Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASES

Interests, and Requirements for Filing of Transfers; Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Mineral Leasing Act of 1920 (30 U.S.C. 189) it is proposed to add new §§ 192.43a and 192.43b to 43 CFR Part 192 and a new subparagraph (a)(4) to 43 CFR 192.141 as set forth below.

The proposed new sections define the meaning and intent of the phrase "sole party in interest" in a lease, and what constitutes "interests" in leases. They also deal with the problem of collusive filings of oil and gas lease offers to obtain a greater probability of success in the drawing to determine priorities or to obtain a defined "interest" in a lease. The new subparagraph would require that lands in lease assignments be described as in lease offers.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. New §§ 192.43a and 192.43b and a new subparagraph (a)(4) to § 192.141 are added to Title 43, Code of Federal Regulations, to read as follows:

§ 192.43a Sole party in interest; statement of interest.

A sole party in interest in a lease or offer to lease is a party who is and will be vested with all legal and equitable rights under the lease. No one is or shall be deemed to be a sole party in interest with respect to a lease in which any other party has any of the interests described in this section. The requirement of disclosure in an offer to lease of an offeror's or other parties' interest in a lease, if issued, is predicated on the departmental policy that all offerors and other parties having an interest in simultaneously filed offers to lease shall have an equal opportunity of success in the drawings to determine priorities. Additionally, such disclosures provide the means for maintaining adequate records of acreage holdings of all such parties where such interests constitute chargeable acreage holdings. An "interest" in the lease includes but is not limited to record title interests, overriding royalty interests, working interests, operating rights or options, or any agreements covering such "interests." Any claim or prospective or future claim to an advantage or benefit from a lease, and any participation or any defined or undefined share in any increments, issues, or profits which may be derived from or which may accrue in any manner from the lease is deemed to constitute an "interest" in such lease.

§ 192.43b Collusive filings.

When any person, association, corporation, or other entity or business enterprise files an offer to lease for inclusion in a drawing, and an offer or offers to lease are filed for the same lands in the same drawing by any person or party acting for, on behalf of, or in collusion with the other person, association, corporation, entity or business enterprise, under any agreement, scheme, or plan which would give either, or both, a greater probability of successfully obtaining a lease, or interest therein, in any public drawing held pursuant to § 192.43 of this part, all such offers will be rejected. Similarly, where an agent or broker files an offer to lease for the same lands in behalf of more than one offeror under an agreement that if a lease issues to any of such offerors, the agent or broker will participate in any proceeds derived from such lease, the agent or broker obtains thereby a greater probability of success in obtaining a share in the proceeds of the lease and all such offers filed by such agent or broker will also be rejected. Should any such offer be given a priority as a result of such a drawing, it will be similarly rejected. In the event a lease is issued on the basis of any such offer, action will be initiated to cancel the lease, whether the pertinent information regarding it is obtained by or was available to the Government before or after the lease was issued.

2. Section 192.141 is supplemented by adding a new subparagraph (a)(4) thereto to read as follows:

§ 192.141 Requirements for filing of transfers.

(a) * * *

* * * * *

(4) Each instrument of transfer must describe the lands involved as required by § 192.42a.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MARCH 4, 1963.

[F.R. Doc. 63-2462; Filed, Mar. 7, 1963; 8:48 a.m.]

[43 CFR Part 192]

OIL AND GAS LEASES

Proposed Amount of Bond Required of Lessee

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181 et seq.), it is proposed to amend 43 CFR Part 192 as set forth below.

The purpose of the amendment is to provide that bonds for the protection of surface owners be furnished by an oil and gas lessee only prior to entry on the leased lands.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (b) of § 192.100 is amended to read as follows:

§ 192.100 Amount of bonds required of lessee.

* * * * *

(b) Until a general lease bond is filed, a noncompetitive lessee will be required prior to entry on the leased lands to furnish and maintain a bond in the penal sum of not less than $1,000 in those cases in which a bond is required by law for the protection of the owners of surface rights.

JOHN A. CARVER, Jr.,
Assistant, Secretary of the Interior.

MARCH 4, 1963.

[F.R. Doc. 63-2461; Filed, Mar. 7, 1963; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Revision of Control Percentages for the 1962–63 Marketing Year

Notice is hereby given that there is under consideration the proposed establishment of revised walnut control percentages as herein set forth for the marketing year which began August 1, 1962. The revised percentages are based on recommendations of the Walnut Control Board and other available information and would be established pursuant to the amended marketing agreement and order (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The proposed percentages are as follows:

	District 1	District 2
Marketable	96	98
Surplus	4	2

The 1962 orchard-run production is now estimated at 162.8 million pounds. The proposed percentages would provide for (1) a trade demand for inshell walnuts of 56 million pounds plus a year end carryover of 10 million pounds, and (2) a trade demand for shelled walnuts of 35.5 million pounds (kernelweight) plus a year end carryover of 8 million pounds for the marketing year which began August 1, 1962.

Consideration will be given to written data, views, and arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Dated: March 4, 1963.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 63-2499; Filed, Mar. 7, 1963; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U.S.C. 1281 et seq., consideration is being given to amending the regulations governing the holding of referenda on marketing quotas (23 F.R. 3432, 7285; 25 F.R. 5907; 26 F.R. 7258, 7963, 10208).

The changes being considered are as follows:

In § 717.3, paragraph (a) (4) would be amended by changing it to read:

(4) *Wheat.* Any producer who has a farm acreage allotment shall be eligible to vote in any referendum held pursuant to 7 U.S.C. 1336, as amended: *Provided,* That a producer on a farm with a wheat acreage allotment of less than 15 acres shall be eligible to vote only if the operator on such farm files with the county committee, not later than 7 days prior to the date of the referendum, an election in writing to be subject to the wheat marketing quota for the farm. For the foregoing purpose, a producer who has a farm acreage allotment, is any person who as owner-operator, cash tenant, landlord of a share tenant, share tenant, or sharecropper on a farm for which there is established a farm acreage allotment greater than zero for wheat of the first crop for which the referendum is held, will share in such first crop of wheat, or the proceeds of such crop, produced on the farm, or, in the absence of such production, would be entitled to a share of such crop, or the proceeds thereof, if it were produced. If a person is shown on the allotment notice (Form MQ-24) for the farm for the first crop for which the referendum is held as an owner or operator, such person shall be presumed to be eligible to vote in the referendum, if the notice is for an allotment greater than zero. However, a person whose name appears on the Form MQ-24 may be challenged for cause as not being eligible, in which case the presumption may be overcome by relevant evidence. A person whose name does not appear on the Form MQ-24 but who meets the eligibility requirements shall be entitled to vote.

In § 717.3, paragraph (b) (3) would be amended to read:

(3) Subject to the provisions of § 717.7(c) a farmer or producer eligible to vote shall vote only at a polling place designated for the community in which he resides or for a combination of communities or neighborhoods which includes the community in which he resides, except that any farmer or producer who will not vote at such a polling place may vote at the polling place designated for the community or combination of communities or neighborhoods in which he was engaged, or will be engaged, in the production of the commodity which will qualify him as a voter, or, in the case of wheat, where the farm is located which has the allotment which makes him eligible to vote.

Section 717.5 would be amended by changing the last two sentences to read: "On the date fixed for holding the referendum, the polls shall be opened at 8 o'clock a.m., local time, and the polls shall be closed at 6 o'clock p.m., local time: *Provided,* That, an earlier opening hour and a later closing hour may be fixed by the State committee."

In § 717.7, paragraph (c) would be amended by changing the first sentence to read:

(c) Any person who will not be present on the day of the referendum in the county in which he is eligible to vote may obtain, as early as five days prior to the date of the referendum, or earlier if ballots are available, one ballot from an ASCS State or county office conveniently situated for him, or from the Farmer Programs Division, ASCS, Department of Agriculture, Washington, D.C., and cast his ballot by mail. * * *

Sections 717.1(b), 717.1(i) and 717.12 will be revised to conform the titles of Deputy Administrator and State Administrative Officers to agree with the current organization of the Agricultural Stabilization and Conservation Service.

All persons who desire to submit written data, views, and recommendations in connection with this proposal, or wish to suggest other changes in the present regulations, should file the same with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C., within ten (10) days after the date of the publication of this notice in the FEDERAL REGISTER.

Effective date: Date of publication.

Signed at Washington, D.C., on March 1, 1963.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63-2475; Filed, Mar. 7, 1963; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS; MEASLES IMMUNE GLOBULIN (HUMAN)

Proposed Additional Standards

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262). The proposed amendment provides detailed specific standards of safety, purity and potency for the manufacture of Measles Immune Globulin (Human).

In the public interest, to assure its availability for use with Measles Virus Vaccine, Live, Attenuated, for which proposed standards were published on August 17, 1962 (27 F.R. 8214), notice is also given that it is proposed to make any amendments that are adopted effective upon their publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Amend Part 73 of the Public Health Service regulations by inserting the following:

ADDITIONAL STANDARDS: MEASLES IMMUNE GLOBULIN (HUMAN)

§ 73.350 The product.

(a) *Proper name and definition.* The proper name of the product shall be Measles Immune Globulin (Human). It shall consist of a sterile solution of 10 to 18 percent globulin derived from human blood, having a measles antibody level of 0.5 times the level of the NIH measles reference serum. Measles Immune Globulin shall be made from a sterile 16.5±1.5 percent solution of human globulin.

(b) *Source material.* The source of Measles Immune Globulin (Human) shall be blood, plasma or serum from human donors determined at the time of donation to have been free of the known causative agents of diseases that are not destroyed or removed by the processing method. The source blood, plasma or serum shall not contain a