

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

PROPERTY MANAGEMENT COMMITTEE

In § 200.88 paragraph (a) is amended to read as follows:

§ 200.88 Property Management Committee.

(a) *Members.* The Property Management Committee is comprised of the following members: Assistant Commissioner for Mortgages and Properties, Chairman; Assistant Commissioner for Programs, Vice Chairman; Assistant Commissioner for Field Operations; Assistant Commissioner for Technical Standards; Assistant Commissioner for Title I; and the General Counsel or his designee (as legal advisory member, ex officio).

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interprets or applies sec. 211, 52 Stat. 23, as amended, sec. 607, 55 Stat. 61, as amended, sec. 907, 65 Stat. 301, sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

Issued at Washington, D.C., December 17, 1959.

C. B. SWEET,
Acting Federal Housing
Commissioner.

[F.R. Doc. 59-10882; Filed, Dec. 22, 1959;
8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XI—Oil Import Appeals Board

RULES AND PROCEDURES

The rules and procedures published in the FEDERAL REGISTER issue of April 4, 1959, at page 2622, are completely revised to read as follows:

Sec.

1. Purpose.
2. Establishment of Board.
3. Authority of the Board.
4. Time and place to file petitions.
5. Form and content of petition.
6. Request for hearing.
7. Additional requirements.
8. Representation before the Board.
9. Scheduling and notice of hearing.
10. Consolidation.
11. Conduct of hearing.
12. Transcript and record.
13. Decisions of the Board.

AUTHORITY: Secs. 1 to 13 issued under sec. 4 of Proc. 3279, 24 F.R. 1781, as amended; sec. 21, Oil Import Reg. 1, 24 F.R. 1907, as amended; sec. 2, 68 Stat. 360, as amended, 72 Stat. 678; 19 U.S.C. 1352a.

Section 1. Purpose.

This chapter provides rules and procedures for petitions to the Oil Import Appeals Board, hereinafter referred to as the "Board."

Sec. 2. Establishment of Board.

(a) The Board has been established by section 21 of Oil Import Regulation 1 (24 F.R. 1907), as revised, hereinafter referred to as the "regulation", pursuant to section 4 of Presidential Proclamation 3279, dated March 10, 1959 (24 F.R. 1781), as amended, hereinafter referred to as the "Proclamation". It is comprised of representatives from the Departments of Interior, Defense, and Commerce, and elects a chairman from its own membership.

Sec. 3. Authority of the Board.

(a) The Board considers petitions by persons affected by the regulation and may, within the limits of the maximum levels of imports established in section 2 of the Proclamation:

(1) Modify any allocation made to any person under the regulation, on the grounds of exceptional hardship or error;

(2) Grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under the regulation;

(3) Grant allocations of finished products, on the ground of exceptional hardship, to persons who do not qualify for allocations under the regulation;

(4) Review the revocation or suspension of any allocation or license.

(b) Any member of the Board may conduct a regularly scheduled hearing of the Board.

(c) Only petitions relating to matters covered by paragraph (a) of this section may be entertained by the Board. Petitions based upon a change or disregard of the Proclamation or the regulation will not be entertained.

Sec. 4. Time and place to file petitions.

(a) A petition requesting the modification of an allocation on the grounds of exceptional hardship or error, or requesting review of the revocation or suspension of an allocation or license, shall be filed with the Board not later than 15 calendar days after receiving a notice of the determination of the Administrator, Oil Import Administration. (Section 21(b) (1) and (4) of the regulation.)

(b) A petition for the grant of an allocation of crude or unfinished oils by a person who does not qualify for such allocation under the regulation shall be filed with the Board not later than 15 calendar days after the beginning of an allocation period. (Section 21(b) (2) of the regulation.)

(c) A petition for the grant of an allocation of finished products on the ground of exceptional hardship, by a person who does not qualify for such allocation under the regulation, shall be filed with the Board not later than 15 calendar days after the beginning of an allocation period. (Section 21(b) (3) of the regulation.)

