Contents

Agricultural Research Service
Proposed Rule Making:
Scabies in sheep; proposed designation of Pennsylvania as eradication area.  11804

Agricultural Stabilization and Conservation Service
Rules and Regulations:
Wheat marketing quota, 1961 and subsequent crop years; excess acreage utilization dates and normal harvest completion dates.  11795

Agriculture Department
See Agricultural Research Service; Agricultural Stabilization and Conservation Service.

Army Department
See Engineers Corps.

Civil Service Commission
Rules and Regulations:
Retirement; miscellaneous amendments.  11794

Defense Department
See Engineers Corps; Navy Department.

Engineers Corps
Rules and Regulations:
Bridge regulations; Mount Desert Narrows, Maine.  11803

Federal Aviation Agency
Proposed Rule Making:
Performance of maintenance by an air carrier on other than air carrier aircraft.  11804

Federal Communications Commission
Notices:
Hearings, etc.:
Bi-States Co. (KHOL-TV) and Topeka Broadcasting Association, Inc. (WIBW-TV)  11806
Lake Shore Broadcasting Co., Inc. (WDOE)  11806

Federal Deposit Insurance Corporation
Rules and Regulations:
Insured nonmember banks; maximum rates of interest payable on time and savings deposits.  11788

Federal Power Commission
Notices:
Hearings, etc.:
Gulf States Utilities Co.  11806
Lone Star Producing Co.  11806
Northern Natural Gas Co. (2 documents)  11808
Northern Natural Gas Co. et al.  11809
Pan American Petroleum Corp. et al.  11809
Sunray Mid-Continent Oil Co. et al.  11807
United Fuel Gas Co. et al.  11807

Federal Reserve System
Notices:
First Virginia Corp.; order extending time for acquisition of voting shares of Richmond Bank and Trust Co.  11809

Food and Drug Administration
Rules and Regulations:
Antibiotics intended for use in laboratory diagnosis of disease; antibiotic sensitivity discs; correction.  11802
Chlortetracycline or tetracycline; certification, tests, and methods of assay; miscellaneous amendments.  11801
Food additives:
Human consumption; propylene oxide.  11799
Resulting from contact with containers or equipment, or otherwise affecting food:
Reinforced wax.  11800
Surface lubricants used in manufacture of metallic articles.  11800
Penicillin:
Certification.  11801
Certification, tests, and methods of assay.  11801
Pesticide chemicals in or on raw agricultural commodities; tolerances for residues:
Maneb.  11799
Toxaphene.  11799

Health, Education, and Welfare Department
See Food and Drug Administration.

Immigration and Naturalization Service
Rules and Regulations:
Alien crewmen; landing and parole.  11797

Interior Department
See Land Management Bureau.

(Continued on next page)
Contents

Justice Department
See Immigration and Naturalization Service.

Labor Department
See Wage and Hour Division.

Land Management Bureau
Rules and Regulations:
Public land orders:
Alaska; reservation of lands in Bethel townsite for use of Indian Affairs Bureau— 11803
Colorado; revocation of order reserving minerals for war purposes. 11803
New Mexico; modification of grazing district boundaries— 11803
Oregon; withdrawal of lands for protection of Galice Creek timber access road — 11803

Navy Department
Rules and Regulations:
Miscellaneous amendments:
Claims for injuries to property— 11792
Nonjudicial punishment, naval courts and certain fact-finding bodies— 11763
Rules applicable to the public (2 documents) — 11794

Veterans Administration
Rules and Regulations:
Soldiers' and sailors' civil relief; miscellaneous amendments — 11802

Wage and Hour Division
Rules and Regulations:
Pair Labor Standards Act as applied to retailers of goods or services— 11802

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today’s issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

5 CFR
29 ____________________________ 11794
7 CFR
728 ____________________________ 11795
8 CFR
252 ____________________________ 11796
253 ____________________________ 11797
9 CFR
Proposed Rules:
74 ____________________________ 11804
12 CFR
217 ____________________________ 11796
329 ____________________________ 11798
14 CFR
Proposed Rules:
18 ____________________________ 11804
43 ____________________________ 11804
21 CFR
120 (2 documents) — 11799
121 (3 documents) — 11799, 11800
140a ____________________________ 11801
141c ____________________________ 11801
146a (2 documents) — 11801
146c ____________________________ 11801
147 ____________________________ 11802
29 CFR
14 ____________________________ 11802
32 CFR
719 ____________________________ 11793
755 ____________________________ 11792
765 (2 documents) — 11794
33 CFR
203 ____________________________ 11803
38 CFR
7 ____________________________ 11802
43 CFR
Public Land Orders:
61 (revoked by PLO 2547) — 11803
2545 ____________________________ 11803
2547 ____________________________ 11803
2548 ____________________________ 11803
2549 ____________________________ 11803

The Federal Register will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington 25, D.C., to the Superintendent of Documents, Government Printing Office, Washington 25, D.C. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the Federal Register, or the Code of Federal Regulations.
## Rules and Regulations

### Title 32—NATIONAL DEFENSE

**Chapter VI—Department of the Navy**

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

Scope and purpose. Part 719 is revised to conform with pertinent provisions of JAG Instruction P5800.7, the Manual of the Judge Advocate General, of June 2, 1961, as approved by the Secretary of the Navy. A new Part 755 is added. Section 765.20 is deleted because its content is incorporated in Part 719 as § 719.139.

1. Part 719 is revised to read as follows:

### PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

<table>
<thead>
<tr>
<th>Subpart A—Nonjudicial Punishment</th>
<th>Subpart C—Trial Matters</th>
</tr>
</thead>
</table>

#### Subpart A—Nonjudicial Punishment

- Sec. 719.101 General provisions.
- Sec. 719.102 Letters of censure.

- Subpart B—Convening Courts-Martial
  - Sec. 719.103 Designation of additional convening authorities.
  - Sec. 719.104 Appointment of personnel from other armed forces.
  - Sec. 719.105 Preparation of appointing orders.
  - Sec. 719.106 Restrictions on exercise of court-martial jurisdiction.
  - Sec. 719.107 Superior competent authority defined.

- Subpart C—Trial Matters
  - Sec. 719.108 Reporters and interpreters.
  - Sec. 719.109 Authority to grant immunity from prosecution.
  - Sec. 719.110 Spectators.
  - Sec. 719.111 Preparation of charge sheets.
  - Sec. 719.112 Court-martial punishment of reduction in grade.
  - Sec. 719.113 Forfeitures, detentions, fines.
  - Sec. 719.114 Preparation of records of trial.

- Subpart D—Post-Trial Matters
  - Sec. 719.115 Request for appellate defense counsel.
  - Sec. 719.116 Distribution of staff legal officer's review.
  - Sec. 719.117 Action on courts-martial by convening authority.
  - Sec. 719.118 Promulgating orders.
  - Sec. 719.119 Review of summary and special court-martial order.
  - Sec. 719.120 Matters to be included in action on special courts-martial by general court-martial convening authority.
  - Sec. 719.121 Disposition of record after completion of review in the field.
  - Sec. 719.122 Remission and suspension.
  - Sec. 719.123 Effective period of sentence to confinement, when previous sentence to confinement not completed.
  - Sec. 719.124 Vacation of suspension.
  - Sec. 719.125 Approval of sentences extending term of service of an officer.
  - Sec. 719.126 Service of decision of board of review on accused.
  - Sec. 719.127 Execution of sentence.
  - Sec. 719.128 Request for immediate release by accused.
  - Sec. 719.129 Filing of court-martial records.

#### Subpart B—Convening Courts-Martial

- Sec. 719.123 Effective period of sentence to confinement.
- Sec. 719.124 Remission and suspension.
- Sec. 719.125 Request for immediate release by accused.
- Sec. 719.126 Filing of court-martial records.

#### Subpart C—Trial Matters

- Sec. 719.130 Financial responsibility for costs incurred in support of courts-martial.
- Sec. 719.131 Fees of civilian witnesses.
- Sec. 719.132 Warrants of attachment.
- Sec. 719.133 Security of classified matter in judicial proceedings.
- Sec. 719.134 Court-martial forms.
- Sec. 719.135 Expenses of counsel.
- Sec. 719.136 Petition for new trial under article 73 of the Code.
- Sec. 719.137 Set-off of indebtedness of convicted person against his pay.
- Sec. 719.138 Authority to prescribe regulations relating to the designation and changing of places of confinement.
- Sec. 719.139 Authority to administer oaths and to act as notary.
- Sec. 719.140 Appreciation by civilian agents of naval intelligence.

#### Subpart D—Post-Trial Matters

- Sec. 719.141 Review of summary and special court-martial proceedings and reduction in grade.
- Sec. 719.142 Objection to granting immunity from prosecution.
- Sec. 719.143 Signature of witness other than his own.
- Sec. 719.144 Applicability of section 1450 (§ 719.201).

#### Subpart E—Miscellaneous Matters

- Sec. 719.145 Financial responsibility for costs in support of courts-martial.
- Sec. 719.146 Security of classified matter in judicial proceedings.
- Sec. 719.147 Authority to prescribe regulations relating to the designation and changing of places of confinement.
- Sec. 719.148 Authority to administer oaths and to act as notary.
- Sec. 719.149 Appreciation by civilian agents of naval intelligence.

### Subpart G—Appendices (Regulations Related to Preceding Subparts)

- Sec. 719.201 Appendix I—Applicable provisions of Bureau of Naval Personnel Manual and Marine Corps Manual relating to authority of commanding officers to effect promotions, reductions of enlisted members, and commissions of officers (referred to in § 719.101-1).
- Sec. 719.202 Appendix II—Applicable provisions of U.S. Navy Regulations dealing with accusations, replies and counter charges and with adverse matters in fitness reports and records of officers (referred to in §§ 719.102 and 719.117).
- Sec. 719.203 Appendix III—Applicable provisions of Bureau of Naval Personnel Manual dealing with time not creditable in computing cumulative years of service (referred to in § 719.111).
- Sec. 719.204 Appendix IV—Naval Comptroller Manual, Volume 4, Chapter 4, Part B, Section VIII, dealing with effect on pay of sentences of courts-martial (referred to in § 719.113).
- Sec. 719.205 Appendix V—Secretary of the Navy Instruction 5815.3 on policy and procedures concerning clemency relative to certain courts-martial (referred to in §§ 719.122 and 719.127).
- Sec. 719.206 Appendix VI—Secretary of the Navy Instruction 1050.3 on leave pending appellate review (referred to in § 719.138).

### Subpart H—Miscellaneous Authorities

- Sec. 719.207 Appendix VII—Applicable provisions of the Department of the Navy Security Manual for Classified Information, Chapter 9, Section 3 (referred to in § 719.133).
individual upon whom the punishment is imposed must be a member of the command of the authority taking the action. If disciplinary action appears to be indicated in the case of an individual who is not a member of the command to which he was attached at the time of the alleged offense, full information concerning such alleged offense shall be referred for appropriate consideration by the commanding officer in the chain of military command over the individual concerned, and in the case of an indicated letter of censure, normally to the officer who exercises general court-martial jurisdiction over the individual concerned. In all cases in which a letter of censure is issued by a command authority to which the individual was subject at the time of the offense, the letter shall contain an express statement to that effect.

