

July 17, 1959

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RULES AND REGULATIONS

7. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs 5 and 6 above, presented prior to 10:00 a.m. November 17, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

8. Veterans and others claiming preference rights, other than the State of Idaho, should submit with their applications supporting evidence of entitlement.

9. The released lands shall be open to locations under the United States mining laws, and to applications and offers under the mineral leasing laws, at 10:00 a.m. on January 13, 1960.

10. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,

Assistant Secretary of the Interior.

JULY 13, 1959.

[F.R. Doc. 59-5887; Filed, July 16, 1959; 8:46 a.m.]

PLAINTIFF'S EXHIBIT

180

months or if 75 such assets I use to the during the February, the sidered to the succeeding period of March through June." Proposed by Foremost Dairies, Incorporated.

Proposal No. 13. Amend § 949.41 to classify sour cream as a Class II product. Proposed by The Borden Company, Southern Division:

Proposal No. 14. Amend § 949.12 in such a way as to provide that products classified as Class II milk from any source, including those produced at the plant, be defined as other source milk when such products are reprocessed or converted into another product during the month.

Proposal No. 15. Amend § 949.41 to provide that frozen storage cream be classified as Class II.

Proposed by Knowlton's Creamery:

Proposal No. 16. Amend § 949.41 to provide that all Grade A milk products be classified as Class I and that all ungraded products be classified as Class II, Grade A and ungraded to be in accordance with local and state health department regulations.

Proposal No. 17. Amend § 949.46 to provide that solids used to fortify skim milk should be accounted for on the pounds of added solids rather than being converted to skim milk equivalent.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 18. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 13th day of July 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-5892; Filed, July 16, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

[Docket No. AO-232-A8]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Saint Anthony Hotel, San Antonio, Texas, beginning at 10:00 a.m., c.s.t., on July 22, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the San Antonio, Texas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. Proposed amendments relating to the definition of "pool plant" and the revision of the rate of compensatory payments necessarily involve consideration of location differentials.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Producers Association of San Antonio:

Proposal No. 1. Amend § 949.9 in such a way as to make a cooperative association a handler, with respect to milk from any producer who diverts it to a nonpool plant, or which it causes to be delivered directly from the farm bulk tanks and picked up by trucks owned and operated by subject association.

Proposal No. 2. Amend § 949.42, concerning shrinkage provision of the order, so that the effect will be to divide shrinkage between the buyer and seller

handlers, with the limitation of two percent.

Proposal No. 3. Amend § 949.52(b) so as to delete therefrom "through July 1959".

Proposal No. 4. Amend § 949.65 so as to provide uniform payments upon a twelve months' basis.

Proposal No. 5. Amend § 949.53(a) so as to change the figure of \$0.125 to the figure of \$0.108.

Proposal No. 6. Amend § 949.80(c) so as to change the dates of payment to a cooperative association from "on or before the 26th and 13th days of each month" to "on or before the 20th and 11th days of each month".

Proposal No. 7. Amend § 949.22(j) (3) so that the uniform price will be announced by the tenth of each month.

Proposal No. 8. Amend § 949.30 so that the handlers report by the fifth of the month, instead of the seventh of each month.

Proposal No. 9. Make necessary changes in §§ 949.6 and 949.7 to conform with the proposed § 949.9.

Proposal No. 10. Review § 949.60 for the purpose of determining (a) whether the Secretary's determination that a handler disposes a greater portion of his Class I milk in another marketing area or in the San Antonio area can or should be retroactive and for how long, and (b) whether the computation in § 949.60(b) shall include milk from producers as well as from other sources in determining the obligation to the producers settlement fund of Order No. 49 for a handler who has been determined as disposing a greater part of his Class I milk under another Federal order.

Proposed by Oak Farms Dairies:

Proposal No. 11. Amend § 949.60 by deleting § 949.60(b).

Proposed by Producers Creamery Company:

Proposal No. 12. Amend § 949.7 by deleting the proviso and substituting in lieu thereof the following: "Provided: That a pool plant shall include any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area. If such plant is operated by a cooperative association and 75 percent or more of the producer milk of such association is received during the

DEPARTMENT OF LABOR

[29 CFR Part 8]

SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Notice of Hearings on Proposed Safety and Health Regulations for Ship Repairing

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of 72 Stat. 835 which recently amended section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 33 U.S.C. 941), notice is hereby

given that the Secretary of Labor proposes to implement the said amendment to the Longshoremen's and Harbor Workers' Compensation Act, as he is therein directed and authorized, by issuing safety and health regulations applicable to employments and places of employments in the ship repair industry.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that public hearings to receive the data, views and arguments of interested persons will be held before a duly assembled Hearing Examiner on August 17, 1959, beginning at 10 a.m. local time, in Room 600, U.S. Courthouse, 219 South Clark Street, Chicago, Illinois; on August 24, 1959, beginning at 10 a.m. local time, in Room 503, Federal Building, 600 South Street, New Orleans, Louisiana; on August 31, 1959, beginning at 10 a.m. local time, in Room 1152, Appraisers Building, 630 Sansome Street, San Francisco, California; and on September 8, 1959, beginning at 10 a.m. local time, in Room 4500, General Post Office, 8th Avenue and 33d Street, New York, New York.

The basis and purpose of the proposed regulations are, as set out in 72 Stat. 835, to require that "Every employer shall furnish and maintain employment and places of employment which shall be reasonably safe for his employees in all employments covered by this Act and shall install, furnish, maintain, and use, such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees."

The subjects and issues involved in the proposed regulations and concerning which data, views, and arguments are invited for presentation at the hearings herein noticed, are the appropriateness of proposed standards governing:

1. The safeguarding of places of employment wherein hazardous conditions arising out of explosive and dangerous atmospheres are likely to exist, including atmospheric tests as well as precautions and corrective measures to insure the safety of employees entering or working in such atmospheres;

2. The use of chemicals, toxic cleaning solvents, mechanical methods involving use of tools and implements for preparation of surfaces (degreasing, cleaning and paint stripping), application of paints and tank coatings with volatile, toxic or flammable solvents, use of personal protective equipment, maintenance of atmospheres below explosive limits, and the use of explosion-proof equipment and other safeguards;

3. The safe use and treatment of compressed gas cylinders, fuel gas, and oxygen gases, insuring a safe working environment for arc welding, and oxyacetylene cutting and welding, including reduction of the potential the safe maintenance of such equipment and other matters which may be deemed appropriate.

ment cables and grounds, and handling of radioactive materials, protective respiratory equipment and ventilation for arc welding or oxyacetylene cutting and welding or gas cutting, welding or burning materials of toxic significance, inert-gas metal-arc welding, and use of radioactive sources in radiographic inspection of weldments or castings.

4. Construction and erection of scaffolds, staging and ladders, inspection, maintenance moving and alteration of scaffolds and staging, guarding of deck openings, safe access to ships afloat or in dry dock, and specifications for gangways and their rigging.

5. Safe and healthful working conditions, including housekeeping, illumination, safeguards for the supply of steam and electrical power to vessels, safety of employees working in confined spaces, exposure to radiation from radar equipment, health, sanitation, and first-aid facilities;

6. Inspection, care, maintenance, safe use and safe working loads of materials handling equipment and component parts, operation and supervision of ships' gear for hoisting aboard, and qualifications for such operators.

7. Maintenance care and guarding of power tools, tools and component parts, and personal protective equipment for use therewith.

8. Specifications for required personal protective equipment, the care and maintenance, and its use, and limitations.

9. Gas freeing, inerting and testing for control of gas hazards on vessels to be prepared, establishing threshold limit values for the control of health hazards in atmospheres containing gases and vapors, toxic dusts, fumes, mists, and mineral dusts.

Any interested person desiring to participate in such hearings shall file a notice of intention with the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than ten days before the scheduled date of the particular hearing in which he proposes to participate. The notice of intention shall state the name and address of the person, specify his interest, whether he wishes to present his data, views and arguments orally or in writing, and if orally the amount of time he requires for such purpose, and the identification of counsel or other representative if the oral presentation is not to be made in person. Written material which is sup-

plemental to an oral presentation must be filed in quadruplicate with the Hearing Examiner at the time of presentation.

Interested persons, in lieu of personal appearance, may submit written data, views and arguments in quadruplicate to the Secretary of Labor at the aforementioned address, not later than five days before the scheduled date of the particular hearing for which submitted. Such written submissions, timely received, will be transmitted to the Hearing Examiner for incorporation into the record of such hearing.

The hearings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the hearings, dispose of procedural requests, objections and comparable matter, and confine the hearings to matters pertinent to the notice subjects and issues. He shall have discretion to keep the record open for a reasonable stated time after each hearing to receive written proposals and supporting reasons, or additional data, views and arguments from persons who have participated.

Upon completion of the hearings, the transcript of each hearing, exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified by the Hearing Examiner to the Secretary of Labor. The Secretary of Labor will give careful consideration to all relevant matter thus presented to him, together with such other information that may be available to him and will thereafter issue appropriate regulations by publication thereof in the FEDERAL REGISTER to be effective not earlier than 30 days after the date of such publication.

The proposed regulations in this matter are filed with the FEDERAL REGISTER as part of this document and are available to any interested person and will be furnished without charge on written request addressed to the Secretary of Labor, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C.

Signed at Washington, D.C., this 13th day of July 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-5893; Filed, July 16, 1959; 8:47 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-132]

AMF ATOMICS

Notice of Filing of Application for Facility Export License

Please take notice that AMF Atomics, a Division of American Machine and Foundry Company, 140 Greenwich Ave-

nue, Greenwich, Connecticut, has submitted an application dated June 9, 1959, for a license to export a one (1) megawatt (thermal) pool-type research reactor to the Turkish Atomic Energy Commission, Istanbul, Turkey.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor pro-