(d) The Board may entertain a petition not filed in time under paragraphs (a), (b) or (c) of this section, when it determines that delay was caused by extraordinary circumstances.

(e) Petitions and other papers addressed to the Board shall be filed at the office of the Oil Import Appeals Board, Department of the Interior, Washington 25, D.C.

Sec. 5. Form and content of petition.

A petition must be in writing, clearly marked as a "petition", and filed in quintuplicate. All petitions must clearly state (a) the Administrator's decision, if applicable, (b) specific references to the pertinent provisions of the regulation, (c) the ground for the petition and the facts in support thereof, (d) the relief sought by the petitioner, and (e) the justification for the relief sought. When the petition is based on more than one ground, the various grounds should be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground. A brief in support of a petition may be filed with the petition, or at any time prior to the hearing. Petitions for the modification or grant of finished products shall be separately filed.

Sec. 6. Request for hearing.

A request for a hearing on a petition must be in writing and filed with the petition.

Sec. 7. Additional requirements.

The Board may on its own initiative require the filing, either before or after hearing, of briefs or other information considered necessary for the disposition of a petition.

Sec. 8. Representation before the Board.

Representation of a petitioner before the Board shall be governed by Part 1 of Title 43, Code of Federal Regulations.

Sec. 9. Scheduling and notice of hearing.

A hearing will be scheduled, when requested, except that the Board ordinarily will not schedule a hearing on any petition outside its jurisdiction or that clearly does not establish any right to relief. When a hearing is scheduled, notice of the time and place of such hearing will be given to the petitioner at least seven days in advance thereof. The hearing may be for the purpose either of taking testimony or presenting oral argument, or both. The Board, upon its own initiative, may require that a hearing be held on any petition.

Sec. 10. Consolidation.

Upon good cause shown, or upon its own initiative, the Board may consider at the same time or consolidate for hearing any petitions if it determines that such action will be conducive to the dispatch of business, to the ends of justice, or is in the national interest.

Sec. 11. Conduct of hearing.

(a) Insofar as feasible, hearings shall be informal and shall be public. The

petitioner shall be afforded an opportunity to offer oral and written evidence, subject to rulings of the presiding official as to admissibility. Irrelevant, immaterial, or repetitious evidence, and arguments bearing on the policy embodied in the Proclamation or the regulation, shall not be received. The order in which evidence and arguments are presented may be directed by the presiding official. The presiding official may impose reasonable time limits on oral presentations and arguments.

(b) Testimony may be received under oath or affirmation. All witnesses may be cross-examined by any proper party to the proceedings. Evidence shall be presented in written form wherever feasible as the presiding official may direct.

(c) Persons interested in a petition may file written statements with the Board within seven days following a hearing and at the same time shall send a copy to the petitioner. The petitioner may file a reply with the Board within seven days of receiving the statement.

Sec. 12. Transcript and record.

A transcript of the hearing shall be available for inspection by the public at the office of the Board, copies of which shall be available upon the payment of proper fees. The transcript and exhibits, matters of official notice, written statements filed by interested persons, together with all papers and requests filed in a hearing, shall constitute the exclusive record for decision. Upon timely request, a petitioner may disprove a material fact of which official notice has been taken and upon which the decision rests.

Sec. 13. Decision of the Board.

The Board will take such action on petitions as it deems appropriate. The consideration of a petition by two members of the Board and their concurrence in a decision shall constitute a decision of the Board, and such decision shall be final. A copy of a decision shall be furnished to the petitioner concerned. Copies of all decisions shall be available for inspection by the public at the office of the Board.

The Proclamation and the regulation implementing it and the respective amendments and revisions thereof have been issued in the interests of the national security. Due and timely execution of the Board's functions under the proclamation and the regulation as amended and revised, respectively, would be impeded and it would therefore be impracticable and contrary to the public interest to give notice of proposed rule-making or to delay the effective date of these rules and procedures. Accordingly, these rules and procedures shall become effective immediately.

ROYCE A. HARDY,
Chairman, Oil Import
Appeals Board.

DECEMBER 11, 1959.

[F.R. Doc. 59-10867; Filed, Dec. 22, 1959; 8:47 a.m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 62 (AGE-7, Amdt. 8)]

AGE-7—AUTHORITY OF GENERAL AGENTS TO PROVIDE FOR AMERICAN MERCHANT MARINE LIBRARY SERVICE

Miscellaneous Amendments

Sections 2 and 4 of AGE-7 are hereby amended as follows:

1. In section 2, *General Agents' authority; form of agreement*, amend the first sentence of article 7 under Agreement Between United States of America and American Merchant Marine Library Association to read "The agreement shall be in effect for the calendar years 1951 through 1960."

2. In section 4, *Period of the agreement*, amend the first sentence following the heading to read "The agreement shall be in effect for the calendar years 1951 through 1960."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

CLARENCE G. MORSE,
Director,
National Shipping Authority.

Approved: December 14, 1959.

WALTER C. FORD,
Deputy Maritime Administrator.

[F.R. Doc. 59-10888; Filed, Dec. 22, 1959; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

EDITORIAL NOTE

1. The Tariff of Tolls (Mar. 17, 1959, 24 F.R. 1925) is assigned to Part 402 of this chapter with the following headings and section numbers:

PART 402—TARIFF OF TOLLS

- Sec. 402.1 Tariff of tolls.
- 402.2 Interpretation.
- 402.3 Tolls.
- 402.4 Security for payment
- 402.5 Description and weight of cargo.
- 402.6 Schedule of tolls.

2. The Rules of Procedure of the Joint Tolls Advisory Board (Nov. 18, 1959, 24 F.R. 9307) is assigned to Part 403. Paragraphs 1 to 10 are redesignated §§ 403.1 to 403.10, inclusive, with headings added as follows:

PART 403—RULES OF PROCEDURE OF THE JOINT TOLLS ADVISORY BOARD

- Sec. 403.1 Scope of rules. [Rule 1]
- 403.2 Definitions. [Rule 2]
- 403.3 Applications. [Rule 3]
- 403.4 Meetings and functions of Board. [Rule 4]

- Sec. 403.5 Additional information. [Rule 5]
- 403.6 Action on applications; notice of requirements. [Rule 6]
- 403.7 Proceedings; stay or adjournment. [Rule 7]
- 403.8 Prehearings. [Rule 8]
- 403.9 Hearings; witnesses; affidavits. [Rule 9]
- 403.10 Findings and recommendations. [Rule 10]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2032]

[79237]

CALIFORNIA

Power Site Cancellation No. 128; Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and pursuant to determination DA-945-California of the Federal Power Commission issued April 17, 1958, it is ordered as follows:

1. Subject to any valid existing rights and the requirements of applicable law, the following-described public lands, are hereby opened to location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act as amended, and subject to the prior right of the licensee for Project No. 803 and its successors to use the lands for purposes of power development as set forth in the license issued for Project No. 803:

MOUNT DIABLO MERIDIAN

- T. 24 N., R. 3 E.,
Sec. 24, NW¼ SW¼.
- T. 24 N., R. 4 E.,
Sec. 34, NE¼ NW¼ and W¼ SE¼.

The areas described contain 160 acres. 2. The lands are located in northeastern Butte County near the town of Sterling.

3. Applications and selections under the nonmineral public land laws, may be presented to the Manager named below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing law, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be sub-

ject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws, presented prior to 10:00 a.m. on January 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the mining laws.

5. The State of California has waived its preference rights of application under section 24 of the Federal Power Act, and the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-2).

6. Power Site Classification No. 28 of April 22, 1922, is hereby cancelled so far as it affects the lands.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

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

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 16, 1959.

[F.R. Doc. 59-10862; Filed, Dec. 22, 1959;
8:47 a.m.]