(b) Restrictions on imposition of nonjudicial punishment.—(1) Punishment of persons having served on Navy or Marine Corps vessels operating under a foreign flag, or in domestic or foreign criminal courts. The policy, criteria, procedures and limitations set forth in § 719.106(d) with respect to trial by summary court-martial may be applied to persons cases have been previously adjudicated in domestic or foreign criminal courts apply also to the imposition of nonjudicial punishment in such cases.

(2) Execution of nonjudicial punishment. When a unit having a commanding officer or officer in charge is attached to a ship of the Navy for duty therein, such officer should, in the furtherance of policy, refrain from exercising his powers of nonjudicial punishment, referring all such matters to the commanding officer of the ship for disposition. This policy shall not be applicable to Military Sea Transportation Service vessels operating under a master.

(c) Nonpunitive measures. Commanding officers and officers in charge are authorized to use nonpunitive measures of censure in furthering the efficiency of their commands. These measures are not punishment and may be administered either orally or in writing in accordance with the provisions of paragraph 128c, MCM 1951. Nonpunitive censures, other than censures by the Secretary of the Navy, shall not be included in the Departmental records or in any of the official records of the recipients; and they shall not be quoted in, nor appended to, fitness reports. No command shall forward any nonpunitive censure or copy thereof to the Bureau of Naval Personnel or Headquarters Marine Corps. However, the facts upon which the censure is based may be the basis for adverse markings or comments in the next fitness report or in the personnel file. Under extraordinary circumstances, by written notification and advice required by article 31(b) of the Code and to affording him an opportunity to present any matter in defense, mitigation, or extenuation that he desires to submit. If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, he shall be afforded the express statement to that effect. In the alternative, the record may be returned to the investigator for additional proceedings so that the individual concerned may be accorded the rights of a party with respect to that offense. The records of proceedings and courts of inquiry are for administrative use only and shall not be used for trial by general court-martial, and are normally for information and distribution to individuals for their personal use. However, in any case where nonjudicial punishment is contemplated on the basis of information in the record of an investigation or court of inquiry, a copy of the record shall be made available to the individual concerned for his examination in connection with the preparation of a defense or an appeal. If the individual concerned so requests, a copy of the record may also be given to him except in those instances where the best interests of the Government may be adversely affected. In the case of doubt, the matter shall be referred to the Judge Advocate General for advice.

(2) Impartial hearing. When an impartial hearing is required under subparagrap 1 of this paragraph, it shall be conducted by the authority competent to impose nonjudicial punishment or, under extraordinary circumstances, by the officer designated prior to the imposition of such punishment by the authority competent to impose the punishment or by higher authority. The alternative of conducting the hearing by the officer exercising nonjudicial authority shall be limited to situations where, in the discretion of the commanding officer or higher authority, it is infeasible for the commanding officer to conduct the hearing in view of his responsibility for the command. Each hearing shall include the following elemental requirements:

(i) Presence of the individual concerned before the officer conducting the hearing;

(ii) Advice to the individual concerned of the offense or offenses of which he is suspected;

(iii) Explanation to the individual concerned of his rights under article 31(b) of the Code;

(iv) Receipt of the oral statements of witnesses against the individual concerned in his presence or providing the individual concerned with copies of written statements of witnesses against him;

(v) Availability to the individual concerned of all relevant information in the nature of physical or documentary evidence for his inspection;

(vi) Full opportunity to the individual concerned to present any matters in defense, mitigation or extenuation of the suspected offense or offenses.

(e) Appeals.—(1) Time. In accordance with paragraph 133b, MCM 1951, an appeal from nonjudicial punishment must be made within a reasonable time. Under ordinary circumstances, a reasonable time shall be construed to be fifteen days after imposition of the nonjudicial punishment. In computing this appeal period, allowances shall be made for the time required to transmit communications pertaining to the imposition of the nonjudicial punishment, and the appeal shall be deemed to have been perfected from the date the appeal is filed or呐orted to the authority next superior to the commanding officer or officer-in-charge who imposed the nonjudicial punishment, whether or not he is at the time of appeal in the chain of command of the person punished.

(1) Deferral of punishment of confinement or restriction. Execution of nonjudicial punishment of confinement imposed while at sea on ships having no shore facilities, and execution of nonjudicial punishment of restriction imposed while at sea may be deferred by the officer imposing the punishment until arrival of the ship in port. Execution of nonjudicial punishment of restriction imposed within a unit of the Fleet Marine Force in the field may be deferred by the officer imposing the punishment until return of the individual concerned to a location or tactical conditions under which the restriction imposed will reasonably operate as a punishment. In no case, however, shall such deferral exceed fifteen days from the date the punishment is imposed.

(e) Record of punishment. The record of nonjudicial punishment will be kept in accordance with paragraph 133b, MCM 1951, and the punitive regulations contained in the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual. The forms used for the Unit Punishment Book are NAVPERS 10129–2D or subsequent revisions thereof. These forms include the data required by paragraph 133b, MCM 1951, so that an additional record as illustrated in article 3, MCM 1951, is superfluous and should be avoided.

(h) Punishment not to be increased. Once imposed, nonjudicial punishment may be neither increased in severity nor changed to a different kind of punishment by the officer imposing the punishment, his successor in command, or superior authority. A letter of censure is imposed when delivered to the addressee thereof.

§ 719.102 Letters of censure.

(a) General. “Censure” is a generic term applicable to any form of adverse reflection upon individual character, conduct, performance, or appearance. Censure is a prerogative of command or administrative superiority, but certain offenses to the power of censure are governed by statute, regulations, and in-
Friday, December 8, 1961

FEDERAL REGISTER

11765

structions. Although only the terms "reprimand" and "admonition" are mentioned in article 15 of the Code, censure, in traditional naval usage, may be imposed in three degrees of severity: reprimand, admonition, and caution. Censure includes both nonpunitive and punitive measures. Nonpunitive measures of censure are described in § 719.101(e). Measures of censure imposed as nonjudicial punishment are punitive and copies thereof, unless set aside or withdrawn, will be included in applicable personnel records. The official records of the recipients. As provided in § 719.101(h), once a letter of censure has been delivered to the addressee thereof it may not be increased in severity or changed to a different kind of punishment. Such letters of censure in cases of officers are required to be in writing; and those imposed in cases of enlisted members may be by oral, written, or by correspondence. The remaining provisions of this section relative to letters of censure do not apply to punitive censure of an enlisted member by oral or written communication. (b) Administrative letters of censure by the Secretary of the Navy. Article 15 of the Code is inapplicable to administrative letters of censure issued by the Secretary of the Navy. The records of such letters are filed in the official records of persons so censured. A person censured by the Secretary of the Navy may submit a request for reconsideration, in accordance with the regulations prescribed by the Secretary of the Navy even though copies of letters of censure issued under the primary cognizance of the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, may be made available to him. (c) Internal Departmental responsibility. Correspondence, records, and files in the Department of the Navy that relate to letters of censure are matters under the primary cognizance of the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, as provided in § 719.101(e). (d) Procedure.—(1) Issuing authority. Where an officer has committed an offense which, in the opinion of the immediate commanding officer, warrants a punitive letter of censure, the immediate commanding officer may, at his discretion, issue the letter or refer the matter to the hearing afforded the addressee. (2) Classification (security). Every reasonable effort will be made to exclude from letters of censure specific details which may be classified. Unless it contains classified matter, a letter of censure shall be designated "For Official Use Only." (3) Notification of right to appeal and right to submit statement. All punitive letters of censure, copies of which are intended for inclusion in military personnel records, except letters issued in execution of a court-martial sentence as described in § 719.101(c), shall contain the following paragraphs: You are hereby advised of your right to appear to this action to the next superior authority in accordance with the provisions of article 15(d) of the Uniform Code of Military Justice, paragraph 134 of the Manual for Courts-Martial, United States, 1951, and section 3, U.S. Navy Regulations, 1948, as appropriate for the immediate "next superior" to act, as where an identity may exist of person or staff with the command taking the action appealed from, such fact may be noted in reforwarding the appeal. (g) Forwarding letter to Department. Upon adverse determination of the appeal, the superior shall return all papers to the appellant, informing him of the action taken and, if the letter was sustained upon appeal, direct him to return all papers to his immediate commanding officer together with his written statement made subsequent to the determination of the appeal, or his written declaration that he does not desire to make a statement.
Chief of Naval Personnel or the Commandant of the Marine Corps, are not desired.

censure and cancellation shall not be

which the letter is based. Copies of

11766

will then be removed.

official records will then be removed.

responsibility of the command to which the addressee of a letter of censure, brief comment is supplied

to the Judge Advocate General or to the

Naval Reserves, except inactive-duty training

is designated by article 0514, U.S. Navy

.encoder (including the

considered as being

within the authority of a commanding officer to impose upon officers under his command. The word “private” was em-

which are forwarded to the Judge Advocate General of the Navy and, in addition, in the case of Marine Corps units, to the Commandant of the Marine Corps. Other officers specifically designated are listed in SECNAV Instruction 5810.4 and revisions thereto.

(b) Special courts-martial. In addi-
tion to those officers otherwise authorized by article 23 of the Code, the follow-
ing officers are empowered to convene special courts-martial:

(4) All commanding officers of units
and activities of the Navy, except inactive-duty training Naval Reserve units.

(7) Any commander whose subordinate
in charge of commands now or hereafter designated are listed in SECNAV Instruction 5810.4 and revisions thereto.

(2) Any commander whose subordinate
chain of command has authority to convene special courts-martial.

(3) All commanders and commanding
officers of units and activities of the Navy, except inactive-duty training Naval Reserve units.

those officers otherwise authorized by article 22 of the Code, all flag or general officers, or their immediate tem-

In the event that the addressee is detached before the command has forwarded the documents, the command shall forward all pertinent documents to the command to which the addressee has been transferred for completion of the required processing.

(h) Cancellation. (1) Except in cer-
tain highly infrequent situations, mate-

tional officer to impose upon officers under his

without general publicity from a “public reprimand”, i.e., one published verbatim throughout the naval service. Omission of the word “private” preced- ing “admonition or reprimand” in article 15 of the Code does not constitute au-

or the Commandant or the Marine Corps, copies of the letters of censure may have been directed; the copy of the letter of censure and sent reference thereto filed in the recipient’s official records will then be removed.

(2) If a letter of censure is canceled by seniors in the chain of command before a copy of the letter of censure has been received by the Chief of Naval Personnel or the Commandant of the Marine Corps, copies of the letters of censure and cancellation shall not be forwarded to the Judge Advocate General or to the

(2) All directors, Marine Corps Re-
serve and Recruitment Districts.

(7) All directors, Marine Corps Re-
serve Districts outside the continental United States.

(8) All directors, Marine Corps Re-
serve and Navy Recruiting Areas.

A copy of the orders accomplishing a designation under subparagraph (4) or (5) of this paragraph, shall be forwarded to the Judge Advocate General of the Navy and, in addition, in the case of Marine Corps units, to the Commandant of the Marine Corps. Other officers specifically designated are listed in SECNAV Instruction 5810.4 and revisions thereto.

(c) Summary courts-martial. Those
officers who are empowered to convene general and special courts-martial may convene summary courts-martial.

