, for a period not to exceed 160 hours. A probationary worker for the purpose of this determination is a new plant employee hired at a rate lower than that established for a specific job during the period of time

required to receive orientation or initial training for that job.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) This section shall become effective and the minimum wages herein established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on and after January 15, 1960.

Signed at Washington, D.C., this 8th day of December 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-10579; Filed, Dec. 14, 1959;
8:52 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

PART 36—INDIAN HEALTH

Nonbeneficiaries; Charges for Emergency Care and Treatment at Hospitals and Indian Health Facilities of the Service

On page 8381 of the FEDERAL REGISTER of October 15, 1959, there was published a notice of proposed rule making (F.R. Doc. 59-8691) to issue amendments to the regulations governing the treatment of nonbeneficiaries at hospitals and Indian health facilities of the Service. Interested persons were given 30 days in which to submit written data, views or arguments with respect to the proposed amendments.

No data, views or arguments have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall become effective 30 days after publication in the FEDERAL REGISTER but shall not be applicable to patients admitted prior to such effective date.

Dated: November 27, 1959.

[SEAL] ARNOLD B. KURLANDER,
Acting Surgeon General.

Approved: December 8, 1959.

ARTHUR S. FLEMMING,
Secretary.

1. Section 32.111 is amended to read as follows:

§ 32.111 Conditions and extent of treatment; charges.

(a) Persons not entitled to treatment by the Service may be provided temporary care and treatment by the Service in case of emergency as an act of humanity. Such temporary care and treatment shall be limited to hospitalization at

first-class stations and to outpatient treatment at first- and second-class stations.

(b) Persons referred to in paragraph (a) of this section who, as determined by the medical officer in charge, are able to defray the cost of their care and treatment shall be charged for such care and treatment at the following rates (which shall be deemed to constitute the entire charge in each instance): In the case of hospitalization, at the current interdepartmental reimbursable per diem rate as established by the Bureau of the Budget; and, in the case of outpatient treatment, at rates established by the Surgeon General.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 321, 58 Stat. 695, as amended, sec. 322(d), 58 Stat. 696, as amended, sec. 501, 65 Stat. 290; 42 U.S.C. 248, 42 U.S.C. 249(d), 5 U.S.C. 140).

2. Part 36 is amended by adding a new § 36.14 which reads as follows:

§ 36.14 Nonbeneficiaries; emergency care and treatment; charges.

(a) In case of emergency, as an act of humanity, nonbeneficiaries of the Service may be provided temporary care and treatment in hospitals and facilities of the Service which are operated for Indian beneficiaries.

(b) Persons referred to in paragraph (a) of this section who, as determined by the medical officer in charge, are able to defray the cost of their care and treatment shall be charged for such care and treatment at the following rates (which shall be deemed to constitute the entire charge in each instance): In the case of hospitalization, at the current interdepartmental reimbursable per diem rate as established by the Bureau of the Budget; and in the case of outpatient treatment, at rates established by the Surgeon General.

(Sec. 3, 68 Stat. 674; 42 U.S.C. 2003. Interpret or apply 42 Stat. 208, sec. 1, 68 Stat. 674, sec. 322(d), 58 Stat. 696, as amended, sec. 501, 65 Stat. 290; 25 U.S.C. 13, 42 U.S.C. 2001, 42 U.S.C. 249(d), 5 U.S.C. 140)

[F.R. Doc. 59-10591; Filed, Dec. 14, 1959;
8:55 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2024]

[1703433]

CALIFORNIA

Revoking Public Land Order No. 513 of August 12, 1948 and Executive Order No. 5794 of February 5, 1932

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 513 of August 12, 1948, and Executive Order No.

5794 of February 5, 1932, which withdrew the following-described lands in California for use of the State Division of Forestry, for fire control and lookout stations, are hereby revoked:

MOUNT DIABLO MERIDIAN

Public Land Order No. 513

T. 34 N., R. 11 E.,

Sec. 9, E½NW¼NW¼ and W½NE¼NW¼.

Executive Order No. 5794

T. 30 N., R. 14 E.

Sec. 24, W½NW¼.

The areas described aggregate 120 acres.

2. The lands in section 9, T. 34 N., R. 11 E., are located about 38 miles north of Susanville, California. Topography is rolling to rough. Vegetation includes sagebrush, mountain mahogany, and cheat grass. The lands in section 24, T. 30 N., R. 14 E., are on top of Shaeffer Mountain, at an elevation of some 6,735 feet. Topography is steep and rocky, with vegetation consisting of sagebrush, cheat and bunch grass.

3. This order shall not become effective to change the status of the lands described in paragraph 1 hereof until 10:00 a.m. on January 13, 1960. At that time they shall become subject to application, petition, location, and selection under the applicable public land laws, subject to valid existing rights and the requirements of applicable law. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m., on January 13, 1960.

Inquiries concerning the lands should be addressed to the Manager Land Office, Bureau of Land Management, Sacramento, California.

FRED G. AANDAH,
Assistant Secretary of the Interior.

DECEMBER 8, 1959.

[F.R. Doc. 59-10561; Filed, Dec. 14, 1959;
8:48 a.m.]

[Public Land Order 2025]

[Idaho 010628]

IDAHO

Revoking the Departmental Order of January 9, 1909, Which Withdrew Land for Use of the Forest Service as an Administrative Site

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental order of January 9, 1909, which withdrew certain lands for use of the Forest Service as an administrative site, is hereby revoked: