

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—MILITARY PERSONNEL

PART 65—EARLY RELEASE OF MILITARY ENLISTED PERSONNEL FOR COLLEGE ENROLLMENT

The Assistant Secretary of Defense (Manpower, Personnel and Reserve) approved the following on December 8, 1959:

- Sec.
65.1 Purpose.
65.2 Policy.
65.3 Release criteria.
65.4 Exceptions.
65.5 Applicability.
65.6 Action required.

AUTHORITY: §§ 65.1 to 65.6 Issued under R.S. 161, sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 22, 171a.

§ 65.1 Purpose.

The purpose of this part is to establish a uniform policy among the Services with respect to discharge or release of enlisted personnel from active service prior to expiration of service period for the purpose of entering or returning to a college, university, or equivalent educational institution.

§ 65.2 Policy.

(a) In the interest of contributing to a high educational level in the United States, it is the policy of the Department of Defense that the maximum assistance practicable will be given to enlisted personnel who are qualified and demonstrate a desire to further their education. Personnel who would be unduly penalized in the pursuit of their education if required to remain in service until expiration of their term of enlistment or induction may be released early subject to meeting all of the requirements shown in §§ 65.3 and 65.6. Separation will be for the convenience of the Government.

(b) The effective date of release from service under this policy will not be earlier than ten days prior to the date of registration prescribed by the educational institution.

(c) Aliens seeking to qualify for citizenship by completion of three years active military service will be excluded from release under this policy prior to performance of such qualifying service.

§ 65.3 Release criteria.

(a) Latest acceptable registration date of school must fall within the last three months of remaining service. In general, personnel who will have a reserve obligation upon separation will not be released under this program until they have completed a minimum of 21 months' active duty on their current term of service.

(b) The individual's services must not be essential to the mission of his assigned organization.

(c) Applicants must furnish documentary evidence that they have been accepted for enrollment without qualification commencing with a specific school term in a recognized institution of higher

education in a full-time course of instruction leading to a baccalaureate or higher degree. A "recognized institution" is one listed in Part III of the Educational Directory published by the United States Department of Health, Education, and Welfare whose credits are accepted by accredited institutions.

(d) An applicant must demonstrate his ability and willingness to make the required payment of an entrance fee if he has not already done so.

(e) It must be established clearly by applicant that the specific school term for which he seeks release is academically the most opportune time for him to begin or resume his education and that delay of enrollment until normal expiration of service would cause undue handicap.

§ 65.4 Exceptions.

On an individual basis the Secretaries of the Departments may authorize the release of persons not fully meeting the criteria as exceptions to policy (e.g., personnel who desire to enter and are accepted by theological schools not listed in Part III of the Educational Directory).

§ 65.5 Applicability.

This policy is applicable to all enlisted personnel world-wide, other than reservists ordered to 6-months active duty for training.

§ 65.6 Action required.

(a) Each military department will establish procedures to guard against abuse of this policy by personnel seeking to utilize it as a means of evading completion of their full term of military service.

(b) Requests for early release from applicants who meet established criteria will be approved unless cogent military circumstances prevent.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 59-10715; Filed, Dec. 17, 1959; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Part 212—Administration of the Forest Development Road and Trail Fund, Chapter II, Title 36, Code of Federal Regulations is hereby revised as follows:

- Sec.
212.1 Definitions.
212.2 Allocation.
212.3 Forest development transportation plan.
212.4 Program of work.
212.5 Cooperative agreements.
212.6 Construction and maintenance.
212.7 Records and accounting.

AUTHORITY: §§ 212.1 to 212.7 Issued under sec. 1, 30 Stat. 35, as amended; 16 U.S.C. 551; sec. 205, 72 Stat. 907; 23 U.S.C. 205.

§ 212.1 Definitions.

For the purpose of this part the following terms, respectively, shall mean:

(a) *Chief.* The Chief, Forest Service, Department of Agriculture.

(b) *Regional forester.* A regional forester of the Forest Service.

(c) *Forest development transportation plan.* The plan for the system of access roads, trails, and airfields needed for the protection, administration, and utilization of the national forests, or the development and use of resources upon which communities within or adjacent to the national forests are dependent.

(d) *Forest development transportation facility.* An access road, trail, or airfield wholly or partly within or adjacent to and serving a national forest which has been included in the forest development transportation plan.

(e) *Forest development road and trail funds.* Funds authorized or appropriated for the purpose of carrying out the provisions of section 205 of the Act of August 27, 1958 (72 Stat. 907); 23 U.S.C. 205.

(f) *Road and trail 10% funds.* Funds transferred from the permanent appropriation "Roads and Trails for States" under the Act of March 4, 1913 (37 Stat. 843), as amended; 16 U.S.C. 501.

(g) *Federal airport funds.* Discretionary funds available for airfields in national forests under section 6(b)(3) of the Act of May 13, 1946 (60 Stat. 173), as amended; 49 U.S.C. 1105(b)(3).

(h) *Construction.* The supervising, inspecting, actual building, and all expense incidental to the construction or reconstruction of a forest development transportation facility, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with the specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, and elimination of hazards.

(i) *Maintenance.* The upkeep of the entire forest development transportation facility including surface and shoulders, parking and side areas, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

(j) *Preliminary engineering.* All work and expense of preparing for the construction or reconstruction of a forest development transportation facility including (1) engineering and economic investigations, studies, and reports; (2) reconnaissance surveys; (3) preliminary surveys; (4) preliminary location surveys; (5) soils, foundations, and materials investigations, surveys, and tests; (6) preliminary and final designs; (7) preliminary and final plans, drawings, specifications, and estimates of quantities and cost; (8) final location surveys staked on the ground; and (9) rights-of-way surveys, plans, and descriptions.

(k) *Construction engineering.* All work and expense of setting out, controlling, inspecting, and measuring the construction or reconstruction of a forest development transportation facility including (1) construction surveys to establish line and grade for the work, to control the work, and to measure quanti-

ties; (2) redesigning, adjusting, and changing the plans, specifications, and materials to meet conditions; (3) inspecting, directing, and controlling operations for compliance with plans and specifications; (4) inspecting, testing, and accepting materials and equipment to be installed in the work; and (5) inspecting, measuring, and accepting completed work.

§ 212.2 Allocation.

Funds for forest development transportation facilities shall be allocated according to relative needs in the various national forests, taking into consideration the existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of construction.

§ 212.3 Forest development transportation plan.

A plan shall be made for each national forest and experimental area administered by the Forest Service. It shall be prepared, maintained, revised, and reported on in accordance with procedures prescribed by the Chief.

§ 212.4 Program of work.

A program shall be made for all of the work to be done on the forest development transportation system each fiscal year. It shall be prepared, modified, and reported on in accordance with procedures prescribed by the Chief.

§ 212.5 Cooperative agreements.

Cooperative agreements for all projects which involve financial contributions from cooperators shall be negotiated, approved, and executed in accordance with procedures prescribed by the Chief. Work shall not be started on such a project until the cooperative agreement has been approved and executed.

§ 212.6 Construction and maintenance.

(a) Construction and maintenance work on forest development transportation facilities with appropriated funds shall be directed to what is necessary and economically justified for protection, administration, development, and multiple-use management of the Federally owned lands and resources served.

(b) Preliminary engineering and the construction and maintenance of forest development transportation facilities shall be performed by force account or let to contract, unless otherwise approved by the Chief. The contract method shall be employed for roads and trails in accordance with section 205(c) of the Act of August 27, 1958 (72 Stat. 907); 23 U.S.C. 205, and for all other facilities when it is advantageous and in the interest of the Government.

(c) No construction work shall be started by force account or let to contract until all necessary rights-of-way have been secured and approved by the Attorney General and cooperative agreements, if any, approved and executed.

§ 212.7 Records and accounting.

(a) As soon as practicable after the end of each fiscal year the regional for-

ester shall submit a report to the Chief showing the work accomplished in each State on forest development transportation facilities and the obligations incurred and disbursements made therefor.

(b) The Chief and each regional forester shall maintain an accurate fiscal record of the status of funds for forest development transportation facilities, and of all allocations, obligations, and disbursements thereof.

(c) Cooperative funds contributed in advance by cooperators shall be deposited in the United States Treasury to the credit of the Forest Service Cooperative Fund authorized by the Act of June 30, 1914 (38 Stat. 430), as amended; 16 U.S.C. 498, which deposits will be made available for expenditure from the appropriation "Cooperative Work, Forest Service" and shall be audited, disbursed and recorded in the same manner as funds under section 205 of the Act of August 27, 1958 (72 Stat. 907); 23 U.S.C. 205. If a State, county, or other governmental agency is unable to contribute in advance but is able to pay its share subsequent to performance of the work, the subsequent payment will be deposited to the credit of the Forest Service appropriation from which the expenditures were made. Cooperative expenditures made by cooperators shall be audited and disbursed as provided in the cooperative agreements.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 17th day of December 1959.

E. L. PETERSON

Assistant Secretary of Agriculture.

[F.R. Doc. 59-10802; Filed, Dec. 17, 1959; 11:37 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER I—MINERAL LANDS

[Circular 2033]

PART 202—RIGHTS-OF-WAY FOR PIPELINES ON THE OUTER CONTINENTAL SHELF

Miscellaneous Amendments

On pages 7529 and 7530 of the FEDERAL REGISTER of September 18, 1959, there was published a notice and text of proposed amendments of §§ 202.5 and 202.6 of Title 43, Code of Federal Regulations. The purpose of the amendments is to provide for the granting of rights-of-way for pipelines which invade or cross prior granted pipeline rights-of-way without the consent of the prior right-of-way holder.

Interested persons were given 30 days within which to submit written com-

ments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

ELMER F. BENNETT,

Acting Secretary of the Interior.

DECEMBER 14, 1959.

1. Section 202.5 is amended to read as follows:

§ 202.5 Consent of or notice to lessee or right-of-way holder of area crossed or invaded by right-of-way.

An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases or rights-of-way other than his own and must submit with his application either the written consent of each lessee or right-of-way holder whose lease or right-of-way is so affected or a statement that he has delivered to each lessee or right-of-way holder whose lease or right-of-way is so affected personally or by registered or certified mail a copy of the application and map. If the statement is filed no final action will be taken on the right-of-way application until 15 days have elapsed after the last date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against granting of the right-of-way.

2. Paragraphs (b) and (d) of § 202.6 are amended to read as follows:

§ 202.6 Terms and conditions.

(b) To pay the United States or its lessees or right-of-way holders, as the case may be, the full value for all damages to the property of the United States or its said lessees or right-of-way holders, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

(d) That the allowance of the right-of-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in the submerged lands affected thereby, and that he agrees and consents to the occupancy and use by the United States or its lessees or other right-of-way holders of any part of the right-of-way not actually occupied or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted rights.

[F.R. Doc. 59-10721; Filed, Dec. 17, 1959; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER P—MANNING OF VESSELS

[CGFR 59-56]

PART 157—MANNING REQUIREMENTS

Subpart 157.30—Special Provisions

MANNING OF INSPECTED VESSELS OVER 65 FEET IN LENGTH AND LESS THAN 100 GROSS TONS

The purpose of this special manning provision is to authorize the holder of a license to operate mechanically propelled passenger-carrying vessels to serve as the master, pilot, or person in charge of any type of inspected steam or motor vessel of over 65 feet in length and less than 100 gross tons, to the same extent that such license authorizes the holder to operate small passenger-carrying vessels.

The Act of May 10, 1956 (Pub. Law 519, 84th Congress; 46 U.S.C. 390-390g) and the regulations in 46 CFR Parts 175 to 187, inclusive (Subchapter T—Small Passenger Vessels (Not More Than 65 Feet in Length)), established requirements for small vessels carrying more than six passengers. The operators of such vessels of less than 100 gross tons are required to hold "operators" or "ocean operators" licenses.

This policy to permit the holder of a license to operate mechanically propelled passenger-carrying vessels to serve as the master, pilot, or person in charge of any type of inspected vessel of over 65 feet in length and less than 100 gross tons (without the need to hold another license) is based on various requirements in the vessel inspection laws governing the manning of vessels. One law, R.S. 4463, as amended (46 U.S.C. 222), provides in part that "no vessel of the United States subject to the provisions of Title 52 of the Revised Statutes or to the inspection laws of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew * * * as may in the judgment of the Coast Guard be necessary for her safe navigation." Various vessel inspection regulations and administrative practice have allowed the Officer in Charge, Marine Inspection, discretion as to the numbers and grade of the officers and crew for particular vessels. This is based upon the type of vessel involved (passenger, tank, cargo, or miscellaneous vessel), its propulsion, the waters on which navigated, and other factors related to safe navigation. These minimum complements of officers and crew are stated in the certificates of inspection issued to inspected vessels.

It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date required thereof) is deemed unnecessary.

No. 246—2

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5195), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Subpart 157.30 is amended by adding a new section at the end thereof reading as follows:

§ 157.30-35 Vessels of over 65 feet in length and less than 100 gross tons.

(a) A license as ocean operator or operator of mechanically propelled passenger-carrying vessels will authorize the holder to serve as master, pilot, or person in charge of any steam or motor vessel of over 65 feet in length and less than 100 gross tons, to the same extent that such license authorizes the holder to operate passenger-carrying vessels of not more than 65 feet in length and less than 100 gross tons.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4426, as amended; 4438, as amended, 4463, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended; 46 U.S.C. 404, 224, 222, 367)

Dated: December 14, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 59-10742; Filed, Dec. 17, 1959;
8:49 a.m.]

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER D—FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

[Gen. Order 29, Rev., Amdt. 2]

PART 298—FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

Criteria for Conversion of Vessels

Whereas, in compliance with section 4 of the Administrative Procedure Act, notice of proposed rule making was published in the FEDERAL REGISTER issue of May 19, 1959 (24 F.R. 4032);

Whereas, the Maritime Administrator has considered the comments received; and

Whereas, the Maritime Administrator under authorities cited in said Notice has ordered that the proposed amendment incorporating revision of § 298.4(p) (5) be adopted;

Now, therefore, §§ 298.2 and 298.4 of this part are hereby amended as follows:

1. Amend paragraph (k) of § 298.2 Definitions, by deleting the word "or" at the end of subparagraph (1)(vii), by changing the semi-colon at the end of

subparagraph (1)(viii) to a comma and adding the word "or", and by adding the following new subparagraph (1)(ix):

(ix) The cost of the condition survey referred to in § 298.4(p) (1) and the cost of all work necessary in order for the surveyed vessel to comply with the standards set forth in § 298.4(p) (4) (exclusive of such work as would be unnecessary due to its being superseded by new work covered by the reconstruction or reconditioning).

2. Amend paragraph (m) of § 298.2 by deleting the word "or" at the end of subparagraph (6) (iv), by changing the semi-colon at the end of subparagraph (6) (v) to a comma and adding the word "or", and by adding the following new subparagraph (6) (vi):

(vi) The cost of the condition survey referred to in § 298.4(p) (1) and the cost of all work necessary in order for the surveyed vessel to comply with the standards set forth in § 298.4(p) (4) (exclusive of such work as would be unnecessary due to its being superseded by new work covered by the reconstruction or reconditioning).

3. Amend § 298.4 Eligibility requirements, by deleting the last sentence of paragraph (e) and by adding the following new paragraph (p):

(p) Criteria for reconstruction or reconditioning. In the case of applications (other than under section 1107 of the Act) involving the reconstruction or reconditioning of vessels, the following criteria shall be met, except where because of other circumstances the Secretary shall determine that the interest of the Government will not be adversely affected:

(1) The applicant shall make the vessel available at a time and place acceptable to the Secretary for a condition survey to be conducted by representatives of the Secretary. The scope and extent of such condition survey shall be not less effective than that required by the last ABS Special Survey previously completed or the ABS Special Survey next due or overdue, whichever date is nearest in accordance with vessel's age. All costs incident to said condition survey, except the pay and travel expenses of the representative of the Secretary, shall be paid by the applicant.

(2) The vessel's power plant shall be of modern type and the vessel shall be capable of a sustained sea speed following reconstruction or reconditioning of at least 14 knots at full load draft, using 80 percent of normal shaft horsepower.

(3) The operating records of the vessel shall reflect normal and satisfactory operation of the vessel's main propulsion and other machinery and equipment commensurate with accepted commercial experience and practice.

(4) The vessel shall be in a good and efficient operating condition and state of repair, commensurate with accepted commercial practice, in Class -1 with the Classification Society and in compliance with the requirements of all applicable regulatory bodies.