§ 719.104 Appointment of personnel
for military courts.
The authority vested in the Secretary of the Navy under paragraphs 4(3) and 6a, MCM 1951, is delegated to the Judge Advocate General of the Navy or to the officer acting in his absence.

§ 719.105 Preparation of appointing
orders.
(a) General. Appointing and amend-
ing orders should be in naval letter form from the convening authority to the president of the court or summary court officer (identified by name, grade, and address).

Contents. The “Subject” line should indicate the contents of the order, e.g., “Appointing special court-martial”. The text of the order is indicated by the forms in appendix 4, MCM 1951, and notes 1, 2, 7, 11, 13, and 14 therein. In the list of members appointed to the court the name of the addressee as president of the court should be clearly indicated. The order shall be personally subscribed by the convening officer and shall show his name, grade, and title, including organization or unit. A copy of the appointing or amending order should be sent to the trial counsel of the court.

§ 719.106 Restrictions on exercise of
court-martial jurisdiction.
(a) Special and summary courts-
martial generally. In accordance with the provisions of paragraph 5b(4) and 5c, MCM 1951, exercise of authority to convene summary and special courts-martial may be restricted by a competent superior commander.

(b) Units attached to a ship. The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein shall be restricted, while the unit is embarked therein, refrain from exer-
cising any power he might possess to convene and order trial by special or summary court-martial, referring all such matters to the commanding officer of the ship for disposition. The foregoing policy does not apply to Military Sea Transportation Service vessels operating under a master.

(c) Jurisdiction under article 2 (4),
and 6 and article 3 of the Code—
(1) Policy. Paragraph 11b, MCM 1951,
provides, in part, that jurisdiction under article 3(a) of the Code should not be exercised without the consent of the Secretary of the Navy, and shall be forwarded by him.1 Extending this rule to all cases in which jurisdiction is dependent upon the provisions of article 3, 5(b), 5(c), 5(d), 5(e), or 5(f) of the Code, the following rules of practice are announced:

(2) Authorization required. (i) No case of a retired member of the regular component of the Navy or Marine Corps not on active duty but entitled to receive military status upon retirement, or a member of the Reserve Corps Reserve not on active duty who is receiving hospitalization from an armed force, or a member of the Fleet Reserve or Fleet Marine Corps Reserve not on active duty will be referred to trial by court-martial without the prior authorization therefor of the Secretary of the Navy. This rule applies to offenses alleged to have been committed prior to the time of the alleged offense or at the time they were accused or suspected of the offense. (ii) No case in which jurisdiction is based on article 3(b) or (c) of the Code will be referred for trial by court-martial without the prior authorization therefor of the Secretary of the Navy. (iii) If authorization is withheld under (i) or (ii) of this subparagraph, the Judge Advocate General shall indicate alternative action or actions, if any, to the convening authority.

(3) Request for authorization. Requests for authorization should contain the following information: The nature of the offense or offenses charged; a summary of the evidence in the case; the military status of the accused person at the present and at the time of the alleged offense, and the reasons why trial by court-martial is advisable. Requests shall be addressed to the Secretary of the Navy in which he is amenable to trial by court-martial. The Judge Advocate General shall indicate alternative action or actions, if any, to the convening authority.

(4) Apprehension and restraint. Specific authorization of the Secretary of the Navy is required prior to apprehension, arrest, or confinement of any person who is amenable to trial by court-martial solely by reason of the provisions of article 3, 5(b), 5(c), 5(d), or 6 of article 3 of the Code.

(5) Tolling of statute of limitations. The foregoing rules shall not impede the prosecution and processing of any offense in which the statute of limitations has been tolled.

(6) Recall to active duty. Members of the armed forces on active duty may be recalled to active duty solely for trial by court-martial.

(7) Persons whose cases have been previously adjudicated in domestic or foreign criminal courts. —(1) Policy. A person in the naval service who has been tried in a domestic or foreign court, whether convicted or acquitted, or whose case has been adjudicated by juvenile court authorities, shall not be tried by court-martial for the same offense, except in those unusual cases where trial by court-martial is considered essential in the interest of justice, discipline, and proper administration within the naval service. (2) Exception. In unusual cases, however, shall not be referred for trial without specific permission therefor as provided herein.

(2) Criteria. Referral for trial within the time of this policy shall be limited to cases involving substantial discredit to the naval service and which meet one of the following criteria: (i) Cases in which punishment by civil authority of probation, and local practice does not provide rigid supervision of probationers, or the military duties of the probationer make supervision impractical. (ii) Cases in which civil authorities have, in effect, divested themselves of responsibility by an acquittal manifestly against the evidence, or by the imposition of an unusually light sentence, on the theory that the individual will be returned to the naval service and thus removed as a problem to the local community. (iii) Cases of homosexuality in which mild penalties have been imposed upon conviction. Homosexuality with its demoralizing effects is a more serious problem in the military society because of the close-contact living and working conditions of its members. (iv) Other cases in which the interest of justice and discipline are considered to require further action under the Admiralty and Navy Justice Act. For example, cases where conduct leading to trial before a foreign court has reflected adversely upon the naval service itself.

(3) Procedure.—(1) General and special courts-martial. No case described in subparagraph (2) of this paragraph will be referred for trial by general court-martial or special court-martial without the prior permission therefor of the Secretary of the Navy. Requests for such permission shall be forwarded by the general court-martial authority (or naval officer exercising general court-martial authority concerned via the general court-martial authority) via the Commandant of the Marine Corps or Chief of Naval Personnel, as appropriate, to the Secretary of the Navy. (i) Summary courts-martial. No case described in subparagraph (2) of this paragraph will be referred for trial by summary court-martial without the prior permission therefor of the officer exercising general court-martial jurisdiction over the command. Grants of such permission shall be reported by the general court-martial authority concerned by means of a letter addressed to the Secretary of the Navy in which he files a description of the alleged action by civil authorities, and the circumstances bringing the case within the exception to the general policy. (ii) Reporting requirements. The provisions of this section do not affect reporting requirements or other actions required under other regulations in cases of convictions of service personnel by domestic or foreign courts and adjudications by juvenile court authorities.

(4) Limitations. Personnel who have been tried by courts which derive their authority from the United States, such as U.S. District Courts, will not be tried by court-martial for the same act or acts (see par. 68d, MCM 1951).

§ 710.107 Superior competent authority defined.

Whenever an accuser forwards charges pursuant to articles 22(b) and 22(b) of the Code, the "superior competent authority" as used in those articles is defined as any superior officer, tactical or administrative chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not reasonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i, MCM 1951).

Subpart C—Trial Matters

§ 710.108 Reporters and interpreters.

(a) Appointment.—(1) Reporters. In each case before a general or special court-martial or military commission, the convening authority shall appoint a qualified court reporter or reporters who shall record in shorthand or by mechanical means the proceedings of the commission and its appellate review. In each case before a general or special court-martial or military commission, the convening authority shall appoint an interpreter who shall render an accurate oral or mechanical record of the proceedings until appellate review has been completed and shall prepare either a verbatim or summarized record as directed. Additional clerical assistants may be appointed when necessary. (2) Interpreters. In each case before a court-martial or military commission, in each investigation conducted under article 49 of the Code, and in each investigation conducted under article 32 of the Code or by the officer who directs the taking of a deposition, the convening authority or the officer directing such proceeding shall appoint, when necessary, an interpreter who shall interpret for the court, commission, investigation or officer taking the deposition.

(3) Manner of appointment. Appointment of reporters and interpreters by the convening authority or authority directing the proceedings may be effected personally by him or at his dis-
cretion by any other person. Such appointment may be oral or in writing. (b) Source and expenses. Whenever possible, reporters and interpreters and clerical assistants shall be detailed from either naval or civilian personnel serving under the convening authority or officer directing the proceeding, or placed at his disposal by another officer or by civilian Governmental agencies. When necessary, the convening authority or officer directing the proceeding may employ or authorize the employment of a reporter or interpreter at the prevailing wage scale for duty with a general or special court-martial or military commission or at the taking of a deposition. No expense to the Government by the employment of a reporter, interpreter or other person to assist in a court-martial, military commission or the taking of a deposition shall be incurred except when authorized by the convening authority or officer directing the proceeding. Reporters or interpreters are not available locally, the convening authority or officer directing the proceeding shall communicate with the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, requesting that such assistance be provided or authorized.

§ 719.109 Authority to grant immunity from prosecution. (a) General. In certain cases involving more than one person, in order to prevent the denial of justice it may be advisable to grant immunity from prosecution to one or more of the participants to the offense in consideration of their testifying for the Government in the investigation of and upon the trial of the principal offender. The authority to grant immunity from prosecution to a witness is reserved to the convening authority or officer exercising general court-martial jurisdiction. This authority may be exercised in any case whether or not formal charges have been preferred or whether or not the matter has been referred for trial. (b) Procedure. The written recommendation of the trial counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other fact-finding body, or the investigator when no charges have been preferred, that a certain witness be granted immunity from prosecution in consideration of the testimony deemed essential to the Government shall be forwarded to the cognizant officer exercising general court-martial jurisdiction. The recommendation, which the witness granted immunity testifying, shall act upon such request after referring it to his staff legal officer for consideration and advice. The officer granting immunity to a witness is thereafter precluded from taking reviewing action on the record of the trial before which the witness granted immunity testified.

(c) Form of grant. In any case in which a witness is granted immunity, the general court-martial convening authority should execute a written agreement substantially in the following form:

In the matter of:

GRANT OF IMMUNITY

To: (Witness to whom immunity is to be granted)

1. It appears that you are a material witness for the Government in the matter of (2) charges having been preferred, set forth in a full identification of the accused and the substance of all specifications preferred.

2. In consideration of your testimony as a witness for the Government in the foregoing matter, you are hereby granted immunity from prosecution for any offense or offenses arising out of the matters therein involved concerning which you may be required to testify under oath.

3. It is understood that this grant of immunity from prosecution is effective only upon the condition that you actually testify as a witness for the Government. It is further understood that this grant of immunity from prosecution extends only to the offense or offenses in which you were involved in the matter of which you have been preferred for trial and concerning which you testify under oath.

(Signature) (Name and title)

§ 7109.110 Spectators. The sessions of courts-martial shall be public and, in general, all persons, except those who may be required to give evidence, shall be admitted as spectators. Whenever necessary to prevent the dissemination of classified information to other than authorized persons, the law officer, president of a special court-martial or summary court-martial, as appropriate, may direct that the spectators involved be excluded from a trial or portion thereof. In all other situations, spectators of all officers or specta­ tors may be excluded only when the law officer, president of a special court-martial, or summary court-martial, in the exercise of his discretion reposed in him, determines such exclusion to be legally necessary or proper.

§ 719.111 Preparation of charge sheets. (a) Enlisted pay grades. The pay grade of an accused, e.g., E-1, E-2, etc., shall be indicated following the grade or rate of the accused on page 1 of the charge sheet. (b) Pay and allotment data.—(1) Longevity increases. Under applicable provisions of chapter 4 of volume 4 of the Navy Comptroller Manual, certain periods, such as unauthorized absence, do not constitute service for the purposes of determining the cumulative years of service creditable for longevity pay increases. Care shall be taken in recording the base pay of the accused on page 1 of the charge sheet to insure that the entry accurately reflects only the longevity increase to which the accused is entitled. (2) Contribution to basic allowance for quarters. Inasmuch as the monthly contribution of an enlisted person to basic allowance for quarters which is to be deducted prior to computing the net amount of pay subject to partial forfeitures or detention of pay is the minimum contribution as required by law in the particular case (see § 719.113(a)), only such minimum amount, regardless of the actual contribution of the accused, shall be entered in the appropriate place on page 1 of the charge sheet.

§ 719.112 Court-martial punishment of reduction in grade. (a) Automatic reduction. Automatic reduction to the lowest enlisted pay grade under article 58A of the Code shall not be effected in the naval service. It is the policy of the Department of the Navy that enlisted persons of other than the lowest enlisted pay grade who are sentenced to confinement exceeding one year, or sentenced to dishonorable or bad conduct discharge and are sentenced to reduction to the lowest enlisted pay grade. The sentence in such cases should expressly include reduction to the lowest enlisted pay grade. (b) Form of sentences to reduction in grade. In adjudging a sentence which includes reduction to the lowest enlisted pay grade or to an intermediate pay grade, in place of a portion of the sentence which relates to reduction should refer exclusively to the numerical designation of the grade to which reduced. Thus, this portion of the sentence should read: "To be reduced to the grade of (E-1) . . . . ." The determination of the proper grade or rate title, occupational field, apprenticeship or striker type of pay, and duration of the reduced pay grade shall be determined by the convening authority, subject to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate.

(c) Execution of sentence to reduction in grade. If the sentence includes, unsuspended, a dishonorable or bad-conduct discharge or confinement for one year or reduction in grade, the provisions of reduction included in the sentence shall not be accomplished until the sentence has been affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals.

§ 719.113 Forfeitures, detentions, fines. (a) Deduction of basic allowance for quarters. The monthly contribution of an enlisted person to basic allowance for quarters, required by paragraph 126h of MCM 1951, to be deducted in certain cases prior to computing the net amount of pay subject to forfeiture or detention, is the minimum contribution as required by law in the particular case. (b) Forfeitures imposed by a summary court-martial. Forfeitures of pay imposed by summary courts-martial under article 29 of the Code shall be apportioned over more than one month, but, as a matter of policy, the period of apportionment should not exceed three months. (c) Limitations. In cases in which the sentence involves forfeiture of pay, detention of pay, or fine, the limitations prescribed by paragraph 126h, MCM 1951, shall be observed, as well as the procedures prescribed in section VIII, part B, chapter 4 of volume 4, Navy Comptroller Manual.
§ 719.1114 Preparation of records of trial.
(a) General and special courts-martial. The provisions of appendices 9 and 10, MCM 1951, will be followed in the preparation of records of trial and allied papers, with the following modifications:

(1) Copies of appointing orders. Carbon copies or mimeographed copies of the appointing orders may be utilized for insertion into records at the place where appendices 9a and 10a, MCM 1951 (pp. 526 and 531) require insertion of "original copy". The original of the charge sheet or copies of the charge sheet into copies of the record in lieu of copying into the record the charges and specifications upon which the accused is to be tried, the name and description of the accuser, the affidavit and reference for trial. However, when the charge sheet or copies of the charge sheet are to be prefixed to the original of the record (appendix 9e, item 5, MCM 1951).

(2) Staff legal officer's review. In addition to the requirements of paragraph 85d, MCM 1951, copies of the Staff Legal Officer's Review will be attached to all copies of records of trial forwarded for review by Office of Review.

(3) Court-Martial Data Sheet. Unless otherwise directed by the cognizant officer exercising general court-martial jurisdiction, the use of the Court-Martial Data Sheet (DD Form 494) is not required.

(5) Request for appellate defense counsel. When the statement of the accused concerning appellate representation becomes a part of the record (see § 719.115), the original thereof will be prefixed to the original record and a copy thereof to each copy of the record.

§ 719.115 Request for appellate defense counsel.

Article 70(c) (1) of the Code provides that appellate defense counsel shall represent the accused, when requested by him or his attorney, in any action of the Court of Military Appeals. Paragraph 48j (3), MCM 1951, requires the trial defense counsel, immediately after a trial which has resulted in a conviction, to advise the accused generally as to his appellate rights. In order that each record of trial will show compliance with that paragraph, the following procedure will be followed: In each general court-martial and in each special court-martial involving a bad conduct discharge, and within the period prescribed in paragraph 48j (3), MCM 1951, the accused will, after being advised of his appellate rights, be requested to indicate his wishes as to appellate representation by a statement in the following form:

Prom: ____________________________

To: Judge Advocate General.

Subj: Appellate rights.

Ref: (a) Par. 48j (3), MCM 1951.

1. In accordance with reference (a), I have been informed of my appellate rights, including the right to be represented by appellate defense counsel before the board of review established pursuant to reference (b), in the review of my trial by ______________ court-martial held on __________.

2. I do (do not) desire to be represented by appellate defense counsel before the said board of review.

Witness: ______________________________________

(Defense counsel or other officer)

(Date)

The original signed statement will be attached to the original trial record immediately following the appellate exhibits, and an unsigned copy will be similarly attached to each copy of the trial record.

§ 719.116 Distribution of staff legal officer's review.

In addition to the requirements of paragraph 85d, MCM 1951, and § 719.114 on officers' reviews, the following modifications are authorized in accordance with paragraph 82g, MCM 1951. Attention is directed to the fact that while article 0407.1 of the Security Manual requires that matter bear the classification, overall, of its highest component, that degree of classification is not then imparted to other components. Rather, articles 0407.1 and 0407.3 authorize and require that a component be marked with the classification it warrants (if any). Misunderstanding of these provisions may result in erroneously marking as classified each page of a voluminous record, rendering review for downgrading unnecessarily difficult and excision for delivery to the accused or counsel impossible.

Subpart D—Post-Trial Matters

§ 719.117 Action on courts-martial by convening authority.

(a) Companion cases tried separately. In court-martial cases where the separate trial of a companion case is ordered, the convening authority will so indicate in his action on the record in each case.

(b) Sentences suspended for more than six months. When a sentence is approved by the convening authority involving a suspension of any portion thereof for a period in excess of six months or, in cases involving confinement, for any period beyond the date of release from confinement, the convening authority shall state his reasons therefor in his action on the record.

(c) Sentences including a punitive discharge. In order that the best interests of the service as well as those of the accused may be served, the convening authority, in those cases where the sentence adjudged exceeds six months, shall indicate in his initial action a brief synopsis of the accused's conduct record during the current enlistment or current enlistment as extended. This synopsis shall also include the nature and date of the conviction of record, the date of release from confinement, the convening authority shall state his reasons therefor in his action on the record.

(d) Sentences including censure. Censure (requiring loss of pay, degradation, and caution, in descending order of severity) issued in execution of court-martial sentences are required to be in writing. Except as otherwise provided in this section, the provisions of § 719.102(e) (1), (2), and (3) shall be applicable to letters of censure issued in execution of court-martial sentence.

(e) By whom and to whom letters of censure in execution of sentences of summary courts-martial shall be issued by the convening authority. In those special and general court-martial cases wherein a sentence imposing censure is ordered executed by the convening authority, he shall issue the letter as part of his action on the record in accordance with the provisions of paragraph 85c (h) MCM 1951, except that the letter shall be issued as part of the promulgating order of the officer who subsequently directs execution of the sentence.

(3) Contents. The letter shall include the name and rank of the type of court, and a statement of the charges and specifications of which convicted. It shall also contain the following paragraph:

A copy of this letter will be placed in your official record in the Bureau of Naval Personnel (Headquarters, U.S. Navy). You are therefore privileged to forward, within fifteen days after receipt of this action, such statement concerning this letter.
§ 719.118 Promulgating orders.

(a) General and special courts-martial—(1) When promulgating orders required. Any action taken on the proceedings, findings, or sentence of a general or special court-martial by the convening authority or any other party empowered to take such action shall be promulgated as prescribed in paragraphs 90 and 91, MCM 1951. Separate orders shall be issued for each accused in case of a joint or common trial. (See note, appendix 15a, MCM 1951, page 551 (3 CFR 1949–1953 Comp. p. 719).)

(2) When supplementary order is not necessary. Whenever it is unnecessary in order to execute the sentence or to designate a place of confinement. However, copies of any action taken in such review will be forwarded to the convening authority, the accused, and to the commanding officer of the accused for notation in the service record or service record book of the accused.

(b) Supplementary board of review cases. If the sentence was ordered executed or suspended in its entirety by the convening authority and the approved findings and sentence have been affirmed without modification by the board of review and, in appropriate cases, the Court of Military Appeals, no supplementary court-martial order is necessary. Although not necessary for the invalidity of the action taken, a supplementary court-martial order shall be issued in all other cases. Such orders shall be published as follows:

(i) Supplementary orders in cases involving general or special court-martial sentencing shall be published as prescribed in § 719.103 and shall appear as the first item in the entries of the record of trial.

(ii) Cases involving convictions of larceny or other offenses involving moral turpitude. If a punitive discharge has been adjudged in a case involving conviction of larceny or other offenses involving moral turpitude, the convening authority shall include in his action on the record any facts which tend to extenuate, mitigate or aggravate the offense or offenses and do not appear in the court record or in the papers accompanying the same. If the accused entered a plea of guilty, the convening authority shall also include a synopsis of the circumstances of the offense amplifying the allegations set forth in the specification. In all cases in which the information to be so set forth in the action of the convening authority is not exclusively extenuating or mitigating, the convening authority shall refer a copy of the information to the accused before taking action on the case, and shall afford the accused an opportunity to rebut any part or portion of the information. A comment that such opportunity to rebut was afforded shall be included in the action of the convening authority and any statement made by the accused in rebuttal shall be appended to such action.

Notes:

"By direction of (name, grade, title and organization of issuing officer).” Duplicates of original promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: “Certified to be a true copy,” over the signature, grade and title of an officer.

(c) Distribution. All initial and supplementary promulgating orders shall be distributed as follows:

(i) Original to be attached to original record of trial.

(ii) Duplicate original to be placed in the service record or service record book of the accused, unless the courts-martial proceedings resulted in acquittal of all charges, approval of all findings of guilty, or disapproval of the sentence by the convening authority when no findings have been expressly approved by him.

(iii) Certified copies:

(a) Three to be attached to the original record of trial.

(b) One to be attached to each copy of the record of trial.

(c) Two to the commanding officer of an accused who is ordered to a brig as a place of confinement; three if a disciplinary command is designated as a place of confinement. These copies should accompany the records of the accused to the place of confinement.

(d) One to Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate.

(e) One to the Senior Member, Naval Clemency Board, Washington 25, D.C., if the sentence, as approved by the convening authority, includes a punitive discharge or confinement for eight months or more.

(iv) Plain copies:

(a) One to the accused.

(b) One each to the law officer, trial counsel and defense counsel of the convening authority at the time of the alleged offense or to the Commanding Officer, in the case of a command other than that of the convening authority, when the case was tried.

(c) One to the convening authority and, if the accused was serving in a command other than that of the convening authority, to the Commanding Officer, in the command in which he was then serving.

(d) One to each appropriate subordinate unit and any other local distribution desired.