[Public Land Order 2033]

[1950547]

CALIFORNIA

Revoking Public Land Order No. 132 of June 5, 1943

By virtue of the authority vested in the President by section 1 of 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. 132 of June 5, 1943, which withdrew the following-described lands in California for a lookout station for Federal and State cooperative forest protection work and as an aircraft warning service station, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 10 E.,
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 40 acres. 2. The lands constitute the top of Buck Peak in east central San Benito County, approximately four miles south of the Panoche Valley. Topography is steep and mountainous, and vegetation consists of chamise, scrub oak and various annual grasses. Useful rainfall is scanty.

3. The lands are withdrawn under the act of June 25, 1910, (36 Stat. 847; 43 U.S.C. 141), by the Executive order of

July 2, 1910, for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States, as Petroleum Reserve No. 2. The act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121), as amended, provides that such lands shall be subject to appropriation, location, selection, entry or purchase, if otherwise available under the nonmineral land laws of the United States, with a reservation to the United States of the deposits on account of which the lands were withdrawn.

4. The State of California has waived the preference right of application granted to certain States by subsection (c) of Section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Beginning at 10:00 a.m. on January 21, 1960, the lands shall be open to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, including the act of July 17, 1914, supra. Locations under the United States mining laws may be made on such of the tracts as are not known to be valuable for a mineral subject to disposition under the mineral leasing laws of the United States. Locations may be made on any tract known to be valuable for a mineral coming under the mineral leasing laws but in accordance with section 4 of the act of August 13, 1954 (68 Stat. 710; 30 U.S.C. 524(2)), such a location will be subject to a reservation to the United States of the leasing act mineral.

6. The lands have been open to applications and offers under the mineral leasing laws.

7. Persons claiming preferential consideration must submit evidence of their entitlement.

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

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 16, 1959.

[F.R. Doc. 59-10863; Filed, Dec. 22, 1959;
8:47 a.m.]

[Public Land Order 2034]

[Fairbanks 011996]

ALASKA

Withdrawing Public Lands at Cape Lisburne for Use of the Department of the Air Force for Military Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, including the rights, if any, of the natives of Alaska, the following-described public lands at Cape Lisburne, Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61

Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Department of the Air Force for military purposes:

Beginning at a point of intersection of Longitude 166°09' W. and Latitude 68°52' N., 1927 N.A.D.; thence

North, 4,400 feet more or less to the point of intersection of the mean high tide line of the Chukchi Sea and Longitude 166°09' W;

Easterly, 13,500 feet, more or less, along said mean high tide line to the intersection with Longitude 166°03' W;

South, 2,900 feet, more or less, to the point of intersection of said longitude with Latitude 68°52' N;

West, 13,200 feet, more or less, along said Latitude to the point of beginning.

The tract described contains approximately 1,091 acres.

The withdrawal made by this order shall take precedence over but not otherwise affect Public Land Order No. 82 of January 22, 1943, which reserved public lands for use in connection with the prosecution of the war.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 16, 1959.

[F.R. Doc. 59-10864; Filed, Dec. 22, 1959;
8:47 a.m.]

[Public Land Order 2035]

[69279]

ARIZONA

Revoking Public Land Order No. 1963 of August 25, 1959 (Tucson Mountain Park)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1963 of August 25, 1959, as amended by Public Land Order No. 1983 of September 21, 1959, which modified Recreational Withdrawal No. 21 of April 29, 1929, to the extent necessary to permit locations and entries under the United States mining laws for the following-described lands, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 13 S., R. 11 E.,
Sec. 25, S $\frac{1}{2}$;

Sec. 26, SE $\frac{1}{4}$.

T. 13 S., R. 12 E.,

Sec. 6;

Sec. 7, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 8;

Sec. 17;

Sec. 18, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;

Secs. 19 and 20;

Sec. 29;

Sec. 30, NE $\frac{1}{4}$ and S $\frac{1}{2}$;

Sec. 31.

T. 14 S., R. 12 E.,

Sec. 5, N $\frac{1}{2}$;

Sec. 6, NE $\frac{1}{4}$;

Sec. 20, S $\frac{1}{2}$;

Sec. 21, S $\frac{1}{2}$.

The areas described aggregate 7,600 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 17, 1959.

[F.R. Doc. 59-10865; Filed, Dec. 22, 1959;
8:47 a.m.]