The importing country is indebted to the Government of the United States for the net amount of $_____."

(ii) In the case of the private trade entity, the notice shall be: "The amount of $_____ paid to the beneficiary includes an ocean freight differential of $_____. The private trade entity is indebted to CCC for the net amount of $_____." (See also § 14.16(a)(2).)

(8) *Reimbursement of CCC for losses.* Upon demand therefor made by the ASCS Office named in the letter of commitment, the banking institution shall promptly reimburse CCC for any losses sustained as a direct result of failure on the part of the banking institution to carry out its responsibilities as required by this section.

(9) *Adjustment refunds.* The banking institution shall, at the end of each calendar quarter, remit to the Controller, CCC, the total amount of any adjustment refunds received during the quarter. A copy of each advice sent to approved applicants or agents shall accompany each quarterly report. (See also § 14.8(a)(3).)

(10) *Credit purchase authorization number.* The banking institution shall examine required documents to determine that they bear the appropriate credit purchase authorization number or are readily identifiable therewith.

(11) *Additional requirements.* Any additional particulars for which the banking institution is to be responsible will be specified in the credit purchase authorization or letter of commitment as (i) additional required documents, (ii) additional statements to be contained in the required documents or (iii) additional actions to be performed.

(b) The banking institution shall have limited responsibilities for transactions under a letter of commitment as follows:

(1) *Contracting.* Section 14.6(a) provides that contracts must meet certain specified requirements in order to be eligible for financing. The banking institution is responsible only to the extent of ascertaining that the required documents show delivery terms as required by the credit purchase authorization (f.o.b., f.a.s., c. & f. or c.i.f.). The banking institution has no responsibility under § 14.6(b) with regard to invitations to bid.

(2) *Vessel approval.* The banking institution shall not make payment under the letter of credit unless the name of the vessel shown on Form CCC 106 is identical with the name of the vessel shown on the bill of lading. The banking institution is not required to verify the signature appearing on Form CCC 106 or to make an independent inquiry as to the correctness of the information shown thereon.

(3) *Discounts, purchasing agent's commissions and consular fees.* The banking institution is not required to make independent inquiry as to whether the net invoice price includes either discounts (whether expressed as such or as "commissions" to the importer, or made or to be made through payments, credits or other allowances to the buyer or consignee), commissions payable to purchasing agents, or consular fees, but shall not honor any such items when disclosed by the required documents other than Form CCC–529, Invoice-and-Contract Abstract. The provisions of § 14.10(c) regarding commissions are included primarily for the instruction of suppliers, and banking institutions are not responsible for compliance therewith except to the extent set forth above.

(4) *Weight certificate.* The banking institution is responsible for ascertaining that a weight certificate is included in the documentation when required by the credit purchase authorization and that the quantity invoiced does not exceed the weight shown on the certificate. The banking institution is not responsible for ascertaining that the weight certificate meets the requirement of § 14.14(a).

(5) *Insurance.* The banking institution shall be responsible for determining compliance with § 14.9 only to the extent of ascertaining that the policy or certificate of insurance includes a loss payable clause which provides for payment of any claims in United States dollars to the Controller, CCC.

(6) *Deduction for ocean transportation on c.&f. or c.i.f. invoices.* If Form CCC 106 provides that the cost of ocean transportation is not to be financed by CCC, the banking institution shall not make payment under the letter of credit unless a deduction for the cost of ocean transportation is shown on the CCC copy of the supplier's detailed invoice. The banking institution is not required to verify the correctness of the amount(s) of such deduction(s).

(c) For transactions under a letter of commitment, the banking institution is not responsible for the following:

(1) *Supplier's certification.* The banking institution shall have no responsibility for the truth or accuracy of the statements contained in the supplier's certificates or in any special certification required by this subpart, the terms of the purchase authorization or the letter of commitment. The banking institution is entitled to rely on such certifications.

(2) *Invoice and contract abstract.* The banking institution is not responsible for the truth or accuracy of information contained in the invoice-and-contract abstract, for the sufficiency or completeness of such information, or for any indication by such information of noncompliance with any provision of this subpart or of the purchase authorization, or for any inconsistency with other required documents.

(3) *Contracting period.* The credit purchase authorization specifies the period during which contracts may be entered into by suppliers and importers. A banking institution has no responsibility with regard to compliance with this requirement.

(4) *Other required documents.* The banking institution is not responsible for the truth or accuracy of the statements contained in any of the required documents. A banking institution is not obligated to look beyond these documents nor to make independent investigation as to the accuracy of statements made therein.

(5) *Affiliate.* The banking institution is not responsible for determining whether or not the supplier and the importer are affiliates. Also the banking institution is not responsible for the furnishing or verification of any information required to be furnished pursuant to § 14.14(c)(3).

(d) *Responsibilities under reimbursement method of financing for transportation purchase authorizations.* Purchase authorizations for the procurement of ocean transportation are of the reimbursement type. No letters of commitment are issued for such purchase authorizations.

§ 14.17 Supplier's records.

The Administator shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the supplier involving transactions related to contracts between the supplier and the importer until the expiration of three years after final payment under such contracts.

§ 14.18 ASCS Commodity Offices.

The addresses of the ASCS Commodity Offices are as follows:

ASCS Commodity Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.

ASCS Commodity Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.

ASCS Commodity Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minn.

ASCS Commodity Office, U.S. Department of Agriculture, 120 Marale Street, New Orleans 16, La.

§ 14.19 Effective date.

This revision of this subpart shall become effective upon publication in the FEDERAL REGISTER as to purchase authorizations originally issued on and after the date of such publication. Purchase authorizations originally issued prior to such date of publication shall continue to be subject to the provisions of this subpart applicable thereto prior to this revision unless made subject to this revision by amendment or modification of such purchase authorizations.

The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 4th day of October 1963. Witness my hand and the seal of the Department of Agriculture.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 63–10744; Filed, Oct. 9, 1963; 8:46 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 62]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

CORN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year in the following respects:

The corn endorsement, published in § 401.20 of this chapter, is amended effective beginning with the 1964 crop year to read as follows:

§ 401.20 The corn endorsement.

The provisions of the corn endorsement for the 1964 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* The crop insured under this endorsement shall be only corn normally regarded as field corn planted for harvest as grain as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that the corn is (a) thick planted for the production of silage or fodder, (b) planted for the development of hybrid seed other than the final cross or (c) planted for the production of silage or fodder and so designated on the acreage report as acreage to which insurance will not attach for the crop year.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by three bushels for any harvested acreage on which the amount harvested is three or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1964 crop year may elect the price per bushel to be in effect beginning with the 1964 crop year. If for the 1964 or any succeeding crop year any applicant, or insured, has not elected a price per bushel, or has elected a price per bushel not shown on the county actuarial table for the crop year, the price per bushel election which shall be applicable under such contract, and which the insured is deemed to have elected, shall be the amount provided on the county actuarial table for such purposes.

For any crop year, any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract: *Provided*, That if such price is not one shown on the county actuarial table for the crop year it shall be the price provided for such purpose on the county actuarial table.

4. *Insurance period.* For each crop year of the contract, insurance attaches on any insured acreage at the time of planting and as to any such acreage shall cease on final adjustment of a loss, or upon harvest, or December 10 (October 31 in North Dakota), whichever first occurs: *Provided*, That, where representative rows of corn are allowed to remain on any insured acreage in accordance with Section 5(b) of this endorsement, insurance on such acreage shall cease at the time it would otherwise cease if such rows had not been left.

5. *Acreage to be harvested for silage, fodder, or wet storage.* (a) The crop on any insured acreage may be harvested for silage, fodder, or wet storage without notice to, or consent of, the Corporation, but if so harvested the production shall be appraised at the bushel guarantee.

(b) Notwithstanding section 8(a) of the policy, if the crop on any insured acreage referred to in paragraph (a) hereof is damaged and the insured desires a preharvest appraisal of the production he shall give notice in writing to the Corporation at the county office before harvest is commenced, and request such an appraisal. The Corporation shall, pursuant to such notice, appraise the production, but if unable to do so prior to harvest, the insured may harvest the crop on the condition that representative rows, or areas, are left from which appraisals of production properly can be made. If the conditions of this paragraph are not met, the appraisal provided for in paragraph (a) hereof shall be made.

Appraisals of production made hereunder shall not exceed the bushel guarantee and shall be made without regard to section 6(b) of this endorsement on the basis of the most favorable conditions prevailing and shall not be reduced because of any damage to representative rows, or areas, after the crop was harvested.

6. *Claims for loss.* (a) In lieu of section 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of corn on the insurance unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the insurance unit, (2) subtracting therefrom the total production to be counted for the insurance unit, (3) multiplying the remainder by the insured interest, and (4) multiplying the result obtained in (3) by the applicable price per bushel for computing indemnities: *Provided*, That if for the insurance unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for an insurance unit shall be determined by the Corporation and, subject to section 5 of this endorsement and the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage of corn (1) which, with the consent of the Corporation is planted in the current crop year, before harvest becomes general, to any other crop (excluding small grain crops normally maturing for harvest in the following calendar year) insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater; (2) which is unharvested or from which less than three bushels per acre are harvested shall be the appraised production and the harvested production in excess of three bushels per acre; and (3) which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided for such acreage.

(b) Notwithstanding the provisions of subparagraph (a) of this section, in determining the production of corn, other than the corn referred to in section 5 of this endorsement, to be counted, the Corporation shall, where appropriate when due to insurable causes occurring within the insurance period, first adjust such production as follows: The production shall be reduced 2 percent for each full 1 percent of moisture in excess of 16 percent up to and including 40 percent, or shall be reduced for damaged kernels as follows: for damage of 7 or 8 percent—1 percent; for damage of 9 or 10 percent—2 percent; for damage of 11 or 12 percent—3 percent; for damage of 13 or 14 percent—4 percent; and for each full 1 percent of damage in excess of 14 percent up to and including 35 percent—an additional 2 percent. If, however, reductions for both moisture and kernel damage are applicable the percent of production to be counted shall be the product (rounded to the nearest whole percent) of the percentages remaining after the respective percentage reductions are made as herein provided.

If, however, the Corporation determines that the moisture content is above 40 percent, or if the kernel damage is above 35 percent, or if the test weight of shelled corn is below 40 pounds per bushel, the percent of production to be counted shall be that as agreed upon by the Corporation and the insured, or in the absence of agreement as appraised by the Corporation.

7. *Meaning of terms.* For the purposes of insurance on corn the terms:

(a) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for silage, fodder, wet storage, or any other purpose.

(b) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of corn in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of corn in the county into two or more units, taking into consideration separate and distinct farm operations.

(c) "Wet storage" means any production of corn harvested and stored as high moisture corn for the purpose of maintaining it in such condition.

8. *Cancellation and termination for indebtedness dates.* For each crop year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop

year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 30, 1963.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Aproved on October 4, 1963.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 63-10745; Filed, Oct. 9, 1963; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4 (Rev. 2)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Capital and Surplus of Licensees

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is hereby amended, as set forth below, § 107.301 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 27 F.R. 9743-9754 and amended in 28 F.R. 681, 1627, and 3021.

Information and effective date. The subject amendment extends for one-half year, the time in which a Licensee may request SBA to agree to purchase its Subordinated Debenture.

Since the subject amendment amounts to a relaxation of the former regulation and is therefore exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), and because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, as amended, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (27 F.R. 9743-9754), as amended, is hereby further amended by:

1. Deleting the language "on or before October 3, 1963, or the second anniversary of" at the beginning of § 107.301(c) and inserting in lieu thereof the following "On or before April 3, 1964, or two and one-half years after". As amended, § 107.301(c) reads as follows:

(c) On or before April 3, 1964, or two and one-half years after the issuance of its License, whichever is later, a Licensee may request SBA to agree to purchase its Subordinated Debenture in an amount which, when aded to any Subordinated Debenture previously issued to SBA, will not exceed the lesser of:

(1) $400,000, or

(2) Its paid-in capital and paid-in surplus from private sources

Dated: October 2, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 63-10763; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1995; Amdt. 10-1]

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

Clarification of the Provisions Dealing With Type Certification

This amendment clarifies the provisions of § 10.11 of Part 10 of the Civil Air Regulations by adding a new § 10.12 which affirms that a product type certificated under the provisions of Part 10 is considered by the Agency to be type certificated also under the provisions of that part of the Civil Air Regulations which is invoked by the terms of § 10.11.

Currently effective § 10.11 states that a type certificate under the provisions of Part 10 shall be issued to an applicant when the Government of the country in which the product was manufactured certifies that the product has been examined, tested, and found to comply with either: (a) The airworthiness requirements prescribed in the Civil Air Regulations applicable to the product involved; or (b) the applicable airworthiness requirements of the Government of the country in which the product was manufactured together with such other requirements as may be prescribed by the Administrator to provide a level of safety equivalent to the airworthiness requirements in the Civil Air Regulations that are applicable to the product.

Whatever alternative is selected by the applicant, a specific part of the Civil Air Regulations is invoked by the terms of § 10.11 and compliance with the airworthiness requirements of that part, or equivalence to those requirements, must be certified by the Government of the country in which the product is manufactured. The Agency, therefore, considers that any product type certificated under the provisions of Part 10 is, in addition, type certificated under the provisions of that part of the Civil Air Regulations which was invoked when showing compliance with § 10.11; and has administered the Civil Air Regulations accordingly. This means, for example, that when a provision of the Civil Air Regulations is applicable to products that are type certificated under the provisions of Part 4b, it is made equally applicable to products that are type certificated under the provisions of Part 10 if, in accordance with § 10.11(a), a compliance with the airworthiness requirements of Part 4b is certified, or if, in accordance with § 10.11(b), equivalence to these requirements is certified.

The Agency recognizes, however, that there is a need to clarify the Civil Air Regulations on this point. To avoid misunderstanding, as has occurred in one recent instance when applying the provisions of Special Civil Air Regulation No. SR-450A, a new § 10.12 is being added to Part 10 to specifically set forth the connection between this part and other parts of the Civil Air Regulations with respect to the type certification of products.

The format of this amendment will be subject to such change as may be necessary for its recodification under the Agency's Recodification Program, announced in Draft Release No. 61-25 (26 F.R. 10698).

Since this amendment is clarifying in nature, and imposes no additional burden on any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and it may be made effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 601, 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, Part 10 of the Civil Air Regulations (14 CFR Part 10, as amended) is hereby amended by adding a new § 10.12 to read as follows, effective October 10, 1963.

§ 10.12 **Type certificated products.**

A product type certificated under the provisions of this part is considered to be type certificated also under the provisions of that part of the Civil Air Regulations containing the airworthiness requirements with which compliance is certified in accordance with § 10.11(a) or to which equivalence in level of safety is certified in accordance with § 10.11(b).

Issued in Washington, D.C., on October 2, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-10722; Filed, Oct. 9, 1963; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1997; Amdt. 629]

PART 507—AIRWORTHINESS DIRECTIVE

Rolls-Royce Dart Engines

Amendment 425, 27 F.R. 3653 (AD 62-8-8), requires special inspection of the oil filters of Rolls Royce Dart engines not incorporating Rolls Royce Dart Modification 1023. Since the issuance of Amendment 425, metal particles have been found in filters of engines which incorporate Mod. 1023. In one case there was failure of the rear compressor bearing which resulted in an oil fire and inability to feather the propeller. Therefore, Amendment 425 is being superseded by a new directive to require special inspection of the oil filters of Dart engines whether or not Mod. 1023 is incorporated.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and pub-

lic procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended by adding the following new airworthiness directive:

ROLLS-ROYCE. Applies to all Dart 525 Series, 526, 527, 528 Series, and 529 Series engines with Rolls-Royce Modification 529 (Part 2) bearing in the rear position. Compliance required as indicated.

(a) Inspect the oil filters in accordance with Rolls-Royce Notice to Operators, Dart Engines, No. 100, Issue 3, at the following times:

(1) Within 25 hours time in service after the effective date of this AD, unless already accomplished within the last 25 hours, and thereafter at intervals not exceeding 50 hours time in service from the last inspection; and

(2) Before further flight, when an increase in oil consumption or a drop in oil pressure is reported.

(b) If metal particles are found in the filters, remove the engine from service and further inspect to determine whether repairs are required.

(c) If the inspection in paragraph (b) indicates that repairs are required, the appropriate modifications specified under "Remedial Action" in Rolls-Royce Notice to Operators, Dart Engines No. 100, Issue 3, shall be incorporated.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Division, Europe, Africa and Middle East Area, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Rolls-Royce Notice to Operators, Dart Engines, No. 100 Issue 3 dated July 12, 1963, covers this subject.)

This supersedes Amendment 425, 27 F.R. 3653, AD 62-8-8.

This amendment shall become effective October 10, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 3, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 63-10721; Filed, Oct. 9, 1963; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Dalapon Sodium Salt

A petition was filed with the Food and Drug Administration by The Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance of 5 parts per million for residues of the herbicide dalapon sodium salt, as 2,2-dichloropropionic acid, in or on bananas.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

Data presented by the petitioner on chronic toxicity in rats and dogs show "no effect levels" of 300 parts per million in rats and 4,000 parts per million in the dogs. The data showed no effect on reproduction or lactation from diets containing as high as 3,000 parts per million.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512 as amended; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.150 (21 CFR 120.150; 28 F.R. 3259) a tolerance for residues of dalapon sodium salt in or on bananas. As amended, the affected portion of this section reads as follows:

§ 120.150 Dalapon sodium salt; tolerances for residues.

* * * * *

5 parts per million in or on bananas, corn fodder and forage, cranberries, fresh corn including sweet corn (kernels plus cobs with husks removed), grapefruit, limes, oranges, sugar beets (roots and tops), tangerines.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512 as amended; 21 U.S.C. 346a(d)(2))

Dated: October 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10753; Filed, Oct. 9, 1963; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

AMPROLIUM, ARSANILIC ACID, SODIUM ARSANILATE, AND ZOALENE IN MEDICATED FEED

A. The Commissioner of Food and Drugs has evaluated the data submitted in petitions filed by Merck Chemical Division of Merck and Company, Inc., Rahway, New Jersey, and Dow Chemical Company, Midland, Michigan, each jointly with Abbott Laboratories, North Chicago, Illinois, and other relevant material, concerning the addition of arsanilic acid and sodium arsanilate to amprolium- or zoalene-medicated poultry feeds. The relevant material includes the report of an interdepartmental committee on cancer-producing food additives. After evaluation of these data, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner has concluded that Part 121 should be amended as hereinafter indicated:

1a. In § 121.207 *Zoalene,* paragraph (c) is amended by changing the table heading to read as set forth below, and by adding to the table new items, as follows:

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. * * *	* * *	* * *	* * *	* * *	* * *
d. Zoalene	113.5-170.3	Arsanilic acid	90 (0.01%)	For turkeys grown for meat purposes only; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
e. Zoalene	113.5-170.3	Sodium arsanilate	90 (0.01%)	do	Do.
2. * * *	* * *	* * *	* * *	* * *	* * *
h. Zoalene	113.5	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
i. Zoalene	113.5	Sodium arsanilate	90 (0.01%)	do	Do.
3. * * *	* * *	* * *	* * *	* * *	* * *
h. Zoalene	36.3-113.5	Arsanilic acid	90 (0.01%)	For replacement chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
i. Zoalene	36.3-113.5	Sodium arsanilate	90 (0.01%)	do	Do.

b. There was published in the FEDERAL REGISTER of August 14, 1963 (28 F.R. 8310), an order amending § 121.207(c) by adding to the table a new item incorrectly designated "2. * * * f. Zoalene" which is changed to read "2. * * * g. Zoalene."

2. In § 121.210 *Amprolium*, paragraph (c) is amended by adding to table 1 new items, as follows:

TABLE 1—AMPROLIUM IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 * * *	* * *	* * *	* * *	* * *	* * *
i. 1.1	113.5-227	Arsanilic acid	90 (0.01%)	For turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
j. 1.1	113.5-227	Sodium arsanilate.	90 (0.01%)	do	Do.
2.1 * * *	* * *	* * *	* * *	* * *	* * *
m. 2.1	113.5-227	Arsanilic acid	90 (0.01%)	For broiler chickens; not for laying chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
n. 2.1	113.5-227	Sodium arsanilate.	90 (0.01%)	do	Do.
3.1 * * *	* * *	* * *	* * *	* * *	* * *
m. 3.1	36.3-113.5	Arsanilic acid	90 (0.01%)	For replacement chickens; not for laying chickens; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
n. 3.1	36.3-113.5	Sodium arsanilate	90 (0.01%)	do	Do.

3. Part 121 is amended by adding thereto the following new sections:

§ 121.253 Arsanilic acid.

Arsanilic acid may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical *p*-aminobenzenearsonic acid ($C_6H_8AsNO_3$).

(b) Permitted uses of arsanilic acid alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in feeds, as follows:

ARSANILIC ACID IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Arsanilic acid	90(0.01%)			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
a. Arsanilic acid	90	Amprolium	36.3-227 (0.004%-0.025%).	For chickens and turkeys; as prescribed in § 121.210, table 1, items 1.1, 2.1, 3.1.	§ 121.210, table 1, items 1.1, 2.1, 3.1.
b. Arsanilic acid	90	Zoalene	36.3-170.3 (0.004%-0.01875%).	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3.	§ 121.207, table, items 1, 2, 3.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix and final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

§ 121.254 Sodium arsanilate.

Sodium arsanilate may be safely used in animal feed when incorporated therein in accordance with the following conditions.

(a) The additive is the chemical sodium *p*-aminobenzenearsonate, ($C_6H_7AsNNaO_3$).

(b) Permitted use of sodium arsanilate alone and with certain other additives is described in tabular form in this section and this table is to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the medicament alone or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the heading of this section and is not intended to imply that the ingredient is of a greater value than any other additives named in this section.

(c) It is used or intended for use in feeds, as follows:

SODIUM ARSANILATE IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
i. Sodium arsanilate.	90 (0.01%)	----------	----------	For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
a. Sodium arsanilate.	90	Amprolium---	36.3–227 (0.004%–0.025%).	For chickens and turkeys; as prescribed in § 121.210, table 1, items 1.1, 2.1, 3.1.	§ 121.210, table 1, items 1.1, 2.1, 3.1.
b. Sodium arsanilate.	90	Zoalene------	36.3–170.3 (0.004%–0.01875%).	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3.	§ 121.207, table, items 1, 2, 3.

(d) To assure safe use, the label and labeling of the additive, any combination of additives, and any intermediate premix and final feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

B. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens and turkeys have been treated with arsanilic acid or sodium arsanilate-containing feeds in accordance with § 121.253 or § 121.254, a tolerance limitation is required in order to assure that edible tissues from chickens and turkeys are safe for human food. Therefore, the food additive regulations are amended by adding to Subpart D the following new section:

§ 121.1138 Arsenic.

Tolerances for total residues of combined arsenic (calculated as As) in chicken and turkey tissues and byproducts are established as follows:

0.5 part per million in muscle meat.
1.0 part per million in edible byproducts.
0.5 part per million in eggs.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: October 3, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10701; Filed, Oct. 9, 1963; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE RESINS, CARBOXYL MODIFIED

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 1082, 1083) filed by Spencer Chemical Company, Dwight Building, Kansas City 5, Missouri, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of carboxyl-modified polyethylene resins as the food-contact surface of articles used in contact with dry, bulk food and also as components of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended as set forth below:

1. Section 121.2520 *Adhesives* is amended by inserting alphabetically in the list "Components of Adhesives" in paragraph (c)(5), the following new item:

Polyethylene resins, carboxyl modified, identified in § 121.2580.

2. By adding to Subpart F the following new section:

§ 121.2580 Polyethylene resins, carboxyl modified.

Carboxyl-modified polyethylene resins may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding dry, bulk food, subject to the provisions of this section.

(a) For the purpose of this section, carboxyl-modified polyethylene resins are those formed by reacting any suitable combination of the following substances:

Ammonium hydroxide.
Calcium carbonate.
Ethylene.
Methyl acrylate.
Potassium hydroxide.
Sodium hydroxide.

(b) The finished resin in the form in which it contacts food, when subjected to method No. 6191 in Federal Test Methods Standard No. 141, using No. 50 emery abrasive in lieu of Ottawa sand, shall exhibit an abrasion coefficient of not less than 20 liters per mil of film thickness.

(c) The provisions of paragraph (b) of this section are not applicable to carboxyl-modified polyethylene resins used in food-packaging adhesives complying with § 121.2520.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 4, 1963.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 63-10754; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 6680]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Estate Tax Regulations and Gift Tax Regulations Amended To Include Rules for the Valuation of Shares in Open-End Investment Companies

On June 5, 1962, notice of proposed rule making was published in the FEDERAL

REGISTER (27 F.R. 5268) to provide in the Estate Tax Regulations (26 CFR Part 20) and in the Gift Tax Regulations (26 CFR Part 25) a rule for the valuation of shares in open-end investment companies. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

PARAGRAPH 1. Section 20.2031–8 is amended by changing the heading, redesignating existing material as paragraph (a), and adding a new paragraph (b). As so amended § 20.2031–8 reads as follows:

§ 20.2031–8 Valuation of certain life insurance and annuity contracts; valuation of shares in an open-end investment company.

(a) *Valuation of certain life insurance and annuity contracts.* (1) The value of a contract for the payment of an annuity, or an insurance policy on the life of a person other than the decedent, issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of comparable contracts. An annuity payable under a combination annuity contract and life insurance policy on the decedent's life (e.g., a "retirement income" policy with death benefit) under which there was no insurance element at the time of the decedent's death (see paragraph (d) of § 20.2039–1) is treated like a contract for the payment of an annuity for purposes of this section.

(2) As valuation of an insurance policy through sale of comparable contracts is not readily ascertainable when, at the date of the decedent's death, the contract has been in force for some time and further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the decedent's death the proportionate part of the gross premium last paid before the date of the decedent's death which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such an approximation is not reasonably close to the full value of the contract, this method may not be used.

(3) The application of this section may be illustrated by the following examples. In each case involving an insurance contract, it is assumed that there are no accrued dividends or outstanding indebtedness on the contract.

Example (1). X purchased from a life insurance company a joint and survivor annuity contract under the terms of which X was to receive payments of $1,200 annually for his life and, upon X's death, his wife was to receive payments of $1,200 annually for her life. Five years after such purchase, when his wife was 50 years of age, X died. The value of the annuity contract at the date of X's death is the amount which the company would charge for an annuity providing for the payment of $1,200 annually for the life of a female 50 years of age.

Example (2). Y died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was one on which no further payments were to be made to the company (e.g., a single premium policy or a paid-up policy). The value of the insurance policy at the date of Y's death is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (3). Z died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was an ordinary life policy issued nine years and four months prior to Z's death and at a time when Z's wife was 35 years of age. The gross annual premium is $2,811 and the decedent died four months after the last premium due date. The value of the insurance policy at the date of Z's death is computed as follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One-third of such increase (Z having died four months following the last preceding premium due date) is	545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of Z's death	13,510.33
Two-thirds of gross premium (⅔ x $2,811)	1,874.00
Value of the insurance policy	15,384.33

(b) *Valuation of shares in an open-end investment company.* (1) The fair market value of a share in an open-end investment company (commonly known as a "mutual fund") is the public offering price of a share, adjusted for any reduction in price available to the public in acquiring the number of shares being valued. In the absence of an affirmative showing of the public offering price in effect at the time of death, the last public offering price quoted by the company for the date of death shall be presumed to be the applicable public offering price. If the alternate valuation under section 2032 is elected, the last public offering price quoted by the company for the alternate valuation date shall be the applicable public offering price. If there is no public offering price quoted by the company for the applicable valuation date (e.g., the valuation date is a Saturday, Sunday, or holiday), the fair market value of the mutual fund share is the last public offering price quoted by the company for the first day preceding the applicable valuation date for which there is a quotation, adjusted for any reduction in price available to the public in acquiring the number of shares being valued. In any case where a dividend is declared on a share in an open-end investment company before the decedent's death but payable to shareholders of record on a date after his death and the share is selling "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the share as of the date of the decedent's death. As used in this paragraph, the term "open-end investment company" includes only a company which on the applicable valuation date was engaged in offering its shares to the public in the capacity of an open-end investment company.

(2) The provisions of this paragraph shall apply with respect to estates of decedents dying after October 10, 1963.

PAR. 2. Section 25.2512–6 is amended by changing the heading, designating existing material as paragraph (a), and by adding a new paragraph (b). As so amended § 25.2512–6 reads as follows:

§ 25.2512–6 Valuation of certain life insurance and annuity contracts; valuation of shares in an open-end investment company.

(a) *Valuation of certain life insurance and annuity contracts.* The value of a life insurance contract or of a contract for the payment of an annuity issued by a company regularly engaged in the selling of contracts of that character is established through the sale of the particular contract by the company, or through the sale by the company of comparable contracts. As valuation of an insurance policy through sale of comparable contracts is not readily ascertainable when the gift is of a contract which has been in force for some time and on which further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the gift the proportionate part of the gross premium last paid before the date of the gift which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such approximation is not reasonably close to the full value, this method may not be used. The following examples, so far as relating to life insurance contracts, are of gifts of such contracts on which there are no accrued dividends or outstanding indebtedness.

Example (1). A donor purchases from a life insurance company for the benefit of another a life insurance contract or a contract for the payment of an annuity. The value of the gift is the cost of the contract.

Example (2). An annuitant purchased from a life insurance company a single payment annuity contract by the terms of which he was entitled to receive payments of $1,200 annually for the duration of his life. Five years subsequent to such purchase, and when of the age of 50 years, he gratuitously assigns the contract. The value of the gift is the amount which the company would charge for an annuity contract providing for the payment of $1,200 annually for the life of a person 50 years of age.

Example (3). A donor owning a life insurance policy on which no further payments are to be made to the company (e.g., a single premium policy or paid-up policy) makes a gift of the contract. The value of the gift is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (4). A gift is made four months after the last premium due date of an ordinary life insurance policy issued nine years and four months prior to the gift thereof by the insured, who was 35 years of age at date of issue. The gross annual premium is $2,811. The computation follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One-third of such increase (the gift having been made four months following the last preceding premium due date), is	545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of gift	13,510.33
Two-thirds of gross premium ($2,811)	1,874.00
Value of the gift	15,384.33

Example (5). A donor purchases from a life insurance company for $15,198, a joint and survivor annuity contract which provides for the payment of $60 a month to the donor during his lifetime, and then to his sister for such time as she may survive him. The premium which would have been charged by the company for an annuity of $60 monthly payable during the life of the donor alone is $10,690. The value of the gift is $4,508 ($15,198 less $10,690).

(b) *Valuation of shares in an open-end investment company.* (1) The fair market value of a share in an open-end investment company (commonly known as a "mutual fund") is the public offering price of a share, adjusted for any reduction in price available to the public in acquiring the number of shares included in the particular gift. In the absence of an affirmative showing of the public offering price in effect at the time of the gift, the last public offering price quoted by the company for the date of the gift shall be presumed to be the applicable public offering price. If there is no public offering price quoted by the company for the date of the gift (e.g., the date of the gift is a Saturday, Sunday, or holiday), the fair market value of the mutual fund share is the last public offering price quoted by the company for the first day preceding the date of the gift for which there is a quotation, adjusted for any reduction in price available to the public in acquiring the number of shares included in the particular gift. As used in this paragraph, the term "open-end investment company" includes only a company which on the date of the gift was engaged in offering its shares to the public in the capacity of an open-end investment company.

(2) The provisions of this paragraph shall apply with respect to gifts made after October 10, 1963.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: October 7, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-10788; Filed, Oct. 9, 1963; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER G—PERSONNEL

PART 888—STANDARDS OF CONDUCT

Part 888 is revised to read as follows:

Sec.
888.1 Scope of part.
888.1a Code of Ethics for Government Service.
888.2 Definitions.
888.3 Applicability.
888.4 Ethical standards of conduct.
888.5 Bribery and graft.
888.6 Gratuities.
888.7 Prohibition of contributions or presents to superiors.
888.8 Use of Government facilities, property, and manpower.
888.9 Use of civilian and military titles in connection with commercial enterprises.
888.10 Outside employment of Air Force personnel.
888.11 Conflict of interest laws.
888.12 Advisers, consultants, and temporary or intermittent employees.
888.13 Digest of conflict of interest laws.
888.14 New law applicable to former officers and employees.
888.15 Summary of laws applicable to retired regular officers not on active duty.
888.16 Other related criminal laws applicable to all Department of Defense personnel.

AUTHORITY: §§ 888.1 to 888.16 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Statutory provisions interpreted or applied are cited to text.

SOURCE: AFR 30-30, August 26, 1963.

§ 888.1 Scope of part.

This part prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all Air Force personnel, regardless of assignment. Close adherence to these principles will insure compliance with the high ethical standards demanded of all public servants. It is in consonance with the President's Memorandum (28 F.R. 4539, May 7, 1963) concerning Special Government Employees and the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which applies to all Government personnel. It also includes standards of conduct based on the revisions of the conflict of interest laws enacted in 1962 (§§ 888.13 and 888.16).

§ 888.1a Code of Ethics for Government Service.

HOUSE CONCURRENT RESOLUTION 175

85TH CONGRESS, 2D SESSION

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

Code of Ethics for Government Service

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

§ 888.2 Definitions.

(a) "DOD personnel," as used in this part, unless the context indicates otherwise, means all civilian officers and employees of all the offices, agencies, and departments in the Department of Defense (including nonappropriated fund activities) and all officers and enlisted members of the Army, Navy, Air Force, and Marine Corps.

(b) "Air Force personnel," as used in this part, unless the context indicates otherwise, means all civilian officers and employees in the Department of the Air Force (including nonappropriated fund activities) and all officers and enlisted members of the Air Force.

(c) "Officers" includes both commissioned and warrant officers.

(d) "Reserve officers" includes both officers of the Air National Guard of the United States and Air Force Reserve.

§ 888.3 Applicability.

(a) This part applies to all Air Force personnel and activities.

(b) All Air Force personnel should be familiar with §§ 888.2 to 888.12 and those parts of §§ 888.13 and 888.14 which pertain to them.

§ 888.4 Ethical standards of conduct.

(a) *General.* Air Force personnel are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interests of the United States. Even though a technical conflict, as set forth in the statutes cited in this part, may not exist, Air Force personnel must avoid the appearance of such a conflict, from a public confidence

point of view. Air Force personnel will not engage in any private activity which involves the use of, or the appearance of the use of, inside information gained through an Air Force position for private gain for themselves, their families or business associates. Air Force personnel must not use their official position in any way to induce, or give the appearance of inducing, another person to provide any financial benefit to themselves, or persons with whom they have family, business or financial ties.

(b) *Dealing with present and former military and civilian personnel.* Air Force personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel, of the Government, if such action will result in a violation of a statute or policy set forth in this part.

(c) *Presidential appointees.* Executive Order 10939 of May 5, 1961 (3 CFR, 1961 Supp., p. 107) prescribing special standards for Presidential appointees and others is self-explanatory.

§ 888.5 Bribery and graft.

In general, Air Force personnel may be subject to criminal penalties if they solicit, accept, or agree to accept anything of value in return for being influenced in performing or in refraining from performing an official act (see 18 U.S.C. 201).

§ 888.6 Gratuities.

(a) Air Force personnel will not accept any favor, gratuity, or entertainment directly or indirectly, from any person, firm, corporation, or other entity which has engaged, is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the Department of Defense, where such favor, gratuity, or entertainment might affect, or might reasonably be interpreted as affecting, or give the appearance of affecting the objectivity and impartiality of such personnel in serving the Government. Favors, gratuities, or entertainment bestowed upon members of the immediate families of Air Force personnel are viewed in the same light as those bestowed upon Air Force personnel. Acceptance of entertainment, gifts, or favors (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of Defense may be a source of embarrassment to the Department and to the personnel involved, may affect the objective judgment of the recipient, may impair public confidence in the integrity of business relations between the Department and industry, and must be discouraged.

(b) Procedures with respect to gifts from foreign governments are set forth in §§ 891.1 to 891.11 and §§ 878.1 to 878.16 of this subchapter.

§ 888.7 Prohibition of contributions or presents to superiors.

No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R.S. 1784; 5 U.S.C. 113.)

§ 888.8 Use of Government facilities, property, and manpower.

Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph services and chauffer services, shall be used only for official Government business. Sections 888.2 to 888.12 are not intended to preclude the use of Government facilities for activities which would further military-community relations provided they do not interfere with the military mission.

§ 888.9 Use of civilian and military titles in connection with commercial enterprises.

(a) All civilian personnel, and military personnel on active duty, are prohibited from using their civilian and military titles or positions in connection with any commercial enterprise or in endorsing any commercial product. For the purpose of this section, the term "commercial enterprise" includes any organization other than a nonprofit or charitable organization which is exempt from Federal income taxation because it comes within subsection (1), (3), (4), (6), (7), (8), (9), (10), (11), (13), or (14) of section 501(c) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 501). No civilian person and no military person on extended active duty will use his civilian or military title or position in connection with any organization unless he first determines from the organization involved that it is exempt from taxation under one of the above subsections of the Internal Revenue Code. The foregoing shall not be deemed to preclude publication by such personnel of books or articles which identify them as author by reference to their military or civilian title or position, provided that publication of such material has been cleared under existing Air Force procedures.

(b) All retired military personnel and all members of Reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the Air Force or the Department of Defense. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by Department of the Air Force or the Department of Defense. The Department of the Air Force may restrict retired personnel and members of reserve components not on active duty, from using their military titles in connection with public appearances in oversea areas.

§ 888.10 Outside employment of Air Force personnel.

(a) Air Force personnel shall not engage in private outside employment with or without compensation, which:

(1) Interferes with the performance of their Government duties,

(2) May reasonably be expected to bring discredit upon the Government or the agency concerned, or

(3) Is inconsistent with § 888.4.

(b) No enlisted member of the Air Force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession. (10 U.S.C. 8635)

§ 888.11 Conflict of interest laws.

(a) *Full-time officers and employees—*(1) *Definition.* The term "full-time officer or employee" includes all civilian officers and employees, and all military officers on active duty, except those who are "special Government employees" (see paragraph (b) of this section). It does not include enlisted personnel.

(2) *Prohibitions.* Section 888.13 contains a discussion of these criminal laws and the exemptions therefrom. In general, a full-time officer or employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (see 18 U.S.C. 203 and 205).

(ii) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (see 18 U.S.C. 209).

(iii) He may not participate[1] in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (see 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with subparagraph (4) of this paragraph, except as provided in subparagraph (3) of this paragraph.

(3) *Nondisqualifying financial interest.* (i) A full-time officer or employee need not disqualify himself under subparagraph (2)(ii) of this paragraph, if the financial holdings are in shares of a widely-held diversified mutual fund or regulated investment company.

(ii) The indirect interests in business entities which the holder of shares in a widely-held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business enti-

[1] A person may "participate" through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise.

ties is hereby exempted from the provisions of 18 U.S.C. 208(a), in accordance with the provisons of 18 U.S.C. 208(b)(2) as being too remote or inconsequential to affect the integrity of the Government officers' or employees' services.

(4) *Disqualification procedures.* (i) In any case where a full-time officer or employee must disqualify himself under subparagraph (2)(iii) of this paragraph, he will promptly notify his superior thereof and make a full disclosure of the financial interest. The superior will thereupon relieve him from his duty and responsibility in the matter, unless the Government official responsible for his appointment makes a written advance determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the officer or the employee. The original copy of such written determination will be made a matter of permanent record and will become a part of the Official Civilian Personnel Folder or the Military Officer Unit Personnel Record Group, as appropriate.

(ii) In the case of a military officer or a civilian employee, the "official responsible for his appointment" shall, for the purpose of this paragraph (a), be his superior, or such other person as the commander may designate, who is a full-time officer or employee serving in the grade of major, or GS–12, or higher. The designation, authorized to be made by commanders in the previous sentence, may be made by directors or heads of comparable offices in the Office of the Secretary of the Air Force and in Hq USAF for personnel assigned to their respective offices.

(iii) In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter.

(iv) In cases of disqualification under this paragraph (a), the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

(b) *Special Government employees—*(1) *Definition.* The term "special Government employee" includes an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (see 18 U.S.C. 202). The term also includes a Reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(2) *Prohibitions.* The President's Memorandum (28 F.R. 4539, May 7, 1963) contains a detailed discussion of these criminal laws. In general, a special Government employee is subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else:

(*a*) Before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (see 18 U.S.C. 203 and 205).

(*b*) In a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (see 18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in this subdivision apply to both paid and unpaid representation of another.

(ii) He may not participate in his Governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment, has a financial interest (see 18 U.S.C. 208). Instead of participating in such a matter, he must promptly disqualify himself in accordance with paragraph (a)(4) of this section, except as provided in paragraph (a)(3) of this section.

(iii) After his Government employment has ended, he is subject to the prohibitions in paragraph (c)(2) of this section as a "former employee" (see 18 U.S.C. 207).

(c) *Former officers or employees—*(1) *Definition.* The term "former officer or employee" includes those full-time civilian officers or employees and former military officers who have left Government service, special Government employees who have left Government service, retired Regular officers, and Reserve officers released from active duty. It does not include enlisted personnel.

(2) *Prohibited activities.* Section 888.14 contains a more detailed discussion of the criminal law. In general, a former officer or employee is subject to the following major prohibitions:

(i) He may not, at any time after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (see 18 U.S.C. 207(a)).

(ii) He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (see 18 U.S.C. 202(b) and 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in subdivision (i) of this subparagraph, if the matter is one in which he participated personally and substantially.

(d) *Retired Regular officers—*(1) *Prohibitions.* Section 888.15 contains a summary of the laws applicable to retired Regular officers. In general, a retired Regular Air Force officer is subject to the following major prohibitions:

(i) As an officer whose "employment has ceased," he may not engage in the prohibited activities listed in paragraph (c) of this section (see 18 U.S.C. 207).

(ii) He may not, at any time, assist in prosecuting a claim against the United States if he worked on that claim while on active duty (see 18 U.S.C. 283).

(iii) He may not, within two years after his retirement, assist in prosecuting a claim which involves the Department in whose service he holds a retired status (see 18 U.S.C. 283).

(iv) He may not, at any time, sell anything to the Department in whose service he holds a retired status (see 18 U.S.C. 281).

(v) He may not, within three years after retirement, sell supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (see 37 U.S.C. 801(c), as amended October 9, 1962, Public Law 87–777, formerly 5 U.S.C. 59(c)). (See definition of "Selling," § 888.15.)

(2) *Required statement of employment.* (i) Each Regular retired Air Force officer will file the following "Statement of Employment," DD Form 1357,[2] with the Retired Pay Division, Directorate of Allotments and Retired Pay, Air Force Accounting and Finance Center (AR), 3800 York Street, Denver 5, Colorado. Each Regular officer retiring hereafter will file this Statement within 30 days after retirement. Whenever the information in the Statement is no longer accurate, each such officer shall file a new DD Form 1357; however, a new Statement need not be filed solely because of the revision of the DD Form 1357.

(ii) The Air Force Accounting and Finance Center will review the "Statement of Employment" to assure compliance with applicable statutes and regulations. Where it appears that a possible violation of a policy or statute, as set forth in this part may be involved, the Retired member may be requested to furnish clarifying information.

(iii) The Retired member will request additional copies of DD Form 1357 from AFAFC (AR), 3800 York Street, Denver 5, Colorado.

(e) *Officers of the Reserve components.* (1) A Reserve officer who is voluntarily serving a period of extended active duty in excess of 130 days is a full-time Government officer, and paragraph (a) of this section applies to him. Exception: Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person (see 10 U.S.C. 1033).

(2) A Reserve officer who is serving on active duty involuntarily for any length of time, and a Reserve officer who is voluntarily serving on extended active duty for 130 days or less, is a "special Government employee," and paragraph (b) of this section applies to him.

(3) A Reserve officer (unless otherwise a full-time officer or employee of the

[2] Form filed as part of original document.

United States) who is on active duty solely for training for any length of time is a "special Government employee," and paragraph (b) of this section applies to him.

(4) When he is released from active duty, a Reserve officer described in subparagraph (1), (2), or (3) of this paragraph, is a "former officer," and paragraph (c) of this section applies to him.

(5) Membership in a Reserve component of the Armed Forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before or in connection with any department (see 5 U.S.C. 30r (c), (d)).

(6) An officer of a Reserve component, whether in the Ready, Standby, or Retired Reserve, who is not on active duty is not, solely because of his status as a Reserve, considered to be an officer or employee of the United States for the purpose of bringing him within the prohibitions summarized in paragraphs (a), (b), or (c) of this section (see 5 U.S.C. 30r (c), (d)).

(7) Receipt of retired pay by a Reserve or a former Reserve does not, in itself, make him an officer or employee or a former officer or employee for the purpose of bringing him within the prohibitions summarized in paragraphs (a), (b), or (c) of this section. Paragraph (d) of this section does not apply to a retired Reserve.

§ 888.12 Advisers, consultants, and temporary or intermittent employees.

(a) *Applicability.* This section implements the President's Memorandum of May 2, 1963, titled "Preventing Conflicts of Interest on the Part of Special Government Employees" (28 F.R. 4539, May 7, 1963). It will be noted that, while the Memorandum relates to all special Government employees, its primary thrust is to advisers and consultants.

(1) The President's Memorandum and this section apply to the following categories of personnel, including members of advisory committees established under AFR 25-7, "Air Force Committee Management":

(i) Advisers and consultants (including experts) employed under AFR 40-921, "Employment of Experts and Consultants" (publication pending); AFR 160-97, "Civilian National Consultants"; or AFR 25-4, "Expert and Consultant Services."

(ii) Temporary or intermittent employees appointed under regular Civil Service appointment procedures; and

(iii) Industry or other representatives (including representatives of labor and agriculture) who are not appointed as Air Force employees, but who are requested to appear before an activity of the Air Force to present the views of a non-governmental organization.

(2) The following categories of personnel are not considered "advisers and consultants" within the meaning of this section when performing the specific services listed in subdivisions (i) through (v) of this subparagraph, and they are not required to file the "Statement of Employment and Financial Interests" referred to in paragraph (b)(2)(i)(*b*) of this section. The other provisions of this part, and the laws referred to therein, apply to such employees either as full-time or as special Government employees.

(i) Physicians, dentists, and allied medical specialists performing care and service to patients.

(ii) Veterinarians providing veterinary service to animals.

(iii) Lecturers participating in educational activities.

(iv) Chaplains performing religious services.

(v) Individuals of national prominence in the motion picture and television fields who are utilized as narrators or actors in motion picture or television productions produced by the Department of Defense.

(b) *Specific responsibilities* — (1) *Over-all responsibility.* Each commander is responsible for implementing all of the provisions of the President's Memorandum of May 2, 1963, pertaining to his command.

(2) *Advisers and consultants.* (i) Each adviser and consultant employed, or to be employed, will:

(*a*) Familiarize himself and comply with the President's Memorandum of May 2, 1963, and those parts of this part which pertain to him.

(*b*) Complete and file with the civilian personnel office of the employing activity the following "Statement of Employment and Financial Interests" prior to his appointment or reappointment, and file with that office a revised Statement whenever the one previously submitted by him is no longer accurate. He will report on the Statement his Government employment (including his anticipated employment with the Air Force and with any other Government agencies) and his private employments, as prescribed in the President's Memorandum of May 2, 1963, and his financial interests. He must list all of his investments and other financial interests, such as a pension; retirement; group life, health, or accident insurance; and profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer. He is not required to list precise amounts of investments.

S-A-M-P-L-E

STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

1. *Private Employment*

(Name of all companies, firms, State or local governmental organizations, research organizations, and educational or other institutions for which you are serving as employee, officer, member, director, adviser or consultant. Also list any organization with which you are negotiating or have an arrangement concerning prospective employment.)

2. *Federal Government Employment*

a. I anticipate I will be employed by the U.S. Government during the 365 days following _____ (date of proposed appointment), as follows:

Employing Agency: _____
Estimated Days of Service: _____

b. During the 365 days prior to _____ (date of proposed appointment) I will have been employed by (Army), (Navy), (Air Force), (OSD) as follows:

Employing Agency: _____
Days Served: _____

3. *Financial Interests*

(Names of *all* companies, firms, research institutions or other organizations in which you, or to your knowledge, your spouse, or your children, own securities or other financial interests—precise amounts of investments need not be revealed.)

Name _____
Address _____
Date _____

(ii) The central civilian personnel office of the employing activity will:

(*a*) Arrange to give each prospective adviser or consultant, and each adviser or consultant now employed, a copy of this part, to invite his attention especially to this section and the President's Memorandum of May 2, 1963, and to advise him of the name of the legal office from which he should seek legal assistance should he have any question relating to conflict of interest.

(*b*) Prior to appointment or reappointment, arrange to secure a completed "Statement of Employment and Financial Interests" or a revised Statement as applicable.

(*c*) Prior to appointment or reappointment, arrange to furnish the operating official who will supervise the adviser or consultant, and the legal office, copies of the Statement and to obtain their comments thereon (see subdivisions (iii) and (iv) of this subparagraph).

(*d*) Maintain the original "Statement of Employment and Financial Interests," and other papers relating thereto as prescribed in AFM 40-2 (Civilian Personnel Actions, Records, Files and Reports). The Statement and related papers are official personnel records and must be treated accordingly.

(*e*) Determine whether the adviser or consultant is a special or full-time employee in accordance with the procedure set forth in paragraphs (a) through (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541-4542, May 7, 1963). Any service expected to be rendered with other departments or agencies during the period will be taken into account in making this determination. This determination will be based on the Statement filed by the individual.

(*f*) Record, as appropriate, one of the following in the remarks section of the SF 50, "Notification of Personnel Action":

(*1*) "Subject to conflict of interest laws and regulations as a special Government employee."

(2) "Subject to conflict of interest laws and regulations as a regular Government employee."

(*g*) Determine if the 60-day rule in § 888.11(b)(2)(i)(*b*) applies and advise the individual in writing of this determination. This determination is made in accordance with paragraphs (f) and (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541-4542, May 7, 1963), based on the Statement filed by the individual.

(iii) The official who supervises, and who will supervise, an adviser or consultant, will:

(*a*) Familiarize himself and comply with all of the provisions of the President's Memorandum of May 2, 1963, and the provisions of this part, pertaining to him and to advisers and consultants.

(b) Review each "Statement of Employment and Financial Interests," and each revised Statement and furnish, for use by the legal office and for filing in the central civilian personnel office, a statement whether, during the course of his employment, the adviser or consultant will participate in any matter the outcome of which would have a direct and predictable effect on any of the non-Governmental organizations listed in paragraphs 1 and 3 of his "Statement of Employment and Financial Interests." In an appropriate case, he will consult with the legal office before preparing this Statement.

(iv) *Legal office.* The legal office providing legal assistance to the commander of the employing activity, will:

(a) Furnish legal advice and assistance to the central civilian personnel office, the supervisors, and advisers and consultants, on all matters relating to conflict of interest.

(b) Review each "Statement of Employment and Financial Interests" and each revised Statement together with the report of the supervisor (subdivision (iii)(b) of this subparagraph) and furnish a written opinion thereon to the central civilian personnel office for filing.

(v) *The Directorate of Civilian Personnel, Hq USAF.* The directorate will arrange for furnishing information requested by other agencies on advisers and consultants employed within the Air Force. Requests from other agencies are directed to Hq USAF (AFPCPAA), Washington, D.C., 20330.

(3) *Temporary or intermittent employees.* The central civilian personnel office will:

(i) Brief each individual employed on a temporary or intermittent appointment.

(ii) Make the determinations, as set forth in paragraphs (a) through (g) of the President's Memorandum of May 2, 1963 (28 F.R. 4541–4542, May 7, 1963), on the basis of personnel records, and advise the employee of these determinations.

(iii) Record one of the appropriate remarks on the SF 50 as provided in subparagraph (2)(ii)(b) of this paragraph.

(4) *Industry or other representatives.* (i) Each industry, labor, agriculture, or other representative who is requested to appear before an activity of the Air Force to present the views of a non-Governmental organization or group which he represents will be familiar, and comply, with those provisions of the President's Memorandum of May 2, 1963, pertaining to him.

(ii) The official who requests or receives the views of any industry or other representative (28 F.R. 4545, May 7, 1963) will:

(a) Furnish the representative a copy of this part and invite his attention to the President's Memorandum of May 2, 1963.

(b) Be familiar and comply with that Memorandum.

§ 888.13 Digest of conflict of interest laws.

New laws applicable to full-time officers and employees (these laws are set out in full in the Appendix to the President's Memorandum (28 F.R. 4539, May 7, 1963)):

(a) *18 U.S.C. 203.* (1) Section 203(a) in general prohibits an officer or employee of the United States in any branch or agency of the Government from soliciting or receiving compensation for services rendered on behalf of another person before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest. Section 203(a) does not preclude compensation for services rendered on behalf of another in court.

(2) Section 203(b) makes it unlawful for anyone to offer or pay compensation, the solicitation or receipt of which is barred by section 203(a).

(b) *18 U.S.C. 205.* (1) Section 205 contains two major prohibitions. The first prevents an officer or employee of the United States in any branch of agency of the Government from acting as agent or attorney for prosecuting any claim against the United States, including a claim in court, whether for compensation or not. It also prevents him from receiving a gratuity, or a share or interest in any such claim, for assistance in the prosecution thereof.

(2) The second main prohibition of section 205 is concerned with more than claims. It precludes an officer or employee of the Government from acting as agent or attorney for anyone else before a department, agency or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

(3) 18 U.S.C. 203 and 205 overlap. The following are the few important differences between sections 203 and 205 as they apply to officers and employees of the Government:

(i) Section 203 bars services rendered for compensation solicited or received, but not those rendered without such compensation; section 205 bars both kinds of services.

(ii) Section 203 bars services rendered before the departments and agencies but not services rendered in court; section 205 bars both.

It should be noted, however, that for all practical purposes section 205 completely overshadows section 203.

(4) Exemptions:

(i) Section 205 permits a Government officer or employee to represent another person, without compensation, in a disciplinary, loyalty or other personnel matter. Another provision declares that the section does not prevent an officer or employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

(ii) Section 205 also authorizes a limited waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special Government employee, who represents his own parents, spouse or child, or a person or estate he serves as a fiduciary. The waiver is available to the officer or employee, whether acting for any such person with or without compensation, but only if approved by the official making appointments to his position. In no event does the waiver extend to his representation of any such person in matters in which he has participated personally and substantially or which, even in the absence of such participation, are the subject of his official responsibility.

(iii) Finally, section 205 gives the head of a department or agency the power, notwithstanding any applicable restrictions in its provisions or those of section 203, to allow a special Government employee to represent his regular employer or other outside organization in the performance of work under a Government grant or contract. However, this action is open to the department or agency head only upon his certification, published in the FEDERAL REGISTER, that the national interest requires it.

(c) *18 U.S.C. 208.* (1) Section 208 forbids certain actions by an officer or employee of the Government in his role as a servant or representative of the Government. Its thrust is therefore to be distinguished from that of 18 U.S.C. 203 and 205 which forbid certain actions in his capacity as a representative of persons outside the Government.

(2) Section 208(a) in substance requires an officer or employee of the executive branch, including a special Government employee, to refrain from participating as such in any matter in which, to his knowledge, he, his spouse, minor child or partner has a financial interest. He must also remove himself from a matter in which a business or nonprofit organization with which he is connected or is seeking employment has a financial interest. Under this section 208, a "particular matter" may be a matter less concrete than an actual contract, because the concept of a "particular matter involving a specific party or parties" is not used here as in other U.S.C. sections. However, a "particular matter" is something more specific than rule making or abstract scientific principles. The test for determining whether the action of the individual involves a particular matter in which he (or the other enumerated parties) has a financial interest is whether he might reasonably anticipate that his action or the decision in which he participates or with respect to which he advises, will have a direct and predictable effect upon a financial interest of himself, his spouse, minor child, partner or organization with which he is connected or seeking employment.

(3) Section 208(b) permits the agency of an officer or employee to grant him an ad hoc exemption from section 208(a) if the outside financial interest in a matter is deemed not substantial enough to have an effect on the integrity of his services. Financial interests of this kind may also be made nondisqualifying by a general regulation published in the FEDERAL REGISTER.

(d) *18 U.S.C. 209.* (1) Section 209 (a) prevents an officer or employee of the executive branch, an independent agency or the District of Columbia from receiving, and anyone from paying him, any salary or supplementation of salary from a private source as compensation for his services to the Government.

(2) Section 209(b) specifically authorizes an officer or employee covered by section 209(a) to continue his participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

(3) Section 209(c) provides that section 209 does not apply to a special Government employee or to anyone serving the Government without compensation, whether or not he is a special Government employee.

(4) Section 209(d) provides that section 209 does not prohibit the payment or acceptance of contributions, awards or other expenses under the terms of the Government Employees Training Act.

§ 888.14 New law applicable to former officers and employees.

(a) 18 U.S.C. 207 (this law is set out in full in the Appendix to the President's Memorandum (28 F.R. 4539, May 7, 1963)):

(1) Section 207 (a) and (b) contains post-employment prohibitions applicable to persons who have ended service as officers or employees of the executive branch. The prohibitions for persons who have served as special Government employees are the same as for persons who have performed regular duties.

(2) The restraint of section 207(a) is against a former officer or employee's acting as agent or attorney for anyone other than the United States in connection with certain matters, whether pending in the courts or elsewhere. The matters are those involving a specific party or parties in which the United States is one of the parties or has a direct and substantial interest and in which the former officer or employee participated personally and substantially while holding a Government position.

(3) Section 207(b) sets forth a one-year post-employment prohibition in respect of those matters which were within the area of official responsibility of a former officer or employee at any time during the last year of his service but which do not come within section 207(a) because he did not participate in them personally and substantially. More particularly, the prohibition of section 207 (b) prevents his personal appearance in such matters before a court or a department or agency of the Government as agent or attorney for anyone other than the United States. Where, in the year prior to the end of his service, a former officer or employee has changed areas of responsibility by transferring from one agency to another, the period of his post-employment ineligibility as to matters in a particular area ends one year after his responsibility for that area ends. For example, if an individual transfers from a supervisory position in the Internal Revenue Service to a supervisory position in the DOD and leaves DOD for private employment nine months later, he will be free of the restriction of section 207(b) in three months insofar as Internal Revenue matters are concerned. He will of course be bound by it for a year in respect of DOD matters.

(4) The proviso following section 207 (a) and (b) authorizes a department head, notwithstanding anything to the contrary in their provisions, to permit a former officer or employee with outstanding scientific qualifications to act as attorney or agent or appear personally before the department for another in a matter in a scientific field. This authority may be exercised by the department head upon a "national interest" certification published in the FEDERAL REGISTER.

(5) Section 207(a) describes the activities it forbids as being in connection with "particular matters involving a specific party or parties" in which the former officer or employee had participated. Section 207(b) relates to matters which were under his official responsibility. The language of both does not include general rule-making, the formulation of general policy or standards, or other similar matters. Thus, past participation in or official responsibility for a matter of this kind on behalf of the Government does not disqualify a former employee from representing another person in a proceeding which is governed by the rule or other result of such matter. Similarly, in the scientific field past participation in discussion of scientific or engineering concepts, the feasibility of scientific or technical accomplishments or proposed Government programs in early stages prior to the formulation of contract or a contract proposal where specific parties become involved in a matter, does not disqualify the former employee from representing his company with respect to a contract entered into at a later time even though the same general scientific matters may be involved in such a contract.

(6) Section 207(a) bars permanently a greater variety of actions than section 207(b) bars temporarily. The conduct made unlawful by the former is any action as agent or attorney, while that made unlawful by the latter is a personal appearance as agent or attorney. However, neither subsection precludes post-employment activities which may fairly be characterized as no more than aiding or assisting another. An individual who has left the department to accept private employment may, for example, immediately perform technical work in his company's plant in relation to a contract for which he had official responsibility—or, for that matter, in relation to one he helped the agency negotiate. On the other hand, he is forbidden for a year, in the first case, to appear personally before the department as the agent or attorney of his company in connection with a dispute over the terms of the contract. He may at no time appear personally before the department or otherwise act as agent or attorney for his company in such dispute if he helped negotiate the contract. Under both subsections the disability is personal, and neither section would prevent the former officer or employee from becoming the president or other officer of a corporation which has contracts with the Government, so long as such former officer or employee does not personally act as the agent or attorney of the company in dealing with the matters covered under subsections (a) and (b).

§ 888.15 Summary of laws applicable to retired regular officers not on active duty.

(a) *Prohibited activities—(1) Matters connected with former duties or official responsibilities.* A retired regular officer not on active duty is considered to be a "former officer" for the purposes of 18 U.S.C. 207 and therefore, the prohibitions discussed in §§ 888.13 and 888.16 apply to him.

(2) *Claims.* A retired regular officer of the armed forces may not, within two years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the department in whose service he holds a retired status. Nor may a regular retired officer at any time act as an agent or attorney for prosecuting any claim aganist the Government or assist in prosecution of such claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty (see 18 U.S.C. 283).

(3) *Selling.* (i) A retired regular officer is prohibited, at all times, from receiving or agreeing to receive any compensation for representing any person in the sale of anything to the Government through the department in whose service he holds a retired status (see 18 U.S.C. 281).

(ii) 37 U.S.C. 801(c) as amended October 9, 1962, Public Law 87–777, formerly 5 U.S.C. 59(c) provides:

> No payment shall be made from appropriations in any Act to any officer on the retired lists of the Regular Army, Regular Navy, Regular Marine Corps, Regular Air Force, Regular Coast Guard, Coast and Geodetic Survey, and Public Health Service for a period of *three* years after retirement who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service any supplies or war materials.

(*a*) For the purpose of this statute, "selling" means:

(*1*) Signing a bid, proposal, or contract;

(*2*) Negotiating a contract;

(*3*) Contacting an officer or employee of any of the foregoing departments or agencies for the purpose of:

(*i*) Obtaining or negotiating contracts,

(*ii*) Negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or

(*iii*) Settling disputes concerning performance of a contract, or

(4) Any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person.

However, it is not the intent of §§ 888.1 to 888.16 to preclude a retired regular officer from accepting employment with private industry solely because his employer is a contractor with the Government.

(b) *Exemptions from law applying to officers on active duty.* A regular officer who has been retired continues to be an "officer" of the United States for purposes of many statutes. However, the laws applying to officers on active duty listed in § 888.11(a) do not normally apply to retired regular officers not on active duty. The law specifically provides that 18 U.S.C. 203 and 205 do not apply to a retired officer while not on active duty who is not otherwise an officer or employee of the United States (see 18 U.S.C. 206). In addition, as a practical matter, 18 U.S.C. 208 and 209 do not apply to a retired officer not on active duty who is not performing services for the Government, solely because of his status as a retired regular officer.

§ 888.16 Other related criminal laws applicable to all Department of Defense personnel.

(a) The following activities may subject present and former DOD personnel to criminal penalties:

(1) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (see 18 U.S.C. 2).

(2) Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (see 18 U.S.C. 4).

(3) Conspiring with one or more other persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (see 18 U.S.C. 371).

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 63-10720; Filed, Oct. 9, 1963; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 39—Post Office Department

PART 39-1—GENERAL

Subpart 39-1.1—Post Office Department Procurement Regulations System

Chapter 39 of Title 41 of the Code of Federal Regulations is amended to read as follows:

Sec.
39-1.101 Purpose.
39-1.102 Authority.
39-1.103 Relation to Federal Procurement Regulations System.
39-1.104 Content.
39-1.105 Applicability.
39-1.106 Exclusions.
39-1.107 Issuance.
39-1.107-1 Internal.
39-1.107-2 Public.
39-1.107-3 Coordination.
39-1.108 Citation.
39-1.109 Bureau or Office Implementation.
39-1.110 Deviation.

AUTHORITY: §§ 39-1.101 to 39-1.110 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501.

§ 39-1.101 Purpose.

This subpart establishes a system of Post Office Department Procurement Regulations (PODPR) for the codification and publication of policies and procedures for procurement by the Post Office Department (POD) which is subject to the Federal Property and Administrative Services Act of 1949, as amended.

§ 39-1.102 Authority.

PODPR are issued in compliance with the Federal Procurement Regulations System prescribed by the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended.

§ 39-1.103 Relation to Federal Procurement Regulations System.

The Federal Procurement Regulations System is designed to bring together, under Title 41, Subtitle A, of the Code of Federal Regulations, the procurement regulations applicable to all civilian agencies of the Government. Federal Procurement Regulations (FPR) are Chapter 1. Chapter 39 is assigned for the procurement regulations of the POD. Parts 1 through 49 of PODPR (Chapter 39) will be used to implement or supplement the policies and procedures included in FPR. Material issued in the first 49 parts of PODPR will be numerically keyed to the corresponding sections of FPR. Parts 50 through 99 of PODPR will be used for procurement policies and procedures for which there is no counterpart in FPR. The numbering system established by § 1-1.107-2 of this title will be utilized to the maximum practicable extent in PODPR.

§ 39-1.104 Content.

Chapter 39 will contain procurement policies and procedures, prescribed by the Assistant Postmaster General, Bureau of Facilities for uniform application throughout the POD, including the Postal Field Service.

§ 39-1.105 Applicability.

Except where a deviation is specifically authorized in accordance with § 39-1.110 or otherwise authorized by law, Departmental and field employees engaged in procurement activities shall comply with the policies and procedures set forth in FPR and PODPR. Other POD regulations affecting procurement will remain in effect until such time as they are rescinded, lapsed or are incorporated in PODPR.

§ 39-1.106 Exclusions.

Procurement policy or procedure which bears a security classification or is expected to be in effect for less than six months or which is instituted on an experimental basis will not be included in PODPR.

§ 39-1.107 Issuance.

§ 39-1.107-1 Internal.

PODPR will be published in looseleaf form for distribution to postal procurement offices and other postal offices concerned. Requests to be placed on the distribution list, or for extra copies, should be addressed to the Publications Supply Unit, Directives Management Branch, Office of the Deputy Postmaster General. However, placement on the distribution list or deletion therefrom is subject to prior approval of the Director, Procurement Division, Bureau of Facilities.

§ 39-1.107-2 Public.

Those parts of PODPR which contain significant policies and procedures considered to be of interest to the general public will be published in the daily issues of the FEDERAL REGISTER and, in cumulative form in the Code of Federal Regulations. Copies of PODPR, as published in the FEDERAL REGISTER and the Code of Federal Regulations, may be purchased by the public from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

§ 39-1.107-3 Coordination.

Responsibility for the development of Chapter 39 of PODPR is assigned to the Assistant Postmaster General, Bureau of Facilities. In developing the regulations, this Bureau will solicit the views of the Bureaus and Offices concerned. The Office of General Counsel shall be responsible for determining the legality of all proposed regulations and policy and for making arrangements for the publication of these regulations and any subsequent implementation thereof in the FEDERAL REGISTER.

§ 39-1.108 Citation.

Any section of PODPR may be informally identified in internal instructions or correspondence by "PODPR" followed by the section number, as for example PODPR 39-1.108. Only those sections of the regulations which have been published in the FEDERAL REGISTER may be incorporated in contracts by reference. Such sections should be cited as "41 CFR" followed by the section number as "41 CFR 39-1.108".

§ 39-1.109 Bureau or office implementation.

Bureaus and Offices may supplement or implement the FPR and PODPR with internal instructions subject to the prior review and concurrence of the Assistant Postmaster General, Bureau of Facilities, and the Office of General Counsel. The purpose of this review is to ascertain that such instructions are consistent with FPR and PODPR, and that they do not contain material which should be issued as PODPR. A copy of each such

instruction shall be furnished to the Procurement Division, Bureau of Facilities. Bureaus or Offices shall prepare for publication in the FEDERAL REGISTER such instructions, which implement or supplement FDR or PODPR, as are considered to be of interest to the general public. Such material shall be first submitted to the Assistant Postmaster General, Bureau of Facilities, for review and concurrence. Such material will thereafter be reviewed for legal sufficiency by the Office of General Counsel. When all necessary Bureau or Office concurrences have been obtained, the Office of General Counsel will make the necessary arrangements for publication of such instructions in the FEDERAL REGISTER.

Deviations (as described in § 1–1.009–1 of this title) shall be kept to a minimum and shall be controlled as follows:

(a) The Assistant Postmaster General, Bureau of Facilities, is authorized to approve deviations from FPR, to the extent authorized by FPR, and PODPR in individual cases when such action is clearly in the best interest of the Department. A record of the nature of each such deviation and the justification therefor shall be included in the contract file. A copy of each authorized deviation shall be sent to and retained by the Procurement Division, Bureau of Facilities. Any deviation must be approved in advance by the Assistant Postmaster General, Bureau of Facilities, and handled in the following manner.

(1) Request for deviation may be initiated by the contracting officer of any procuring activity of the Department or Postal Field Service. A request shall cite the specific part or section of FPR or PODPR from which it is desired to deviate, shall set forth the nature of the deviation, and shall give the reasons why such action is considered necessary or desirable. Request shall be routed through the head of the procuring activity for concurrence or additional comments. If the initiating office is at a field location, the request shall be routed through the cognizant Washington office of the Bureau or Office concerned. After the indicated concurrence has been obtained, requests shall be submitted to the Assistant Postmaster General, Bureau of Facilities.

(b) If a requested deviation is considered appropriate, approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting contracting officer with copies to interested Bureaus and Offices and the Procurement Division, Bureau of Facilities. The contract file of the requesting office shall include a copy of the request and approval.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration will be accomplished by the Bureau of Facilities after consultation with the Office of Research and Engineering, if necessary. The deviation may be issued as a part of PODPR. The Bureau or Office concerned may be authorized to issue internal instructions which incorporate the deviation consistent with § 1.109 of this title.

(c) When any deviation in a contract form provision is authorized, physical change may not be made in the printed form but shall be made by appropriate provision in the schedule, specifications or continuation sheet, as provided in the Department's procedures.

(d) The requesting office will be notified by memorandum, with copies to other interested Bureaus or Offices and the Procurement Division, Bureau of Facilities, whenever a requested deviation is disapproved.

(e) In emergency situations involving individual cases, deviation clearance may be handled by telephone or telegraph and later confirmed in writing.

(f) Requests for deviation may be made at any time, but contracting officers are urged to review new FPR releases as they are issued so that requests for deviation can be considered prior to the effective date of the FPR.

This chapter is effective upon publication in the FEDERAL REGISTER.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 63–10750; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 87, Amdt. 1]

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

MISCELLANEOUS AMENDMENTS

Effective as of the date hereof §§ 310.2 (b) and 310.3(a) are amended to read as follows:

1. Section 310.2(b) is amended by designating the second portion thereof as paragraph "(c)" and by revising the text of the first portion thereof to read as set forth below:

§ 310.2 Federal assistance.

* * * * *

(b) The Secretary may under the provisions of section 3 of said Act furnish any suitable vessel under his jurisdiction or obtain from any department or agency of the United States, or construct and furnish a suitable vessel, if such is not available, to the State of Maine, the State of Massachusetts, the State of New York, the State of California, the State of Texas, and any other State or Territory of the United States for use as a training vessel for a Maritime Academy or College meeting the requirements of the Act.

(c) As a condition to receiving any payments or the use of any vessel under the provisions of said Act, an Academy or College shall comply with the provisions of section 5(a) of said Act and shall agree in writing to conform to such standards as provided for under section 5(a)(2) of said Act. Said standards to be so agreed upon are set forth here in §§ 310.1 to 310.13, inclusive.

2. Section 310.3(a) is amended to read as follows:

§ 310.3 Schools and courses.

(a) State Maritime Schools operating with Federal aid. The following State Maritime Schools are presently operated with Federal aid under said Act:

California Maritime Academy.
Maine Maritime Academy.
Massachusetts Maritime Academy.
State University of New York Maritime College.
The Texas Maritime Academy of the Texas A. & M. University.

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

Dated: October 3, 1963.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63–10759; Filed, Oct. 9, 1963; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres or 27 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Pheasants; ruffed grouse; grey and fox squirrels; cottontail, jack, and snowshoe rabbits; and raccoons, during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Minnesota State regulations, is prohibited.

(b) Open season: Pheasants—from 12:00 noon to sunset on October 26, 1963, and from 10:00 o'clock to sunset each day from October 27, 1963, through November 30, 1963. Ruffed grouse—from sunrise to sunset each day from effective date of this notice through November 3, 1963. Grey and fox squirrels—from sunrise to sunset each day from effective date of this notice through December 31, 1963. Cottontail, jack, and snowshoe rabbits—from sunrise to sunset each day from effective date of this notice through March 1, 1963. Raccoon (hunting)—24 hours per day from effective date of this notice through December 31, 1963.

(c) Daily bag limits: Pheasants (cocks only)—3; ruffed grouse—3; grey and fox squirrels—10, combined; cottontail, jack, and snowshoe rabbits—10 of each species; raccoon—no limit.

(d) Methods of hunting: (1) Weapons—shotguns and small bore rifles as permitted by State regulations.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(e) Other provisions: (1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through March 1, 1964.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1963.

[F.R. Doc. 63-10760; Filed, Oct. 9, 1963; 8:47 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Hunting of migratory game birds on the Malheur National Wildlife Refuge, Oregon, is suspended for the 1963 season. A prolonged drouth has resulted in a shortage of water on the public hunting area.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

OCTOBER 9, 1963.

[F.R. Doc. 63-10803; Filed, Oct. 9, 1963; 10:03 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ANNUITY CONTRACTS PURCHASED BY CERTAIN TAX-EXEMPT ORGANIZATIONS

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under sections 72, 101, 402, 403, and 404 of the Code, relating to annuity contracts purchased by certain tax-exempt organizations; the taxability of the beneficiary under a qualified annuity plan, and under certain forfeitable contracts purchased by exempt organizations; etc., were published in the FEDERAL REGISTER for August 27, 1963.

A public hearing on these proposed amendments to the regulations will be held on Tuesday, October 29, 1963, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington, D.C., 20224, by October 25, 1963.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 63-10825; Filed, Oct. 9, 1963; 11:02 a.m.]

[26 CFR Parts 20, 25]

ESTATE AND GIFT TAX REGULATIONS

Additional Rules Relating to Valuation of Property

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to include additional rules relating to the valuation of property in the Estate Tax Regulations (26 CFR Part 20) and the Gift Tax Regulations (26 CFR Part 25) and to correct a typographical error such regulations are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 20.2031-1 is amended to read as follows:

§ 20.2031-1 Definition of gross estate; valuation of property.

* * * * *

(b) *Valuation of property in general.* The value of every item of property includible in a decedent's gross estate under sections 2031 through 2044 is its fair market value at the time of the decedent's death, except that if the executor elects the alternate valuation method under section 2032, it is the fair market value thereof at the date, and with the adjustments, prescribed in that section. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. The fair market value of a particular item of property includible in the decedent's gross estate is not to be determined by a forced sale price. Nor is the fair market value of an item of property to be determined by the sale price of the item in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item wherever appropriate. Thus, in the case of an item of property includible in the decedent's gross estate, which is generally obtained by the public in the retail market, the fair market value of such an item of property is the price at which the item or a comparable item would be sold at retail. Examples of items of property which are generally sold to the public at retail may be found in §§ 20.2031-6 and 20.2031-8. The value is generally to be determined by ascertaining as a basis the fair market value as of the applicable valuation date of each unit of property. For example, in the case of shares of stock or bonds, such unit of property is generally a share of stock or a bond. Livestock, farm machinery, harvested and growing crops must generally be itemized and the value of each item separately returned. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value as of the applicable valuation date. All relevant facts and elements of value as of the applicable valuation date shall be considered in every case. See §§ 20.2031-2 through 20.2031-8 for further information concerning the valuation of particular kinds of property.

PAR. 2. Section 20.2031-2 is amended by redesignating paragraph (j) as paragraph (i). As so amended § 20.2031-2 reads as follows:

§ 20.2031-2 Valuation of stocks and bonds.

* * * * *

(i) *Stock sold "ex-dividend."* In any case where a dividend is declared on a share of stock before the decedent's death but payable to stockholders of record on a date after his death and the stock is selling "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the stock as of the date of the decedent's death.

PAR. 3. Section 25.2512-1 is amended to read as follows:

§ 25.2512-1 Valuation of property; in general.

Section 2512 provides that if a gift is made in property, its value at the date of the gift shall be considered the amount of the gift. The value of the property is the price at which such property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell, and both having reasonable knowledge of relevant facts. The value of a particular item of property is not the price that a forced sale of the property would produce. Nor is the fair market value of an item of property the sale price in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item wherever appropriate. Thus, in the case of an item of property made the subject of a gift, which is generally obtained by the public in the retail market, the fair market value of such an item of property is the price at which the item or a comparable item would be sold at retail. Examples of items of property which are generally sold to the public at retail may be found in § 25.2512-6. The value is generally to be determined by ascertaining as a basis the fair market value at the time of the gift of each unit of the property. For example, in the case of shares of stocks or bonds, such unit of property is generally a share or a bond. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value thereof on the date of the gift. All relevant facts and elements of value as of the time of the gift shall be considered. See §§ 25.2512-2 through 25.2512-6 for further information concerning the valuation of particular kinds of property.

[F.R. Doc. 63-10787; Filed, Oct. 9, 1963; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 192, 200]

OIL AND GAS LEASES

Mineral Deposits in Acquired Lands and Under Rights-of-Way

Basis and purposes. 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; 30 U.S.C. sec. 181, et seq.), as amended and supplemented, and by section 10 of the Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. sec. 351 et seq.), it is proposed to amend 43 CFR 192.42, 192.43 and 200.8 as set forth below. The primary purpose of these amendments is to facilitate processing of oil and gas lease offers simultaneously filed pursuant to the regulations in 43 CFR 192.43. The amendments will also delete certain obsolete provisions.

It is the policy of the Department of the Interior, wherever 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. Paragraphs (b), (c), (e)(1), and (4)(i), (g) (1) and (2) of § 192.42 are amended to read as follows:

§ 192.43 Offer to lease, and issuance of lease.

* * * * *

(b) Five copies of Form 4–1158, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land or deposits in States for which there are no land offices, with the Director of the Bureau of Land Management, Washington 25, D.C.[1] For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

(c) If there is any variation in the land descriptions among the five Forms 4–1158, the copy showing the date and time of receipt in the land office will control.

* * * * *

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge, even though the offer should be rejected or withdrawn in whole or in part.

* * * * *

(4) (i) If the offer is signed by an attorney in fact or agent, it shall be accompanied by separate statements over the signature of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them or with any other person, either verbal or written, by which the attorney in fact or agent or such other person has received or is to receive any interest in the lease when issued, including royalty interest or interest in any operating agreement under the lease, giving full details of the agreement or understanding if it is a verbal one. The statement must be accompanied by a copy of any such written agreement or understanding. If such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or the agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers including options for such leases or interests therein exceed 246,080 acres in any one State, of which no more than 200,000 acres may be held under option, or exceeds the permissible acreage in Alaska as set forth in § 192.3(a). The statement by the principal (offeror) may be filed within 15 days after the filing of the offer. This requirement does not apply in cases in which the attorney in fact or agent is a member of an unincorporated association (including a partnership), or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

* * * * *

(g) (1) Except as provided in subparagraph (2) of this paragraph, an offer which is not filed in accordance with the regulations in this part will be rejected and will afford the offeror no priority.

(2) An offer to lease, containing any of the following deficiencies, will be approved by the signing officer provided all other requirements are met:

(i) An offer covering not more than 10 percent over the maximum allowable acreage of 2,560 acres. The lease will be approved for 2,560 acres in the discretion of the signing officer, or so much over that amount as may be included under the rule of approximation.

(ii) An offer completed in pencil or script.

(iii) An offer on a form not correctly reproduced, provided it contains the statement that the offeror agrees to be bound by the terms and conditions of the lease form in effect at the date of filing.

2. Paragraphs (b) and (c) of § 192.43 are amended to read as follows:

§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.

* * * * *

(b) On the third Monday of each month, or the first working day thereafter, if the land office is not officially open on the third Monday, there will be posted on the bulletin board in each land office a list of the lands in leases which expired, were cancelled, were relinquished in whole or in part, or which terminated, together with a notice stating that such lands will become subject to the simultaneous filings of lease offers from the time of such posting until 10 a.m. on the fifth working day thereafter. The posted list will describe the lands by leasing units identified by parcel numbers, which will be supplemented by a description of the lands in accordance with § 192.42a, i.e., by subdivision, section, township and range if the lands are surveyed or officially protracted, or if unsurveyed, by metes and bounds. The leasing units will be established to coincide to the extent possible with the lands in an expired, cancelled, relinquished or terminated lease except that where two or more such leases were contiguous and contained a total of 640 acres or less, they may be consolidated into one leasing unit.

(c) Each offer to lease must describe the lands by parcel number and by the amplified description applicable thereto in accordance with § 192.42a. Only one complete parcel may be included in one offer to lease, and lands not on the posted list may not be included therein.

(1) Each offer to lease must be accompanied by separate remittances covering the filing fee and the first year's advance rental. The advance rental payment must be made by cash, money order, certified check, bank draft, or bank cashier's check. The filing fee may be paid either by a similar remittance or by uncertified check.

(2) Each offer must also be accompanied by an entry card, Form 4–1664 executed by the offeror. Unsuccessful offerors will be so notified by the return of their respective entry cards. Offers filed pursuant to this section which are not accompanied by such entry card, will be rejected.

3. Section 192.44 is deleted.

4. Paragraphs (b) and (d) of § 200.8 are amended to read as follows:

§ 200.8 Offer to lease and issuance of lease.

* * * * *

(b) Seven copies of Form A–1196, or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that offers for lands or deposits in North Dakota or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Sante Fe, New Mexico. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

* * * * *

(d) Except as provided in § 192.42(g) (2) of this chapter an offer which is not filed in accordance with the applicable regulations in Part 192 or in this part will be rejected and will afford the applicant no priority.

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

OCTOBER 4, 1963.

[F.R. Doc. 63–10733; Filed, Oct. 9, 1963; 8:46 a.m.]

[1] Offers for lands or minerals deposits in the following States should be filed at the land office named: North Dakota or South Dakota, land office at Billings, Montana; Nebraska or Kansas, at Cheyenne, Wyoming; Oklahoma, at Santa Fe, New Mexico.

Notices

DEPARTMENT OF STATE

[Public Notice 222]

[Delegation of Authority No. 105–2]

ASSISTANT SECRETARY OF STATE

Delegation of Authority To Perform Certain Functions

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111), I hereby delegate to the Assistant Secretary of State for Educational and Cultural Affairs authority to perform all functions conferred upon the Secretary of State by Executive Order No. 11117, of August 13, 1963 entitled "Establishing an Interagency Committee on International Athletics."

Dated: September 12, 1963.

DEAN RUSK,
Secretary of State.

[F.R. Doc. 63–10749; Filed, Oct. 9, 1963; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST UNION NATIONAL BANK OF NORTH CAROLINA AND SCOTTISH BANK

Notice of Decision Granting Application To Merge

On July 18, 1963, First Union National Bank of North Carolina, Charlotte, North Carolina, and the Scottish Bank, Lumberton, North Carolina, applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On September 13, 1963, the Comptroller of the Currency granted this application, effective on or after September 20, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10736; Filed, Oct. 9, 1963; 8:46 a.m.]

NORTH CAROLINA NATIONAL BANK AND BANK OF CHAPEL HILL

Notice of Decision Granting Application To Merge

On June 17, 1963, North Carolina National Bank, Charlotte, North Carolina, and the Bank of Chapel Hill, Chapel Hill, North Carolina, applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On September 20, 1963, the Comptroller of the Currency granted this application, effective on or after September 27, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10737; Filed, Oct. 9, 1963; 8:46 a.m.]

NORTHWEST PENNSYLVANIA BANK AND TRUST CO. AND FIRST NATIONAL BANK IN CLARION

Notice of Report on Competitive Factors Involved in Merger Application

On July 3, 1963, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $56.1 million Northwest Pennsylvania Bank and Trust Company, Oil City, Pennsylvania, with the $8.3 million First National Bank in Clarion, Clarion, Pennsylvania.

On August 19, 1963, the Comptroller of the Currency reported that this application represents another step toward undue concentration in the area and would have a substantially adverse effect upon banking competition.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10738; Filed, Oct. 9, 1963; 8:46 a.m.]

NORTHWEST PENNSYLVANIA BANK AND TRUST CO. AND FIRST NATIONAL BANK OF MERCER

Notice of Report on Competitive Factors Involved in Merger Application

On July 3, 1963, the Board of Directors of the Federal Deposit Insurance Corporation, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $56.1 million Northwest Pennsylvania Bank and Trust Company, Oil City, Pennsylvania, with the $15.4 million First National Bank of Mercer, Mercer, Pennsylvania.

On August 19, 1963, the Comptroller of the Currency reported that approval of this application would eliminate the competition presently existing between the merging banks and by concentrating the area's banking resources in a few large banks have a substantially adverse effect upon competition in the three county area.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10739; Filed, Oct. 9, 1963; 8:46 a.m.]

PEOPLES TRUST CO. OF BERGEN COUNTY AND PALISADES TRUST CO.

Notice of Report on Competitive Factors Involved in Merger Application

On August 5, 1963, the Board of Governors of the Federal Reserve System pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $34.5 million Palisades Trust Company, Englewood, New Jersey, with the $236.5 million Peoples Trust Company of Bergen County, Hackensack, New Jersey.

On September 6, 1963, the Comptroller of the Currency reported that consummation of the proposed merger would contribute unreasonably to the centralization of banking resources in the largest bank in Bergen County and would have an adverse competitive effect.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63–10740; Filed, Oct. 9, 1963; 8:46 a.m.]

SEABOARD CITIZENS NATIONAL BANK OF NORFOLK AND FARMERS BANK OF NANSEMOND

Notice of Decision Granting Application To Merge

On July 18, 1963, The Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia, and The Farmers Bank of Nansemond, Suffolk, Virginia, applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On September 25, 1963, the Comptroller of the Currency granted this application, effective on or after October 2, 1963.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant of the Comptroller of the Currency.

[R.R. Doc. 63-10741; Filed, Oct. 9, 1963; 8:46 a.m.]

UNION TRUST CO. OF MARYLAND AND FARMERS NATIONAL BANK OF ANNAPOLIS

Notice of Report on Competitive Factors Involved in Merger Application

On July 16, 1963, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $348 million Union Trust Company of Maryland, Baltimore, Maryland, and the $21 million Farmers National Bank of Annapolis, Annapolis, Maryland.

On August 20, 1963, the Comptroller of the Currency reported that consummation of this merger would tend to lessen competition in Annapolis and add to the concentration of banking resources in the state.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10742; Filed, Oct. 9, 1963; 8:46 a.m.]

WACHOVIA BANK AND TRUST CO. AND BANK OF RANDOLPH

Notice of Report on Competitive Factors Involved in Merger Application

On July 29, 1963, the Board of Governors of the Federal Reserve System, pursuant to 12 U.S.C. 1828(c), requested the Comptroller of the Currency to report on the competitive factors involved in the proposed merger of the $11.1 million Bank of Randolph, Asheboro, North Carolina, into the $972 million Wachovia Bank and Trust Company, Winston-Salem, North Carolina.

On September 6, 1963, the Comptroller of the Currency reported that further expansion of the state's dominant bank through merger would have serious adverse effects upon banking competition in the area.

Copies of this report are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: October 3, 1963.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 63-10743; Filed, Oct. 9, 1963; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Aberdeen Area Office Redelegation Order 2, Amdt. No. 11]

CREDIT MATTERS

Redelegation of Authority

Subject: Redelegation of authority with respect to credit matters.

Order 2, as amended, is further amended as hereinafter indicated:

1. The heading and general delegation of authority of Part 2 are amended to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS AND SCHOOL SUPERINTENDENT

Subject to the provisions of Part 1, the Superintendents and School Superintendent may exercise the authority of the Area Director with respect to the following:

2. The entire unit entitled "Functions Relating to Credit Matters" under Part 2 is revoked and a new unit issued reading as follows:

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.120. *Loan agreements and modifications.* (a) The approval of applications for and modifications of loans, subject to the availability of funds, in the case of loans by the United States to individuals pursuant to 25 CFR Part 91, where the total indebtedness of the applicant to the lender does not exceed $1,500 except for loans for educational purposes.

(b) The approval of applications for and modifications of loans to individuals pursuant to declarations of policy and plans of operation approved by the Commissioner or his authorized representative, provided that the amounts and conditions of loans shall be consistent with and shall not exceed the limitations as set forth in Sections 120 and 121 of Bureau Order 551, Amendment 82.

SEC. 2.126. *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 91 and 92.

SEC. 2.127. *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian and assignments of income from trust or restricted land of an Indian as security for a loan by any lender.

SEC. 2.128. *Release of United States interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

3. The entire unit entitled "Functions Relating to Credit Matters" under Part 3 is revoked.

JOHN O. CROW,
Acting Commissioner.

OCTOBER 4, 1963.

[F.R. Doc. 63-10726; Filed, Oct. 9, 1963; 8:45 a.m.]

[Aberdeen Area Redelegation Order 2, Amdt. 11]

LAW AND ORDER

Redelegation Orders

1. Aberdeen Area Redelegation Order 2, Amendment 11.

Part 2 of Aberdeen Area Office Redelegation Order 2, as amended, is further amended by the addition of a new center head and two new sections thereunder to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, SCHOOL SUPERINTENDENT, AND OFFICER IN CHARGE OF AREA FIELD OFFICE

FUNCTIONS RELATING TO LAW AND ORDER

SEC. 2.151 *Special Deputy Officers' Commissions.* The issuance of special deputy officers' commissions to Federal and State employees working under the supervision of the chief special officer for the suppression of traffic in liquor among Indians (62 Stat. 817; 18 U.S.C. 3055).

SEC. 2.152 *Indian Court Sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 11.2(d), and by tribal courts as provided by any law and order code.

2. Billings Area Redelegation Order 1, Amendment 12, section 2.150, under the heading "Functions Relating to Law and Order," of Part 2 of Billings Area Office Redelegation Order 1, is amended to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, AND PROJECT ENGINEER

SEC. 2.150 *Appointment, Approval, and Removal, Judges, Indian Courts and Tribal Courts.* The appointment, suspension and removal for cause of judges of Courts of Indian Offenses, pursuant to the provisions of 25 CFR Part 11, and of judges of Tribal Courts as provided by any law and order code. The approval of the appointment of judges of Tribal Courts as provided by any law and order code.

JOHN O. CROW,
Acting Commissioner.

OCTOBER 4, 1963.

[F.R. Doc. 63-10727; Filed, Oct. 9, 1963; 8:45 a.m.]

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Riverside 03926, for the withdrawal of certain lands from location and entry under the General Mining Laws, subject, however, to existing withdrawals and to valid existing rights.

The lands have previously been withdrawn for the San Bernardino National Forest Reserve by Presidential proclamation, February 25, 1893, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit the use of such

lands for the Grout Bay Campground and the Desert View Picnic Area, which uses are incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned Officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 1 W.,
Sec. 14, W½NE¼NE¼, and S½SE¼NE¼NE¼.
T. 2 N., R. 2 E.,
Sec. 5, S½NW¼NW¼, and N½SW¼NW¼.

The areas described aggregate 65 acres.

JENS C. JENSEN,
Land Office Manager, Riverside.

[F.R. Doc. 63-10728; Filed, Oct. 9, 1963; 8:45 a.m.]

[New Mexico 0450803]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1963.

The U.S. Army, Corps of Engineers, has filed an application Serial Number New Mexico 0450803 for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for water development purposes in connection with Holloman Air Force Base.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, State Director, P.O. Box 1251, Santa Fe, New Mexico.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the U.S. Army, Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T.17 S., R. 10 E.,
Sec. 31, NE¼SE¼, NW¼SE¼, NE¼NE¼SW¼SE¼, N½N½SE¼SE¼, SE¼NE¼SE¼SE¼, E½SE¼SE¼SE¼;
Sec. 32, NW¼NW¼.

The areas described, including both public and non-public lands, aggregate 140 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 63-10729; Filed, Oct. 9, 1963; 8:45 a.m.]

[Oregon 013792]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 27, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013792, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection of the Government's investments in administrative sites and recreation areas located in the Deschutes National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as required by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Deschutes National Forest

Riverside Guard Station and Campground Area

T. 13 S., R. 9 E.,
Sec. 15, NE¼SE¼.
Total—40 acres.

Black Butte Lookout

T. 13 S., R. 9 E.,
Sec. 34, NE¼SE¼, S½SE¼NE¼.
Total—60 acres.

The total combined area is 100 acres.

STANLEY D. LESTER,
Land Officer Manager.

[F.R. Doc. 63-10730; Filed, Oct. 9, 1963; 8:45 a.m.]

[Oregon 013864]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 3, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial No. Oregon 013864, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the land for protection of the Government's investments in structures and improvements on administrative sites located in the Umatilla National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oregon, 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Umatilla National Forest

Duncan Guard Station

T. 1 N., R. 36 E.,
Sec. 9, NE¼SE¼, E½NW¼SE¼.

Total—60 acres.

Tollgate Guard Station

T. 4 N., R. 38 E.,
Sec. 33, SW¼SW¼NW¼, N½NW¼SW¼.

Total—30 acres.

Bone Springs Lookout Site

T. 5 N., R. 39 E.,
Sec. 28, SE¼SE¼SW¼, SW¼SW¼SE¼.

Total—20 acres.

Lookout Mountain Lookout Site

T. 4 N., R. 40 E.,
Sec. 3, S½NE¼SE¼.

Total—20 acres.

Fry Meadows Guard Station

T. 4 N., R. 40 E.,
Sec. 32, NW¼NE¼NE¼.

Total—10 acres.

Elk Flat Administration Site

T. 5 N., R. 40 E.,
Sec. 13, S½NE¼NW¼, N½SE¼NW¼, NW¼NE¼SE¼, NE¼NW¼SE¼, SW¼NE¼.

Total—100 acres.

Long Meadows Guard Station Site

T. 5 N., R. 42 E.,
Sec. 6, W½ Lot 3, E½ Lot 4.

Total—40.46 acres.

Hoodoo Lookout Tower Site

T. 5 N., R. 42 E.,
Sec. 6, NE¼ Lot 2.

Total—9.70 acres.

Arbuckle Lookout Tower Site

T. 4 S., R. 29 E.,
Sec. 30, S½SW¼NE¼SE¼, N½NW¼SE¼SE¼.

Total—10 acres.

Pearson Lookout Tower Site

T. 6 S., R. 33 E.,
Sec. 28, SE¼NW¼NE¼.

Total—10 acres.

Tower Mountain Lookout Tower Site

T. 6 S., R. 34 E.,
Sec. 13, NW¼NE¼NW¼.

Total—10 acres.

Crane Flats Administrative Site

T. 8 S., R. 35½ E.,
Sec. 15, SW¼NW¼NE¼, SW¼NE¼, N½SE¼NE¼.

Total—70 acres.

The total combined area is 390.16 acres.

M. M. GORECKI,
Acting Manager, Land Office.

[F.R. Doc. 63-10731; Filed Oct. 9, 1963; 8:46 a.m.]

[Utah 0113169]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 2, 1963.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Utah 0113169 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws except the mining and mineral leasing laws.

The applicant desires the land as an addition to the Cache National Forest so resources of these lands may be administered in conjunction with the adjoining National Forest Lands. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Mox 777, Salt Lake City, Utah, 84110.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as required by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

T. 10 N., R. 1 W.,
Sec. 19: Lot 4;
Sec. 31: All.

Embracing 689.87 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 63-10732; Filed, Oct. 9, 1963; 8:46 a.m.]

[Group 375]

IDAHO

Notice of Filing of Plat of Survey

OCTOBER 4, 1963.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Boise, Idaho, effective at 10:00 a.m., on October 14, 1963.

BOISE MERIDIAN, IDAHO

T. 23 N., R. 14 E.,
Sec. 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, SW¼NW¼, SW¼, NW¼SE¼.

The area described aggregates 580.91 acres of public land.

2. All of the above described lands are embraced in the Salmon National Forest by Proclamation of June 3, 1905.

3. Prior to survey the lands described below were withdrawn by Public Land Orders No. 1227 dated September 26, 1955; No. 1564 dated December 12, 1957; No. 2712 dated June 23, 1962; and No. 2931 dated February 6, 1963. These lands will be described by legal subdivisions in accordance with the plat of survey at a later date:

T. 23 N., R. 14 E.,
Sec. 1: W½SW¼NE¼, S½NE¼NW¼, E½NW¼NW¼, SW¼NW¼NW¼ S½NW¼, N½NW¼SW¼.

4. The lands affected by paragraphs 2 and 3 above will not be subject to disposition under the public land laws or the general mining laws.

5. The lands not affected by paragraphs 2 and 3 above shall be open to such forms of disposition as may by law be made of national forest lands.

6. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, P.O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 63-10761; Filed, Oct. 9, 1963; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ISTHMIAN LINES, INC.

Notice of Processing of Application

Notice is hereby given that Isthmian Lines, Inc., has updated its application for operating-differential subsidy under Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (herein called the "Act") for the hereinafter referred to services, routes or lines in connection with which application, specified issues have heretofore been considered in public proceedings held before the Federal Maritime Board and designated as Docket No. S-72. Subsequent to these public proceedings, the Federal Maritime Board made its determinations and rendered its decision with respect to matters under sections 605(c), 805(a) and 804 of the Act. The full text of these decisions is set forth in published reports of the Federal Mari-

time Board. Copies of these reports and the aforementioned application (excluding, however, financial statements and other confidential data) may be examined in the Office of the Secretary of the Maritime Subsidy Board, Room 3041, New G.A.O. Building, 441 G Street NW., Washington 25, D.C.

The findings of the Federal Maritime Board in Docket No. S–72 were summarized as follows:

Isthmian Lines, Inc., is operating an existing service in its Westbound, Round-the-World service to the extent of 21 sailings annually, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Isthmian for this existing service.

Without the cargo carryings of approximately 7 additional sailings per year in addition to the 21 existing sailings of Isthmian Lines, Inc., the service provided by vessels of United States registry in the Westbound, Round-the-World service of Isthmian would be inadequate, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Isthmian for such additional 7 sailings.

Including the cargo carryings of the 21 existing annual sailings of Isthmian Lines, Inc., and the 7 additional annual sailings, service provided by vessels of United States registry in the Westbound, Round-the-World service of Isthmian is adequate, and section 605(c) of the Merchant Marine Act, 1936, as amended, is a bar to the award of subsidy for the operation of vessels on such service in excess of 28 sailings per year.

Isthmian Lines, Inc., is operating an existing service in its India-Pakistan-Ceylon service to the extent of 16 sailings annually, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of subsidy to Isthmian for the existing service.

Service provided by vessels of United States registry in the India-Pakistan-Ceylon service is inadequate to the extent of 8 sailings per year over the 16 annual existing sailings of Isthmian, and section 605(c) of the Merchant Marine Act, 1936, as amended, is not a bar to the award of a subsidy contract to Isthmian Lines, Inc., for the operation of such additional vessels thereon. Section 605(c) does interpose a bar to the award of subsidy for annual sailings in excess of 24.

Isthmian Lines, Inc., is operating an existing service in its Persian Gulf service to the extent of 14 sailings annually, and section 605(c) is not a bar to the award of subsidy to Isthmian for this existing service.

Service provided by vessels of United States registry in the Persian Gulf service is inadequate to the extent of 20 sailings per year over the 14 annual existing sailings of Isthmian, and section 605(c) of the Act does interpose a bar to the award of subsidy in excess of 34 sailings per year.

Continuation of Isthmian's Atlantic-Gulf/Hawaii service will not result in unfair competition to any person, firm or corporation operating exclusively in any domestic service, and would not be prejudicial to the objects and policy of the Act. Permission to continue such service under section 805(a) of the Act granted.

Continuation of States Marine's Gulf and Pacific Coast Intercoastal Service will not result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service and would not be prejudicial to the objects and policy of the Act. Permission to continue such service under section 805(a) of the Act granted.

Continuation of States Marine's Pacific Coast to Atlantic eastbound lumber service will not result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service and would not be prejudicial to the objects and policy of the Act. Permission to continue such service under section 805(a) of the Act granted.

* * * * *

Among other things included in the updated application are data pertinent to traffic and the extent of United States-flag participation for the years 1959 through 1962, with respect to the services on which subsidy is requested. Digested below are those portions of the updated application relating to the services sought to be subsidized under Title VI of the Act, the waivers requested under section 804 of the Act, and the permissions reqested under section 805(a) of the Act.

SECTION 605(c) ASPECTS OF THE MATTER

ROUND-THE-WORLD WESTBOUND SERVICE

From United States Atlantic ports via the Panama Canal, completing loading at California ports, and thence:

(a) To ports in the Far East (the Philippines and the Continent of Asia from Hong Kong south to and including Thailand),

(b) To ports in Indonesia and Malaya (including Singapore),

(c) To ports in southwest Asia (Suez to Burma, inclusive),

(d) To ports in Africa on the Red Sea and Gulf of Aden, and

(e) To ports in the Mediteranean when the Suez Canal is available; otherwise via the Cape of Good Hope,

returning to Eastern Canadian and U.S. Atlantic ports.

Sailing frequency: A total of 24 to 28 sailings a year.

INDIA-PAKISTAN-CEYLON SERVICE
TRADE ROUTE 18

Between United States Gulf and Atlantic ports, via the Suez Canal (when available, otherwise via Cape of Good Hope), and ports on the Red Sea, Gulf of Aqaba, Gulf of Aden and in Saudi Arabia, West Pakistan, India, East Pakistan and Ceylon, with the privilege of calling at ports in the Eastern Mediteranean and Eastern Canada—20 to 24 sailings per year.

PERSIAN GULF SERVICE
TRADE ROUTE 18

Between United States Gulf and Atlantic ports, with the privilege of calling Eastern Canadian ports, via the Suez Canal (when available, otherwise via the Cape of Good Hope), and ports in Iran, Saudi Arabia, Bahrein Island, Kuwait, Iraq, West Pakistan and India, with the privilege of calling at ports on the Red Sea, Gulf of Aqaba and Gulf of Aden and in the Eastern Mediterranean—18 to 24 sailings a year.

SECTION 805(a) ASPECTS OF THE MATTER

1. Pacific-Atlantic lumber service by States Marine Lines, Inc., as reported in Docket No. S–72.

2. Pacific-Gulf intercoastal service by States Marine Lines, Inc., as reported in Docket No. S–72.

3. U.S. Atlantic/Gulf-Hawaii service by Isthmian Lines, Inc., as reported in Docket No. S–72.

4. Ownership and operation of the SSs "Texan" and "Alaskan" by Oil Transport, Incorporated, which is owned 50 percent by Global Bulk Transport Incorporated, which also owns 50 percent of the stock of States Marine Lines Inc. States Marine Lines, Inc., owns 50 percent of the stock of Isthmian Lines, Inc. Both vessels are chartered to Joshua Hendy Corp. (owner of the remaining 50 percent of the stock in Oil Transport), which operates them in the carriage of chemicals, petrochemicals and lubricating oil in domestic commerce between United States Pacific Coast ports and United States Gulf and Atlantic ports, and on occasion charters or sub-charters the "Alaskan."

While the decision in Docket No. S–72 made no reference to this situation, it was reported in Docket No. S–57 (Sub. Nos. 4 and 5) in which the necessary section 805(a) permission was granted to States Marine Lines, Inc., to cover this situation. Isthmian Lines, Inc., now requests similar permission under section 805(a), if such permission is required by law.

5. Operation of the molten sulphur carrier "Louisiana Sulphur." This vessel is a converted T–2 owned by Oceanic Sulphur Carriers Incorporated, an unaffiliated Delaware corporation, and is currently operating between U.S. Gulf and U.S. Atlantic ports. Global Bulk Transport Incorporated, referred to above, has a contract as managing agent of the vessel, but the agency work thereunder is said to have been subcontracted to Joshua Hendy Corporation. Isthmian Lines, Inc., requests permission for the continuance of this operation if such permission is required by law.

SECTION 804 ASPECTS OF THE MATTER

This application covers: (A) the twenty-one specialized bulk carriers discussed in Docket No. S–57 (Sub. No. 3) in which Global Bulk Transport Incorporated has interests; (B) the activities of Navegacion del Pacifico S.A. (Mexico) furnishing lighterage services in Mexican ports using lighters and tugs, also discussed in Docket No. S–57 (Sub. No. 3); and (C) waiver for Global Bulk Transport Incorporated to act as husbanding agent for Sir William Reardon Smith & Sons, Ltd., as discussed in Docket No. S–57 (Sub. No. 3). The decision in Docket No. S–57 (Sub. No. 3) indicated that the necessary waivers would be granted to States Marine Lines, Inc. Isthmian Lines, Inc., now requests similar waivers under Section 804. Although it was also indicated in Docket No. S–57 (Sub. No. 3) that a waiver would be granted for Isthmian Lines, Inc., to charter lighters in the Persian Gulf, this waiver is not now requested as Isthmian no longer charters such lighters.

Global Bulk Transport Incorporated (formerly named Global Bulk Transport Corporation, and prior to that States Marine Corporation) is a New York corporation and owns 50 percent of the voting stock of States Marine Lines, Inc. (the remaining 50 percent is owned by Anderson, Clayton & Co.). Isthmian Lines, Inc., is a Delaware corporation 50 percent owned by States Marine Lines, Inc., and 50 percent owned by Global Bulk Transport Incorporated. Navegacion del Pacifico S.A. is a Mexican corporation, owned 51 percent by Mexican nationals and the remainder by States Marine Lines, Inc.

Because of political developments in Cuba, one of the 21 bulk carriers mentioned above has been largely unemployed since 1960, except for occasional voyages carrying liquid asphalt in bulk from Venezuela to Brazil and Newfoundland, and molten sulphur from Mexico to the United States. Accordingly, a waiver for these additional highly specialized activities is requested.

Current processing of the application. Any person, firm, or corporation having any interest in the aforementioned application under sections 605(c), 805(a) or 804 of the Act, and desiring to make written submission relevant to any substantial change in significant circumstances which would justify any modification or re-examination of the permissions, waivers, and/or other determinations as hitherto made by the Board and as enumerated above, should, by the close of business on November 18, 1963, notify the Secretary, Maritime Subsidy Board

in writing in triplicate. Such submission should specifically identify the services, routes, or lines covered by the application and the specific determinations of the Board, in which such person, firm, or corporation has an interest; and should contain a statement of facts sufficient to support the position that because of the existence of substantially changed significant circumstances, as referred to above, the prior determinations of the Board should not be determinative in the processing of the aforementioned application.

Upon the receipt of any submissions in the matter, the Maritime Subsidy Board will take such action as it deems necessary in the premises. In the event further hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to such issues under section 605(c), 805(a), or 804 as the Maritime Subsidy Board in its discretion may specifically prescribe.

If no submissions are received within the specified time, or if the Maritime Subsidy Board determines that the submissions filed within the specified time do not demonstrate sufficient interest or present prima-facie evidence of the existence of substantially changed significant circumstances, as referred to above, to warrant further hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 8, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63-10801; Filed, Oct. 9, 1963; 8:48 a.m.]

STATES MARINE LINES, INC.

Notice of Processing of Application

Notice is hereby given that States Marine Lines, Inc. (formerly States Marine Corporation of Delaware) has updated the application heretofore filed by States Marine Corporation and States Marine Corporation of Delaware, for operating-differential subsidy under Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (herein called the "Act") for the hereinafter referred to services, routes or lines in connection with which application, specified issues have heretofore been considered in public proceedings held before the Federal Maritime Board and designated as Dockets Nos. S-57 and S-57 (Sub. Nos. 1, 2, 3, 4, and 5). Subsequent to these public proceedings, the Federal Maritime Board made its determinations and rendered its decisions with respect to matters under sections 605(c), 805(a) and 804 of the Act. The full text of these decisions is set forth in published reports of the Federal Maritime Board. Copies of these reports and the aforementioned application (excluding, however, financial statements and other confidential data) may be examined in the Office of the Secretary of the Maritime Subsidy Board, Room 3041, New G.A.O. Building, 441 G Street NW., Washington 25, D.C.

The findings of the Federal Maritime Board under the proceedings cited above were summarized in the applicable reports as follows:

UNDER DOCKETS NOS. S-57 AND S-57 (SUB. NOS. 1 AND 2)

Section 605(c) of the Merchant Marine Act, 1936, as amended found not to interpose a bar to the granting of an operating-differential subsidy contract to States Marine Corporation and States Marine Corporation of Delaware for the operation of vessels (1) in the Tri-Continent service (a) to the extent of 12 to 24 direct annual sailings on Trade Route 12 and an additional 12 annual sailings on the route topping-off in California; (b) to the extent of 12 to 24 direct annual sailings on Trade Route 22 and an additional 24 annual sailings topping-off in California; (c) to the extent of 14 to 17 annual sailings on Trade Route 23; and (d) to the extent of 24 to 36 annual sailings on Trade Route 26 A & B, all topping-off on Trade Routes 5, 6, 7, 8, and 9,[1] with the privilege of lifting cargo at Hawaii for discharge in Europe; (2) in the Gulf-Mediterranean service to the extent of 12 to 24 annual sailings on Trade Route 13; and (3) in the trans-Pacific service, (a) to the extent of 18 to 24 direct annual sailings on Trade Route 29; (b) to the extent of 6 to 12 annual sailings on Trade Route 30; and (c) to the extent of 12 to 24 annual sailings serving both Trade Routes 29 and 30, half to sail last from a Trade Route 29 port and half to sail last from a Trade Route 30 port.

Section 605(c) of the Merchant Marine Act, 1936, as amended, found to interpose a bar to the award of an operating-differential subsidy contract to States Marine Corporation and States Marine Corporation of Delaware for (1) inbound service on Trade Route 30 from the Far East to the Pacific Northwest with vessels other than those which sailed outbound on Trade Route 30; (2) inbound service to Hawaii from the Far East; (3) inbound service to the Gulf from Europe on Trade Route 21 in the Tri-Continent service; and (4) service between the Gulf and the Azores on Trade Route 13 sailings.

The continuation of (1) a Pacific-Atlantic lumber service to the extent of 24 to 36 annual sailings, and (2) a Pacific-Gulf intercoastal service to the extent of 14 to 17 eastbound sailings and 24 westbound sailings, by States Marine Corporation and States Marine Corporation of Delaware, when and if subsidy is awarded, found not to result in unfair competition to any person, firm, or corporation operating exclusively in the domestic coastwise or intercoastal service, and found not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended. Written permission for the continuation of these services in the event subsidy is awarded, shall be granted.

Isthmian Lines, Inc., and its predecessor in interest found to have been continuously engaged in the U.S. Atlantic-Hawaii leg of its U.S. Atlantic/Gulf-Hawaii service since 1935, and the continuation of the U.S. Gulf-Hawaii leg of the service found not to result in unfair competition to any person, firm, or corporation operating exclusively in the domestic coastwise or intercoastal service, and found not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended. Written permission for the continuation of the U.S. Atlantic/Gulf-Hawaii service by Isthmian Lines, Inc., in the event a subsidy contract is awarded States Marine Corporation and States Marine Corporation of Delaware, shall be granted.

[1] In its Supplemental Report in Docket S-57, decided December 14, 1959, the Federal Maritime Board stated that it would ". . . delete any reference to topping off on Trade Route No. 11 . . . ." (See 5 FMB 739 at 740).

UNDER DOCKET NO. S-57 (SUB. NO. 3)

Special circumstances and good cause shown under Section 804 Merchant Marine Act 1936, as amended, to permit (1) ownership and/or operation by Global Bulk Transport Corporation of 21 specified vessels in specified bulk trades; (2) ownership and operation by Navegacion del Pacifico of certain Mexican-flag vessels to provide lighter services at Guaymas and La Paz, Mexico; (3) chartering by Isthmian Lines, Inc., of foreign flag vessels for use as lighters in the Persian Gulf; and (4) Global Bulk Transport Corporation to act as husbanding agent in the United States for Reardon Smith & Sons, Ltd.

Waivers will be granted under Sec. 804 for a period of two years subject to cancellation upon 90 days' notice to the operator.

UNDER DOCKET NO. S-57 (SUB. NO. 4)

States Marine Lines, Inc. granted written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, permitting continuance, in the event an operating-differential subsidy is awarded States Marine Lines, Inc., of the operation of the "SS Texan," a tanker owned by Oil Transport, Incorporated, an affiliate of States Marine Lines, Inc., in the transportation of chemicals, petro-chemicals and lubricating oil in domestic commerce between U.S. Pacific ports on the one hand and U.S. Gulf and Atlantic ports on the other, since granting of the permission found (1) not to result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, and (2) not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended.

UNDER DOCKET NO. S-57 (SUB. NO. 5)

States Marine Lines, Inc. granted written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, (A) permitting continuance, in the event an operating-differential subsidy is awarded States Marine Lines, Inc., of the operation of the "SS Alaskan," a tanker owned by Oil Transport, Incorporated, an affiliate of States Marine Lines, Inc., in the transportation of chemicals, petro-chemicals and lubricating oil in domestic commerce between U.S. Pacific ports on the one hand and U.S. Gulf and Atlantic ports on the other; and (B) permitting the "Alaskan" to be chartered or sub-chartered for the carriage of petroleum or petroleum products in the domestic intercoastal and coastwise commerce of the United States, since granting of the permission found (1) not to result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, and (2) not to be prejudicial to the objects and policy of the Merchant Marine Act, 1936, as amended.

* * * * *

Among other things included in the updated application are data pertinent to traffic and the extent of United States-flag participation for the years 1959 through 1962, with respect to the services on which subsidy is requested. Digested below are those portions of the updated application relating to the services sought to be subsidized under Title VI of the Act, the waivers requested under section 804 of the Act, and the permissions requested under Section 805(a) of the Act.

SECTION 605(c) ASPECTS OF THE MATTER

TRI-CONTINENT SERVICE

I. A. *Westbound.*

From—

(A) U.S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West), via Panama Canal, with privilege of calling at Canal Zone and Mexican ports to load cargo for the Far East, completing at

California ports on one sailing per month—24 to 36 sailings per year; and

(B) U.S. Gulf ports (Key West-Mexican border), via Panama Canal, with privilege of calling at Canal Zone and Mexican ports to load cargo for the Far East, completing at California ports on two sailings per month on which sailings westbound intercoastal cargo may be carried—36 to 48 sailings per year;

To—

Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive, with privilege of calling at Okinawa).

B. *Eastbound.*

From—

Far East to U.S. Pacific Coast with cargo for discharge at California and U.S. Gulf ports or for discharge at California and U.S. Atlantic ports; with privilege of calling at Hawaii to load cargo for United Kingdom and Europe;

To—

(A) United Kingdom and Continental Europe (North of Portugal) via Panama Canal with cargo loaded at U.S. Pacific ports, and Hawaii with privilege of calling at British Columbia, West Coast of Mexico and Canal Zone ports but only to load cargo for United Kingdom/Europe, returning from United Kingdom/Europe to U.S. Atlantic or Gulf ports with cargo for discharge at U.S. Pacific and Far East ports—24 to 36 sailings per year; and

(B) Havana, Cuba (when permissible), and U.S. Gulf ports or U.S. Atlantic ports, with cargo loaded at U.S. Pacific ports, via Panama Canal—24 to 60 sailings per year (remainder of westbound sailings).

PACIFIC-FAR EAST SERVICE [2]

(TRADE ROUTE 29)

U.S. Pacific/Far East Service between U.S. Pacific ports (Alaska, Washington, Oregon, California) and ports in the Far East (continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive, Japan, Formosa, Philippines and other Pacific islands lying between continental Pacific Coast U.S. and the continent of Asia) with privilege of calls at West Coast of Mexico ports and British Columbia ports. Frequency: A total minimum of 36 and a total maximum of 60 sailings per year, of which 18–24 will load cargo at California ports, but not Washington and Oregon ports, 6 to 12 will load cargo at Washington and Oregon ports but not California, and 12 to 24 will load cargo at both California and Washington and Oregon ports, approximately half sailing last from California and approximately half sailing last from Washington and Oregon.

U.S. GULF-MEDITERRANEAN SERVICE

(TRADE ROUTE 13)

Gulf-Mediterranean Service between United States South Atlantic and Gulf ports (North Carolina-Texas, inclusive) and ports in the Mediterranean Sea, Black Sea, and in Portugal, Spain south of Portugal, and Morocco (Tangier to southern border of Morocco), with privilege of calling at ports in the West Indies and Mexico. Frequency: 12 to 24 sailings per year.

SECTION 805(a) ASPECTS OF THE MATTER

1. Pacific-Atlantic lumber service by States Marine Lines, Inc., as reported in Dockets Nos. S–57 and S–57 (Sub. Nos. 1 and 2).

2. Pacific-Gulf intercoastal service by States Marine Lines, Inc., as reported in Dockets Nos. S–57 and S–57 (Sub. Nos. 1 and 2).

3. U.S. Atlantic/Gulf-Hawaii service by Isthmian Lines, Inc., as reported in Dockets Nos. S–57 and S–57 (Sub. Nos. 1 and 2).

4. Ownership and operation of the SSs "Texan" and "Alaskan" by Oil Transport, Incorporated, which is owned 50 percent by Global Bulk Transport Incorporated, which also owns 50 percent of the stock of States Marine Lines, Inc., as reported in Docket No. S–57 (Sub. Nos. 4 and 5).

5. Operation of the molten sulphur carrier "Louisiana Sulphur." This vessel is a converted T–2 owned by Oceanic Sulphur Carriers Incorporated, an unaffiliated Delaware Corporation, and is currently operating between U.S. Gulf and U.S. Atlantic ports. Global Bulk Transport Incorporated, referred to above, has a contract as managing agent of the vessel, but the agency work thereunder is said to have been sub-contracted to Joshua Hendy Corporation. States Marine Lines, Inc., requests permission for the continuance of this operation if such permission is required by law.

SECTION 804 ASPECTS OF THE MATTER

This application covers: (A) the twenty-one specialized bulk carriers discussed in Docket S–57 (Sub. No. 3) in which Global Bulk Transport Incorporated has interests; (B) the activities of Navegacion del Pacifico S.A. (Mexico) furnishing lighterage services in Mexican ports using lighters and tugs, also discussed in Docket S–57 (Sub. No. 3); and (C) waiver for Global Bulk Transport Incorporated to act as husbanding agent for Sir William Reardon Smith & Sons, Ltd., as discussed in Docket S–57 (Sub. No. 3). The decision in Docket S–57 (Sub. No. 3) indicated that the necessary waivers would be granted to States Marine Lines, Inc. Although it was also indicated in Docket S–57 (Sub. No. 3) that a waiver would be granted for Isthmian Lines, Inc., to charter lighters in the Persian Gulf, this waiver is not now requested as Isthmian no longer charters such lighters.

Global Bulk Transport Incorporated (formerly named Global Bulk Transport Corporation, and prior to that States Marine Corporation) is a New York corporation and owns 50 percent of the voting stock of States Marine Lines, Inc. (the remaining 50 percent is owned by Anderson, Clayton & Co.). Isthmian Lines, Inc., is a Delaware corporation 50 percent owned by States Marine Lines, Inc., and 50 percent owned by Global Bulk Transport Incorporated. Navegacion del Pacifico S.A. is a Mexican corporation, owned 51 percent by Mexican nationals and the remainder by States Marine Lines, Inc.

Because of political developments in Cuba, one of the 21 bulk carriers mentioned above has been largely unemployed since 1960, except for occasional voyages carrying liquid asphalt in bulk from Venezuela to Brazil and Newfoundland, and molten sulphur from Mexico to the United States. Accordingly, a waiver for these additional highly specialized activities is requested.

Current processing of the application. Any person, firm, or corporation having any interest in the aforementioned application under sections 605(c), 805(a), or 804 of the Act, and desiring to make written submission relevant to any substantial change in significant circumstances which would justify any modification or re-examination of the permissions, waivers, and/or other determinations as hitherto made by the Board and as enumerated above, should by the close of business on November 18, 1963, notify the Secretary, Maritime Subsidy Board in writing in triplicate. Such submission should specifically identify the services, routes, or lines covered by the application and the specific determinations of the Board in which such person, firm, or corporation has an interest; and should contain a statement of facts sufficient to support the position that because of the existence of substantially changed significant circumstances, as referred to above, the prior determinations of the Board should not be determinative in the processing of the aforementioned application.

Upon the receipt of any submissions in the matter, the Maritime Subsidy Board will take such action as it deems necessary in the premises. In the event further hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to such issues under sections 605(c), 805(a), or 804 as the Maritime Subsidy Board in its discretion may specifically prescribe.

If no submissions are received within the specified time, or if the Maritime Subsidy Board determines that the submissions filed within the specified time do not demonstrate sufficient interest or present prima-facie evidence of the existence of substantially changed significant circumstances, as referred to above, to warrant further hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: October 8, 1963.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 63–10802; Filed, Oct. 9, 1963; 8:48 a.m.]

[2] Applicant plans to continue its Trans-Pacific Service (Trade Route 29) with time-chartered vessels on an unsubsidized basis for an interim period until additional vessels are acquired for subsidized operations.

FEDERAL MARITIME COMMISSION

COLUMBUS LINE AND PACIFIC ISLANDS TRANSPORT LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9248, between Columbus Line and Pacific Islands Transport Line sets forth the terms of an oral agreement upon transportation rates and conditions to be applied on cargoes carried from Pacific Coast ports of the United States to ports of call of the named carriers in the Islands of the South Seas.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, to-

gether with a request for hearing, should such hearing be desired.

Dated: October 7, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10756; Filed, Oct. 9, 1963; 8:47 a.m.]

[Docket No. 1150]

HASMAN & BAXT, INC. AND VALENCIA BAXT EXPRESS, INC.

Misclassification and Misdescription of Goods in Containerized Trailer Vans in United States/Puerto Rico Trade

Information before the Commission indicates that Valencia Baxt Express, Inc. is a (non-vesel operating) common carrier by water engaged in the trade between the United States and the Commonwealth of Puerto Rico, having filed with this agency or its predecessor, its FMC-F No. 5 Tariff, among others. Hasman & Baxt, Inc. is an independent ocean freight forwarder engaged in the trade between the United States and the Commonwealth of Puerto Rico.

It appears, that between January 1, 1960, and the present, Valencia Baxt Express, Inc., or Hasman & Baxt, Inc., or both, in routing and accepting cargoes from the United States to the Commonwealth of Puerto Rico, may have falsely billed, falsely classified, falsely weighed or given false report of weights on bills of lading prepared by Hasman & Baxt, Inc., and/or Valencia Baxt Express, Inc., for shipment aboard vessels of Sea-Land Service, Inc. (Sea-Land of Puerto Rico Division), and Bull-Insular Lines, Inc. (Puerto Rico Service) in the following respects:

1. Misdescribed, on bills of lading, high rated commodities as lower rated commodities, in order to take advantage of a lower rate.

2. Misdescribed and falsely listed on bills of lading the quantities, and weight thereof, of certain commodities, in order to take advantage of the "freight, all kinds" rate.

3. Misdescribed on bills of lading low rated commodities which were not included in such shipments, and provided false weights on bills of lading on low rated commodities included in the shipments in lesser quantity in order to take advantage of the "freight, all kinds" rate.

Accordingly, the Commission, pursuant to sections 16 and 22 of the Shipping Act, 1916, hereby institutes, on its own motion, an investigation to determine whether the above-described practices and activities of Valencia Baxt Express, Inc. and Hasman & Baxt, Inc. are lawful under section 16, Shipping Act, 1916.

Now, therefore, it is ordered, That (1) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (2) Hasman & Baxt, Inc. and Valencia Baxt Express, Inc. be and are hereby made respondents in this proceeding; and (3) a copy of this order shall forthwith be served upon said respondents; (4) the said respondents be duly notified of the time and place of the hearing herein ordered; and (5) this order and notice of the said hearing be published in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] THOMAS LISI,
Secretary.

OCTOBER 3, 1963.

[F.R. Doc. 63-10757; Filed, Oct. 9, 1963; 8:47 a.m.]

MEMBER LINES OF THE FAR EAST CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 17-31, between the member lines of the Far East Conference, modifies the basic agreement of that conference (No. 17, as amended), in the trade from North Atlantic, South Atlantic and Gulf ports of the United States of America to Japan, Korea, Taiwan (Formosa), Siberia, Manchuria, China, Hong Kong, Indo-China, and the Republic of the Philippines. The purpose of this modification is to substitute the names of Vietnam, Cambodia, and Laos for the name of Indo-China and to include Okinawa within the scope of the conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: October 7, 1963.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 63-10758; Filed, Oct. 9, 1963; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP64-43, CP64-44]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

Notice of Application and Date of Hearing

OCTOBER 3, 1963.

Transcontinental Gas Pipe Line Corporation, Docket No. CP64-43; Transcontinental Gas Pipe Line Corporation, United Natural Gas Company, North Penn Gas Company, Docket No. CP64-44.

Take notice that on August 16, 1963 Transcontinental Gas Pipe Line Corporation (Transco) with its principal place of business in Houston, Texas, filed in Docket No. CP64-43 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of additional general storage service to existing resale customers under its rate schedule GSS. Concurrently Transco, United Natural Gas Company (United) with its principal place of business in Oil City, Pennsylvania, and North Penn Gas Company (North Penn) with its principal place of business in the Borough of Port Allegany, McKean County, Pennsylvania, filed a joint application in Docket No. CP64-44 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional development and operation of the Wharton Storage Field in Potter and Cameron Counties, Pennsylvania. The authorizations requested are more fully descirbed in the applications which are on file with the Commission and open to public inspection.

Transco states that the application in Docket No. C64-43 is a supplement to its general storage service program for the 1963-64 winter season. The supplemental service will be rendered from the Wharton Storage Field under an Intermediate Development Program, the application for which is the companion docket in this proceeding. Transco sells gas to its resale customers and in turn provides storage for the gas under its presently authorized general storage service. The storage service is proposed to the following existing customers:

Customer	Winter	Mcf at 14.7 psia	
		Storage demand	Storage capacity
North Carolina Gas Service, Division of Pennsylvania and Southern Gas Co.	1963-64	1,000	50,000
Elizabethtown Consolidated Gas Co.	1964-65	4,500	405,000
Mid-Georgia Natural Gas Co.	1964-65	700	35,000
Mid-Georgia Natural Gas Co.	1965-66	650	32,500
Totals		6,850	522,500

Transco would render the proposed additional storage service for the above-listed customers commencing with the winter season specified in the foregoing table. No additional facilities are requested and no costs or financing are involved.

The joint application in Docket No. CP64-44 requests authority for an Intermediate Development Program in the Oriskany Horizon of the Wharton Field in Potter and Cameron Counties, Pennsylvania. The development and operation of the Wharton Field as a storage pool to the extent provided for in an Initial Development Program, together with the construction and operation of