(e) One to Marine Corps Audit Branch, Defense Accounting and Audit Division, General Accounting Office, Washington 25, D.C., in the case of Marine Corps personnel.

(f) Summary courts-martial. In accordance with paragraph 90e, MCM 1951, the results of a trial by summary court-martial need be promulgated only to the accused. The results of any review or action on a summary court-martial pursuant to § 719.119(a), subsequent to the initial action of the convening authority, shall be communicated to the convening authority and to the commanding officer of the accused for notation in the service record or service record book of the accused.
§ 719.119 Review of summary and special courts-martial.

(a) Summary courts-martial and special courts-martial not involving a bad conduct discharge—(1) Officers having supervisory powers. In addition to the officer immediately exercising general court-martial jurisdiction over a command, the Judge Advocate General, Assistant Judge Advocate General (Military Justice), all officers exercising general court-martial jurisdiction, and the commanders or chiefs of staff of officers exercising general court-martial jurisdiction are designated as having supervisory authority for the review of records of summary courts-martial or special courts-martial involving a bad conduct discharge.

(b) Summary courts-martial involving a bad conduct discharge—(1) Action by reviewing authority who is an officer exercising general court-martial jurisdiction. When an officer exercising general court-martial jurisdiction is the convening authority of a special court-martial which involves a bad conduct discharge, and if such discharge is approved by him, the record shall be forwarded direct to the Judge Advocate General for review by a board of review.

(2) Action by reviewing authority (officer exercising general court-martial jurisdiction). In special court-martial cases where an approved bad conduct discharge is convened by the reviewing authority, they shall be accompanied by a letter stating the reasons why supervisory authority action was not accomplished in the field.

(3) Action by officer having supervisory authority. The officer having supervisory authority and whose action on the record has been reviewed by a law specialist, shall place his action on the record. If the officer having supervisory authority disagrees with the recommendation of the law specialist as to matters of law, he shall not place an action on the record but shall forward the record to the Judge Advocate General, together with a signed copy of the recommendation letter from the law specialist, in accordance with article 65(c) of the Code, and in the manner set forth in paragraph 94a(2), MCM 1951.

(c) Special court-martial not tried in joiinder reviewed in common. When one or more of the sentences adjudged in cases tried in joinder or in common requires review only under paragraph 94a(2), MCM 1951 (not involving an approved bad conduct discharge) and the remaining sentence or sentences require review under paragraph 94a(3), MCM 1951 (including an approved bad conduct discharge), the officer exercising general court-martial jurisdiction shall cause each of the sentences to be reviewed in accordance with the applicable paragraph of the MCM 1951.

§ 719.120 Matters to be included in action on special court-martial by general court-martial convening authorities.

(a) Suspension of sentences. If the general court-martial convening authority takes action to suspend any portion of a sentence involving a bad conduct discharge for a period in excess of six months or, in cases involving confinement, in excess of six months, beyond the date of release from confinement, he shall state his reasons therefor in his action on the record.

(b) Designation of places of confinement. The general court-martial convening authority who orders a sentence of confinement into execution subsequent to the initial action of the convening authority on the record shall designate the place of confinement in his action on the record. See also § 719.138.

§ 719.121 Disposition of record after completion of review in the field.

(a) JAG supervision. Records of all trials by courts-martial in the naval service are under the supervision of the Judge Advocate General of the Navy.

Officer exercising general court-martial jurisdiction over a command, the Judge Advocate General, Assistant Judge Advocate General (Military Justice), all officers exercising general court-martial jurisdiction, and the commanders or chiefs of staff of officers exercising general court-martial jurisdiction are designated as having supervisory authority for the review of records of summary courts-martial or special courts-martial involving a bad conduct discharge.

(b) Action by reviewing authority (officer exercising general court-martial jurisdiction). In special court-martial cases where an approved bad conduct discharge is convened by the reviewing authority, they shall be accompanied by a letter stating the reasons why supervisory authority action was not accomplished in the field.

(c) Action by officer having supervisory authority. The officer having supervisory authority and whose action on the record has been reviewed by a law specialist, shall place his action on the record. If the officer having supervisory authority disagrees with the recommendation of the law specialist as to matters of law, he shall not place an action on the record but shall forward the record to the Judge Advocate General, together with a signed copy of the recommendation letter from the law specialist, in accordance with article 65(c) of the Code, and in the manner set forth in paragraph 94a(2), MCM 1951.

(d) Special court-martial not tried in joiinder reviewed in common. When one or more of the sentences adjudged in cases tried in joinder or in common requires review only under paragraph 94a(2), MCM 1951 (not involving an approved bad conduct discharge) and the remaining sentence or sentences require review under paragraph 94a(3), MCM 1951 (including an approved bad conduct discharge), the officer exercising general court-martial jurisdiction shall cause each of the sentences to be reviewed in accordance with the applicable paragraph of the MCM 1951.

In action on the record or sentences requiring review under paragraph 94a(3), MCM 1951, he shall state that the sentence or sentences requiring review only under paragraph 94a(3), MCM 1951, shall be filed with the copy or copies of the record in the files of the officer exercising general court-martial jurisdiction, and a copy of such action or review shall be attached to the review received in the Judge Advocate General, together with the action taken on the sentence or sentences requiring review under paragraph 94a(3), MCM 1951.

§ 719.120 Matters to be included in action on special court-martial by general court-martial convening authorities.

(a) Suspension of sentences. If the general court-martial convening authority takes action to suspend any portion of a sentence involving a bad conduct discharge for a period in excess of six months or, in cases involving confinement, in excess of six months, beyond the date of release from confinement, he shall state his reasons therefor in his action on the record.

(b) Designation of places of confinement. The general court-martial convening authority who orders a sentence of confinement into execution subsequent to the initial action of the convening authority on the record shall designate the place of confinement in his action on the record. See also § 719.138.

§ 719.121 Disposition of record after completion of review in the field.

(a) JAG supervision. Records of all trials by courts-martial in the naval service are under the supervision of the Judge Advocate General of the Navy.
RULES AND REGULATIONS

(c) Other general court-martial cases. General court-martial cases which do not require review by a board of review under article 66(d) of the Code shall be forwarded to the Office of the Judge Advocate General, Navy Department, Washington, D.C.

(d) Summary courts-martial and special courts-martial not involving a bad conduct discharge. The record of trial of such cases shall be filed as provided in § 719.129.

§ 719.122 Remission and suspension.

(a) Authority to remit or suspend sentences—(1) General. Pursuant to the provisions of article 74(a) of the Code and paragraph 97a, MCM 1951, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the Judge Advocate General, and all officers exercising general court-martial jurisdiction over the command to which the accused is attached are designated as empowered to remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeits, including such sentences as are provided by the President, provided that the Judge Advocate General shall not exercise this power in cases involving flag or general officers, and that officers exercising such authority shall be informed of the decision (by registered mail to be executed and, if mis-addressed because of any such error, shall immediately notify those concerned).

(b) Distribution of order. The promulgating order shall be distributed in accordance with the provisions of § 719.118 except that in article 72(a) cases the original promulgating order and original report of proceedings to vacate suspension shall be forwarded first to the Judge Advocate General, and then to the Judge Advocate General (Director, Office of the Judge Advocate General, West Coast) informed.

§ 719.123 Effective period of sentence.

When a prisoner serving a sentence to confinement when previous sentence to confinement not completed.

(a) Convicted by a court-martial for another offense and sentenced to a term of confinement, the subsequent sentence, upon being ordered into execution, will commence the running of the prior sentence. After the subsequent sentence has been fully executed, the prisoner will resume the service of any unremitting interrupted sentence to confinement.

§ 719.124 Vacation of suspension.

(a) Form of order. The forms prescribed in appendix 15c, MCM 1951, shall be used for promulgating orders vacating suspensions of sentences. In cases wherein article 71(c) of the Code is applicable and appellate review is not complete, the final sentence of the appropriate form may be modified to read:

"Upon completion of appellate review pursuant to article 71(c), the sentence as affirmed may be executed without further order."

(b) Distribution of order. The promulgating order shall be distributed in accordance with the provisions of § 719.118 except that in article 72(a) cases the original promulgating order and original report of proceedings to vacate suspension shall be forwarded first to the Judge Advocate General, and then to the Judge Advocate General (Director, Office of the Judge Advocate General, West Coast) informed.

§ 719.125 Approval of sentences extending to dismissal of an officer.

Pursuant to the authority of article 71(b) of the Code, the Under Secretary of the Navy and the Assistant Secretaries of the Navy are designated as empowered to approve sentences extending to the dismissal of an officer (other than a general or flag officer), or such part, amount, or commuted form of such sentences as they see fit, and to suspend the execution of any part of the sentence as approved.

§ 719.126 Service of decision of board of review on accused.

(a) Promulgation packages. When, in accordance with the provisions of paragraph 100c, MCM 1951, the Judge Advocate General elects to certify a case to the Court of Military Appeals, a "promulgation package" will be prepared by his office and forwarded to the officer immediately exercising general court-martial jurisdiction over the command to which the accused is attached, as indicated in the record. The package shall include copies of the board of review decision, a copy of the initial and supplementary court-martial or endorsement (on the accused's copy of the decision) notifying him of his right to petition for review, a form of petition for review, and a post card receipt to be signed by the accused. The package will normally also include directions to take action in accordance with the provisions of this section; however, specific instructions may be given. (b) Delay of decision. In cases wherein the board of review decision to the accused shall be accomplished as soon as possible, unless delay is expressly authorized by the Judge Advocate General.

(c) Change in place of confinement. To avoid delay in service, it is imperative that the Judge Advocate General, as well as the designated confinement activity, be notified when the place of confinement or temporary custody designated in the initial or final order is changed. In addition, any activity which receives information indicating that a promulgation package has been mis-addressed because of any such change shall immediately notify those concerned.

(d) Action by general court-martial authority. Upon receipt of a promulgation package, the officer exercising general court-martial jurisdiction will first determine whether the accused is still under his jurisdiction.

(i) Accused transferred. If the accused is transferred from that jurisdiction, the package will be forwarded by endorsement (copy to Judge Advocate General or Director, Office of the Judge Advocate General, West Coast, and of course, to all other officers exercising general court-martial jurisdiction over the accused. If the current whereabouts of the accused is unknown, communication by expeditious means to the accused and the Judge Advocate General or Director, Office of the Judge Advocate General, West Coast) informed.

(ii) Accused present. If the accused is under the jurisdiction of the recipient of the promulgation package and present within his command, action will be taken as follows:

(a) The accused's copy of the board of review decision, with the endorsement thereon, and the petition for review form shall be delivered to the accused.

(b) The accused's signature should be obtained on the post card receipt. If the accused refuses to sign the receipt, a certificate of personal service, reciting the facts, shall be prepared.

(c) The date, time, and place shall be noted on the copy of the board of review decision marked for the general court-martial authority and the copy marked for the accused's commanding officer, if applicable, and the copies filed accordingly.

(d) The post card receipt or certificate of personal service should be forwarded promptly to the Judge Advocate General (or Director, Office of the Judge Advocate General, West Coast).

(3) Accused on leave awaiting appellate review. If the accused is on leave awaiting appellate review pursuant to SECNAV Instruction 1003.3, or revisions thereto, the following procedures shall apply:

(i) Service shall be made by registered mail, return receipt requested, in accordance with the provisions of paragraph 4e of that Instruction.

(ii) Signature on the return receipt by anyone at the accused's leave address shall constitute notification (as of the date of receipt) of the decision of the board of review and shall commence the running of the thirty-day appeal period.

(iii) The general court-martial authority shall cause a certificate of service by registered mail to be executed and, together with the return receipt, to be
mailed to the Judge Advocate General (Director, Office of the Judge Advocate General, West Coast).

If the return receipt is received (for example, because the accused has changed his address without notifying his commanding officer), constructive service shall be made in the manner prescribed in subparagraph (4) of this paragraph.

(4) Accused absent or not at leave address. When delivery cannot be made to an accused because he is absent without leave or because his leave period has expired, service may be attempted in the manner prescribed or because, having been granted leave under the provisions of SECNAV Instruction 1050.3, or revisions thereto, he has changed his address without notifying his commanding officer, constructive service may be made by certificate of attempted service, in accordance with the following:

(a) Execution of certificate of attempted service. The certificate of attempted service shall be executed in quintuplicate by the officer attempting service, and shall show the date, place and manner service was attempted. In addition, it shall show either (a) that personal service could not be made because the accused was absent without authority from his assigned ship or station, or because, having been granted leave under the provisions of SECNAV Instruction 1050.3, or revisions thereto, he has changed his address without notifying his commanding officer, constructive service may be made by certificate of attempted service, in accordance with the following:

(b) Distribution. Two copies of the certificate of attempted service shall be forwarded to the Judge Advocate General. One copy shall be forwarded to the Chief of Naval Personnel or to the Commandant of the Marine Corps, as appropriate, and two copies shall be retained by the officer immediately exercising general court-martial jurisdiction over the accused.

(c) Return of accused within appeal period. If the accused returns to his assigned ship or station or advises his commanding officer of his correct address within the thirty-day appeal period, a copy of the promulgation package and a copy of the certificate of attempted service shall be served upon him; if he returns to the naval service within the appeal period at some place other than his assigned ship or station, the promulgation package and a copy of the certificate of attempted service shall be transmitted by the most expeditious means to such place for personal service upon him. In either case the required endorsement notifying the accused of his right to petition in the U.S. Court of Military Appeals should be modified by an appropriate endorsement informing him that his appeal period is limited to thirty days from the date of the certificate of attempted service. A receipt of the accused, in duplicate, for his copy of the certificate, and a receipt of the certificate of attempted service shall be obtained and forwarded to the Judge Advocate General.

(d) Effect of constructive service. Constructive service may be made by certified mail, return receipt requested, could not be made be­cause he changed such address without notifying his commanding officer, constructive service may be made by certificate of attempted service, in accordance with the following:

(i) Form. The following form is recommended but may be modified as necessary to meet the requirements of a particular case:

UNITED STATES

[Name, service number, grade or rate, and SPCCM (GCM) (WC) NCM ________
CERTIFICATE OF ATTEMPTED SERVICE OF BOARD OF REVIEW DECISION
To: The Judge Advocate General of the Navy

1. On

[Date]

(Ship, station or address of accused)

[Name of accused]

the undersigned officer, attempted to deliver

at __________

(Name of accused)

the accused in the above-entitled case, a copy of the decision of the board of review with an endorsement therein informing him of his right to petition the U.S. Court of Military Appeals for grant of review. At the termination of the thirty­day appeal period, action will be taken in the same manner as though the ac­cused had been served personally or by registered mail on the date of the execution of the certificate of attempted service.

(v) Form. The following form is recommended but may be modified as necessary to meet the requirements of a particular case:

United States

[Name, service number, grade or rate, and SPCCM (GCM) (WC) NCM ________
CERTIFICATE OF ATTEMPTED SERVICE OF BOARD OF REVIEW DECISION
To: The Judge Advocate General of the Navy

1. On

[Date]

[Ship, station or address of accused]

[Name of accused]

the undersigned officer, attempted to deliver

at __________

[Name of accused]

was then absent without leave (having escaped from confinement, broken arrest, broken restriction) | was on leave awaiting appellate review and changed his address without notifying his commanding officer | [__________].

2. I have attached hereto as enclosure (1) an authenticated copy of the entry appearing in the service record of the said

[Name of accused]

relating to his [absence without leave] [leave pending completion of appellate review] and as enclosure (2) [an authenticated copy of Form DD-553 (Deserter-Absentee Wanted by Armed Forces)] | [returned envelope showing reason for immediate execution of service by registered mail].

[Signature]

[Name]
Grade and service ____________
File number ____________
Organization ____________

Enc: (1) Authentic copy of record from service record.
(2) (Authenticated copy of Form DD-553.) (Returned envelope.)

§ 719.127 Execution of sentence.

(a) General. When the sentence of an enlisted man or warrant officer as affirmed by the board of review includes, unsuspended, a dishonorable or bad conduct discharge, or confinement for one year or more, it may not be executed until completion of appellate review, i.e., until termination of the thirty-day appeal period if no petition for review is filed, or final review by the Court of Military Appeals if a petition is filed; provided that the sentence may be executed in accordance with the provisions of § 719.118 when the accused executes a Request for Immediate Release. When such sentence as affirmed by the board of review does not include, unsuspended, dishonorable or bad conduct discharge, or confinement for one year or more, it may be executed without further delay. See § 719.118 for requirements concerning issuance of promulgating orders.

§ 719.128 Request for immediate release by accused.

(a) General. An accused may request immediate execution of the unexecuted portion of his sentence, following completion of the confinement portion thereof, if any, in those cases in which his sentence as affirmed by a board of review:

(1) Includes an unsuspended punitive discharge (including a discharge the suspension of which has been vacated); and

(2) Either does not include confinement, or the confinement portion thereof will be completed prior to thirty days from the date the accused is served with a copy of the board of review decision.

(b) Conditions of approval. Such requests may be granted by the officer exercising general court-martial jurisdiction subject to the following conditions:

(1) That the accused has received a copy of the decision of the board of review in his case;

(2) That the accused has had fully explained to him his right to petition the United States Court of Military Appeals for grant of review;

(3) That the accused does not have an appeal pending before the United States Court of Military Appeals;

(4) That the accused does not intend to appeal to the United States Court of Military Appeals but, nevertheless, understands that his request for immediate release does not affect his right seasonably to petition the United States Court of Military Appeals;

(5) That the accused has consulted counsel of his own choice; and,

(6) That the accused has executed a Request for Restoration (NavPers 3048) which has been denied, or that he has executed a Waiver of Restoration (NavPers 3049) and does not have a Request for Restoration pending before the Sec-
Section 2. I later change my mind and decide to petition the United States Court of Military Appeals for grant of review; I read aloud to the United States Court of Military Appeals for grant of review, that he will be held in abeyance pending notification of action by the Naval Clemency Board.

(c) Execution of unexecuted portion of sentence. Upon approval of the foregoing request and he thereafter never excluded, the unexecuted portion of the sentence to be dully executed.

d) Form of request for immediate release. The following form is prescribed. To: (Judge Advocate General). Signed the same in my presence and acknowledged that he did so as his free and voluntary act.

(Name, grade, file number, branch of service).

§ 719.129 Filing of court-martial records.

(a) General courts-martial. All records of trial by general court-martial shall, after completion of final action, be filed in the Office of the Judge Advocate General.

(b) Special courts-martial. Records of trial by special courts-martial which (1) involve an officer accused or (2) have been acted upon by a board of review, including a rehearing of a case in which a board of review acted on the earlier record of trial, shall, after completion of final action, be filed in the Office of the Judge Advocate General. All other special court-martial records shall be filed in the manner provided below for summary courts-martial.

(c) Summary courts-martial—(1) Shore activities. Officers having supervisory authority at shore activities in the 1st through 10th Naval Districts will transfer the original records of proceedings to the Federal Records Center, Mechanicsburg, Pennsylvania; those at shore activities in the 11th through 17th Naval Districts and Fleet Marine Forces, will retain original records of proceedings for a period of two years after final action. At the termination of such retention period, officers having supervisory authority at shore activities in the 1st through 10th Naval Districts will transfer the original records of proceedings to the Federal Records Center, Mechanicsburg, Pennsylvania; those at shore activities in the 11th through 17th Naval Districts will transfer such records to the Federal Records Center, South San Francisco, California.

(2) Fleet activities. Supervisory authorities who are in command of fleet activities, including Fleet Air Wings and Fleet Marine Forces, will retain original records of proceedings for a period of three months. At the termination of such retention period, such fleet officers will transfer the original records of proceedings to the Federal Records Center, Mechanicsburg, Pennsylvania; those in the Pacific Area and in the 1st through 10th Naval Districts will transfer the original records of proceedings to the Federal Records Center, Mechanicsburg, Pennsylvania; those in the 11th through 17th Naval Districts will transfer such records to the Federal Records Center, South San Francisco, California.

§ 719.130 Financial responsibility for costs incurred in support of courts-martial.

(a) Travel, per diem and fees. (1) The costs of travel, per diem of military personnel and civilian employees of the Navy, including that of JAG Task Force personnel but excluding that of Naval Judiciary Unit personnel, will be charged to the operation and maintenance allotment of the court-martial. Such costs incurred by Naval Judiciary Unit personnel will be charged to the operation and maintenance allotment of the Judge Advocate General.

(b) Services and supplies. (1) The following costs of services and supplies provided by an activity in support of courts-martial will be charged to the operation and maintenance allotment of the convening authority:

(i) In house costs which are direct, out-of-pocket, identifiable, and which total $100 or more in a calendar month; and

(ii) Costs which arise under contracts which were entered into in support of courts-martial.

(2) All other costs of services and supplies will be absorbed by the operation and maintenance allotment of the activity which provides the services and/or supplies.

Subpart E—Miscellaneous Matters

§ 719.131 Fees of civilian witnesses.

(a) Authorization for payment. (1) The fees and mileage of a civilian witness to be paid by the disbursing officer of the command of a convening authority or appointing authority or by the disbursing officer at or near the place where the tribunal sits or where a deposition has been taken when an official or public officer is presented a public voucher for such fees and mileage properly completed, signed by the witness and certified by one of the following:

(i) Trial counsel or assistant trial counsel of the court-martial.

(ii) Summary court-martial.

(iii) Counsel for the court in a court of inquiry.

(iv) Recorder or junior member of a board to redress injuries to property.

(v) Military or civil officer before whom a witness gave his deposition.

(b) The public voucher must be accompanied by a certified copy of the order appointing the court-martial, court of inquiry or investigation. If, however, a deposition is taken before changes are referred for trial, the fees and mileage of the witness concerned shall be paid by the disbursing officer at or near the place where the deposition is taken upon presentation of a public voucher, properly completed as hereinbefore prescribed, and accompanied by an order from the officer who authorized the taking of the deposition, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher. When the civilian witness testifies outside the United States, its Territories and possessions, the public voucher must be accompanied by a certified copy of the order appointing the court-martial, court of inquiry, or investigation and by an order from the convening authority or appointing authority, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher.

Obtaining money for advance tender or payment. Upon written re-
Friday, December 8, 1961

FEDERAL REGISTER

Section 719.133 of the Register is amended by providing that if a case involves an expert witness, the refusal of the Judge Advocate General to assign the case to the convening authority, rests in the sound discretion of the convening authority and may be one of the considerations in his determination that permission to try a particular case must be requested from the Secretary of the Navy in accordance with the provisions of paragraph 33f, MCM 1951.

§ 719.133 Security of classified matter in judicial proceedings.

(a) General. Every precaution will be taken by convening authorities, law officers, presidents of special courts-martial, summary courts-martial and trial counsel to protect the security of classified matter involved in judicial proceedings.

(b) Security clearance of personnel. If classified matter is to be used for prosecution, appropriate personnel security clearances must be granted to all members of the court, members of the prosecution and defense, court reporters and interpreters, military and civilians whose presence is required when classified matter is introduced before the court, in accordance with the Department of the Navy Security Manual for Classified Information. If the accused is represented by civilian defense counsel, such counsel must likewise be cleared before classified matter may be disclosed to him.

(c) Procedures concerning spectators. See §719.110 which prescribes procedures necessary to prevent the dissemination of classified information to other than authorized persons.

§ 719.134 Court-martial forms.

For a list of the forms used in courts-martial and instructions concerning the requisition of such forms, see SECNAV Instruction 5805.8 and revisions thereto.

§ 719.135 Suspension of counsel.

(a) General. When a person, military or civilian, has, pursuant to paragraph 43, MCM 1951, and this section, been suspended from acting as counsel before courts-martial and boards of review, he shall not, during the period of such suspension, be qualified to appear before a court-martial or summary court-martial, or to serve as counsel.

(b) Grounds for suspension. (1) Suspension shall be accomplished only when,

§ 719.132 Warrants of attachment.

Warrants of attachment shall not be issued without prior approval of the Judge Advocate General, acting for the Secretary of the Navy, in each case.

Civilian witnesses who are not salaried employees of the Government and who attend at points so far removed from their respective residences as to prohibit them from returning from the place of attendance to their respective homes within forty-eight hours ($8.00) per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance; or, in lieu of the mileage allowance provided for herein, witnesses who are required to travel between Hawaii, Puerto Rico, the Territories and possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first class rate available at the time of reservation for passage, by means of transportation employed; and provided further, that in lieu of the mileage allowance provided for herein, witnesses who are required to travel between Hawaii, Puerto Rico, the Territories and possessions, and the continental United States shall be entitled to the actual expenses of travel at the lowest first class rate available at the time of reservation for passage, by means of transportation employed; and provided further, that the standing mileage guide of the Department of the Navy of June 1, 1956, shall be the basis for the calculation of mileage.

§ 719.128 Authority to issue warrants of attachment.

Authority to issue warrants of attachment shall be accomplished only when,

§ 719.127 Issuance of warrants of attachment.

For a list of the forms used in courts-martial and instructions concerning the requisition of such forms, see SECNAV Instruction 5805.8 and revisions thereto.

§ 719.135 Suspension of counsel.

(a) General. When a person, military or civilian, has, pursuant to paragraph 43, MCM 1951, and this section, been suspended from acting as counsel before courts-martial and boards of review, he shall not, during the period of such suspension, be qualified to appear before a court-martial or summary court-martial, or to serve as counsel.

(b) Grounds for suspension. (1) Suspension shall be accomplished only when,
by his personal or professional conduct, a person has demonstrated that he is so lacking in whatever degree of professional, ethical or moral character as to be unacceptible as counsel before a court-martial or board of review. Specific grounds for suspension include, but are not limited to:

(i) Demonstrated incompetence while acting as counsel during pre-trial, trial or post-trial stages of a court-martial; (ii) Refusal of counsel to adhere to the deliberate use of frivolous or unwarranted dilatory tactics; (iii) Fabricating papers or other evidence.

(4) Tampering with a witness.

(5) Abusive conduct toward the court or board, the law officer, or opposing counsel.

(6) Dragnagant or repeated violations of any specific rules of conduct prescribed for counsel (see paragraphs 42, 44, 46 and 48, MCM 1951).

(vii) Conviction of an offense involving a violation of a rule of professional conduct.

(viii) Disbarment by a State or Federal court or the U.S. Court of Military Appeals; or

(ix) Indefinite suspension as counsel by the Judge Advocate General of the Army or Air Force or the General Counsel of the Treasury Department.

(2) Action to suspend should not be initiated or pursued because of political prejudice or hostility toward counsel, because he has presented an aggressive, zealous, or novel defense, or when his application is not to counsel, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.

7. Professional colleagues and conflicts of opinion. A client's proffer of assistance of a lawyer in an additional capacity as evidence of want of confidence, but the matter should be left to the determination of the client. The lawyer may accept the association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interests of the client, the opinion of the client should be frankly stated to him for his final determination. His decision should be accepted absent any difference unless it makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to explain and confide confidence.

When lawyers jointly associated in a cause cannot agree as to the guilt of the accused, otherwise in any way to enroach upon the professional employment of a lawyer by a violation of article 48 of the Code; when appearing at the trial or on the witness stand, he may not preclude from disclosing the truth in any manner of fraud or falsehood; and when he discovers that this obligation prevents him from the full discharge of his duty, he may properly make his new client.

It is improper for a lawyer to assert in argument his personal belief in his client's cause.

8. Right of the lawyer to control the incidents of the cause. As to incidental matters pending the trial, counsel is not precluded from disclosing the disclosure of any information which he may believe to be for the private advantage of the client; or working substantial prejudice to the rights of the client, such as forcing the lawyer to mislead a party, or to contribute to an improper instruction of the jury or to the presentation of the case.

A lawyer should always treat adverse witnesses with respect and courtesy.

9. Negotiations with opposite party. A lawyer should not in any way communicate with the opposite party, his agent or counsel, represented by counsel; much less should he undertake or negotiate or compromise the matter with him, but he should deal only with his counsel. It is incorrect for the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, to give any advice to those seeking relief against unlawful or oppressive counsel, generally after communication with the lawyer of whom the complaint is made.

10. Confidence of a client. In respect to any information or facts of which the client has informed him, in the course of his professional employment relating to the cause, the lawyer shall be held to possess the confidence of the client, and shall be bound to respect the confidence and secrecy thereof, except as may be authorized by the client, or as may be required by law.

12. Interests of client, warm zeal in the main-tenance and defense of his rights and the exertion of his utmost learning and ability," to the end that he may be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfast and immovable faith that the great public interest of the lawyer is to be performed within and not within the bounds of the law. The officer of the law, much less does it demand of him for any client, violation of law or any manner of fraud or chicanery, in the discharge of his own conscience and not that of his client.

13. Restraining clients from improprieties. A lawyer should use his best efforts to restrain and assist clients from doing or saying those things which the lawyer himself ought not to do, particularly with reference to their conduct toward the courts, judges, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate his relation.

17. Ill-feeling and personalities between advocates. Clients, not lawyers, are the litigants. Whatever may be the ill-feeling between counsel in their conduct and demeanor toward each other or to the court, it is the right of the lawyer to mislead or obstruct a cause or to affect his free and untrammeled conduct when appearing at the trial or on the witness stand.

(c) Action to suspend. - (1) General. A lawyer may be suspended from the practice of law as counsel before courts-martial and boards of review will be initiated only
when other remedial measures, including punitive action, have failed to induce proper behavior or are inappropriate. In each stage of proceedings looking to suspension of counsel, full consideration shall be given to the effectiveness and appropriateness of such measures as warning, admonition, instruction, proceedings in contempt and other punitive action.

(2) Report of grounds for suspension. When information as to the occurrence or existence of any ground for suspension comes to the attention of a member of a court-martial, a law officer, appointed judge advocate, staff legal officer, or member of a board of review, such information shall be reported, together with appropriate supporting information.

Pending completion of the trial.

(3) Hearing. If the officer exercising general court-martial jurisdiction over the command of such reporting officer or to the Judge Advocate General. Prompt action will be taken by the recipient of such report of the matter in the interest of proper administration of justice, except that, if the alleged disqualifying conduct occurs during the trial of a particular case and involves counsel for the accused, action may be deferred pending completion of the trial.

(4) Action by the Judge Advocate General. Upon receipt of the report of a board convened by him or the report of a board convened by an officer exercising general court-martial jurisdiction, together with copies of the written recommendations of such officer, the Judge Advocate General shall determine whether the person involved shall be suspended as counsel and whether such suspension shall be for a stated term or indefinite, and shall issue an appropriate order implementing such determination. The Judge Advocate General may, upon petition of the person who has been suspended, and upon good cause shown, or upon his own motion, modify or revoke any prior order of suspension.

(5) Effect upon other actions. Notwithstanding this section, the Judge Advocate General may in his discretion withdraw any certification of qualifications of counsel before general courts-martial made pursuant to article 26 or 27 of the Code.

§ 719.136 Petition for new trial under Article 73 of the Code.

(a) Received prior to completion of action in the case by the board of review and the U.S. Court of Military Appeals. Any petition for a new trial received in the Office of the Judge Advocate General while the accused's case is pending before a board of review of the U.S. Court of Military Appeals shall be referred for action to the board, or Court, respectively. If referred for action to a board of review, such board shall take action in accordance with the Uniform Rules of Procedure for Proceedings In and Before Boards of Review.

(b) Received subsequent to action in the case by the board of review and the U.S. Court of Military Appeals. If a petition for a new trial is received in the Office of the Judge Advocate General and the case is no longer pending before either a board of review or the U.S. Court of Military Appeals, action will be taken in accordance with the provisions of paragraph 109, MCM 1951, and the following rules:

(1) If the petition was placed in military channels within 60 days of the prayer for approval of the investigation by the convening authority, regardless of the date of its receipt in the Office of the Judge Advocate General, it shall be considered to have been received on the date of its receipt in the Office of the Judge Advocate General.

(2) Upon receipt of a petition for a new trial, it shall be docketed in the Military Justice Division and examined for compliance with the requirements of paragraph 109, MCM 1951. If the petition does not comply with such requirements in any particular or particulars, the petition will be returned to the petitioner for correction and compliance. A properly substantiated petition includes the required information will however, be considered sufficient.

(3) If the petition does not submit matter that falls within the category of newly discovered evidence or fraud on the court, or if the requirements of article 73 of the Code are not otherwise met, the Judge Advocate General will advise the petitioner that the petition has been received.

(4) If the petition is considered substantially to comply with the provisions of paragraph 109, MCM 1951, and if the matter submitted is considered to fall within the category of newly discovered evidence or fraud on the court, one copy of the petition, one copy of each supporting document and one copy of the brief, if any, will be forwarded to designated appellate defense counsel and to designated appellate Government counsel.

(5) In the event either counsel or the panel referred to in subparagraph (6) of this paragraph considers that further investigation is necessary in the interests of justice, he or the panel may request the Judge Advocate General to initiate an investigation stating in full the reasons for the request.

(6) Immediately after the action described in subparagraph (4) of this paragraph, the Judge Advocate General shall constitute a panel of three officers from the membership of boards of review in his office, other than the board of review which previously acted on the case, and such panel shall be provided with a copy of the petition, each supporting document and the briefs, if any.

(7) Upon the request of the petitioner, his counsel or representative, and upon a showing that the hearing and oral argument is in the interests of justice, a hearing and oral argument upon the petition may be allowed within the discretion of the panel constituted to consider the petition. Such hearing and oral argument will not be taken at such hearing, however; any new evidence must be submitted in written form. The petitioner shall not attend such hearing and may argue only through counsel. If, not a hearing and oral argument are allowed, the counsel for petitioner may file a brief in support of his petition within 20 days after: (i) his designation as counsel for the case by the panel referred to in subparagraph (6) of this paragraph; (ii) if other than designated counsel, his notification of appearance to the panel constituted to consider the petition. Counsel for the Government may file a brief opposing the petition within 20 days of the filing of petitioner's brief, or, if petitioner has failed to file a brief, within 20 days after the expiration of the time allowed for filing of petitioner's brief.

(8) Insofar as practicable and not inconsistent with provisions of the Manual for Courts-Martial and this section, the provisions of the Uniform Rules of Procedure for Proceedings In and Before Boards of Review (Part 109 of this title) will be followed with respect to qualifications and conduct of counsel, the format of briefs, the conduct of hearings, continuances and interlocutory matters.

(9) After briefs are filed and after hearing and oral argument, if any, the panel constituted to consider the petition shall prepare an opinion, together with a summary of the evidence and a discussion of the points of law involved, and an action on the petition for consideration by and signature of the Judge Advocate General.

§ 719.137 Set-off of indebtedness of convicted person against his pay.

When the United States has suffered loss of money or property on account of offenses as selling or otherwise disposing of or willfully damaging, destroying or losing military property, willfully and wrongfully hazarding a vessel, larceny, robbery, forgery, arson, or fraud, the amount for which persons, other than accountable officers as defined in article 1901, U.S. Navy Regulations, 1948, have been convicted by court-martial and sentenced to
by other persons subject to the Code outside the United States:

1. Officers certified by the Judge Advocate General of the Navy under articles 26 and/or 27 of the Code; and
2. Officers of the grade of Lieutenant Commander and Major, or above.

(2) The convening authority of the court-martial, or any other person designated by the Secretary of the Navy, the Head of any Office or Bureau in the Department of the Navy, the Commandant of the Marine Corps, the Commandant of the Navy, or the Secretary of the Navy for that purpose, may convene a general court-martial, or any other person designated by the Secretary of the Navy for that purpose, may convene a court of inquiry.

Subpart I—Parties and Witnesses in Certain Fact-Finding Bodies

§ 719.150 Objectives.

(a) Definition. Administrative fact-finding bodies of the types here dealt with are used by commanding officers for the purpose of developing the facts and circumstances of an incident or event.

(b) Function. The primary function of a fact-finding body is to develop and consider evidence related to the matter under investigation, to early and consistently find facts from that evidence; and, if directed, to offer opinions and recommendations.

(c) Scope. The primary purpose of a fact-finding body is to provide convening and reviewing authorities with adequate information upon which to base decisions in the matters involved.

Fact-finding bodies are administrative and not judicial. The report of a fact-finding body is advisory; its opinions do not constitute final determinations or legal judgments, and its recommendations are not binding on convening and reviewing authorities.

§ 719.151 Types of fact-finding bodies.

(a) Three types. There are three types of administrative fact-finding bodies: courts of inquiry, boards of investigation, and one officer investigations. The investigations conducted by the courts of inquiry and boards of investigation may be either formal or informal; those conducted by courts of inquiry are always formal. A formal fact-finding body is one which meets all of the following requirements: It is convened by a written appointing order, testimony is taken under oath, and proceedings are recorded verbatim. If any one of these requirements is absent, the investigation is informal. Formal and informal investigations differ in their procedures to accommodate the variety of situations which must be investigated in the Department of the Navy. A formal investigation utilizes hearing room methods similar to the court of inquiry. The informal investigation employs for the most part the preliminary inquiry method using compounding procedures. Informal investigations to the required information conveniently and expeditiously.

(b) Courts of inquiry. A court of inquiry consists of one or more commissioned officers as members and a commissioned officer as counsel for the court. It is always a formal fact-finding body. See article 135 of the Code. It is always convened by a written appointing order, and whether or not so directed in the appointing order, a court of inquiry will take testimony under oath and record proceedings verbatim. Except for boards convened for the redress of injuries to property under article 139 of the Code (see Part 755 of this chapter), a court of inquiry is the only naval fact-finding body that has the power to subpoena civilian witnesses.

(c) Board of investigation. A board of investigation is comprised of two or more commissioned officers. It may be either formal or informal. One-officer investigations are designed to meet necessary investigative requirements with a minimum commitment of officers.

§ 719.152 Convening authority—power to order.

(a) Courts of inquiry. Any person authorized to convene a general court-martial, or any other person designated by the Secretary of the Navy for that purpose, may convene a court of inquiry.

(b) Investigations. Any officer in command may order a board of investigation or a one-officer investigation. For the purposes of this subpart, "officer in command" means an officer authorized to convene any type of court-martial under article 22, 23, or 24 of the Code, or authorize disciplinary punishment under article 15 of the Code, including officers in charge. Only a commanding officer empowered to convene a special court-martial, or superior authority, may, however, order
an investigation which involves redress of injury under article 139 of the Code.

§ 719.153 Authority to administer oaths.

An officer appointed to perform investigative functions or to serve as counsel for an administrative fact-finding body within the meaning of this subpart is authorized to administer oaths in the performance of his duties. (See article 136 of the Code.)

§ 719.154 Parties; definitions.

(a) Party. A person is a party subject to the Uniform Code of Military Justice, or an employee of the Department of Defense, whose conduct or performance of duty is subject to inquiry or who has a “direct interest” in the subject under inquiry and who is so designated as provided in §§ 719.155 and 719.156.

(b) Subject to inquiry. A person’s conduct or performance of duty is “subject to inquiry” when the person is involved in the incident or event under investigation in such a way that disciplinarian investigation appears to the investigative body that any person not previously designated as a party should be so designated. (see paragraph (a) of this section), the person shall be informed of that conclusion and the reasons therefor, and shall be designated a party and accorded his rights as such. See § 719.157.

(c) Direct interest. A person has a “direct interest” in the subject of inquiry:

(1) When the findings, opinions, or recommendations of the fact-finding body are in the incident or circumstances under investigation, reflect questionable or unsatisfactory conduct or performance of duty; or

(2) When the findings, opinions, or recommendations may relate to a matter over which the person has a duty or right to exercise official control.

§ 719.155 Designation of parties.

(a) Who may designate. (1) Any member of the naval service subject to the Uniform Code of Military Justice whose conduct or performance of duty is subject to inquiry shall be designated as a party.

(2) Any person subject to the Uniform Code of Military Justice or employed by the Department of Defense who has a direct interest in the subject of inquiry shall be designated as a party.

(3) Any member of an Armed Force other than the Navy or Marine Corps who is subject to the Code and whose conduct or performance of duty is subject to inquiry shall be designated as a party.

(4) Any member of the Naval Reserve or Marine Corps Reserve not subject to the Uniform Code of Military Justice but by virtue of his status whose conduct or performance of duty is subject to inquiry or who has a direct interest in the subject of inquiry, may, upon his own request, be designated a party.

(b)Who may designate. Parties may be designated by either the convening authority or the fact-finding body, subject to the following rules:

(1) Designation of parties should be accomplished by the convening authority in the appointment order if it is apparent on its issuance that a party or person should be designated. The power to designate continues in the convening authority during the entire proceedings before the fact-finding body. (See § 719.151(c)(2)). If it appears that the fact-finding body that any person not previously designated as a party should be so designated. (see paragraph (a) of this section), the person shall be informed of that conclusion and the reasons therefor, and shall be designated a party and accorded his rights as such. See § 719.157.

(2) If the convening authority or fact-finding body concludes that any person not previously designated as a party should be so designated. (see paragraph (a) of this section), the person shall be informed of that conclusion and the reasons therefor, and shall be designated a party and accorded his rights as such. See § 719.157.

(c) Explanation of rights. At the outset of the proceedings of an administrative fact-finding body, all parties then designated shall be informed of the right and any waiver thereof shall be reported verbatim in the record. In the event of an informal fact-finding body, all parties then designated shall be informed of their right to counsel and the effect of the waiver. The explanation of this right and any waiver thereof shall be reported verbatim in the record.

(d) No officer of the Department of Defense who has a direct interest in the subject of inquiry may be designated a party, but only under the conditions set forth in paragraph (b) (3) of this section.

§ 719.156 Change in status of a party.

If it no longer appears that a person previously designated as a party is involved in a material degree in the matter under investigation, his designation as a party may be withdrawn by the investigative body upon application of that party, or on the fact-finding body’s own initiative.

§ 719.157 Rights of a party.

(a) General. A party to an investigation by a fact-finding body shall have the following rights:

(1) To be given due notice of such designation.

(2) To present during the proceedings, but not when the investigation is clear and present evil, evidence.

(3) To be represented by counsel.

(4) To cross-examine witnesses.

(5) To introduce evidence.

(6) To testify as a witness.

(b) To refuse to incriminate himself, and to refuse to make any statement regarding any offense of which he is accused or suspected.

(c) To make a voluntary statement, oral or written, to be included in the record of proceedings or investigative report.

(d) To make an argument at the conclusion of presentation of evidence.

§ 719.158 In courts of inquiry only, a party has two additional rights:

(10) To challenge members of the fact-finding body upon application by a party to the convening authority.

(11) If charged with an offense, to be a witness at his own request and not to be called as a witness in the absence of his request.

(b) Right to counsel. The party may be represented by civilian counsel if provided by him, or by military counsel appointed by the convening authority. The party is entitled to in-court counsel of his own selection, if reasonably available. Except in an investigation which is to be utilized as a pretrial investigation required by article 32 of the Code, the counsel for the party may be the same counsel for the accused or his counsel. If counsel for a party is absent, a formal opinion qualified counsel for the party are required. In a court of inquiry or other formal fact-finding body, counsel qualified article 27(b) of the Code should be made available if practicable.

(c) Explanation of rights. The explanation of this right to an Appropriate case, and any waiver thereof, shall be reported verbatim in the record.

(d) Waiver. A party to an investigation may waive any of the rights of which he has been notified, and any waiver thereof shall be reported verbatim in the record. The explanation of this right in an appropriate case, and any waiver thereof, shall be reported verbatim in the record.
RULES AND REGULATIONS

complied with offenses.

Any testimony given by a person whose conduct becomes subject to

§ 719.158 Rights of witnesses.

(a) Persons charged with offenses.

Any party or other person charged with an offense relating to the matter under

investigation, if he does not have to make any statement or give any testimony

regarding the offense, and that any statement or testimony made by him may

be used as evidence against him in any subsequent trial by court-martial.

(2) If a party or other person called as a witness is suspected or charged

with an offense, he shall be informed of the nature of the offense and the sub-

ject matter of the inquiry, and shall be advised that he does not have to make

any statement or give any testimony regarding the offense, and that any

statement or testimony made by him may be used as evidence against him in

any subsequent trial by court-martial.

§ 719.159 Statements regarding disease

No person in the Armed Forces shall be required to sign a statement of any na-

ture relating to the origin, incurrence, or aggravation of any disease or injury

he may have. Any such statement against his own interest which an indi-

vidual is required to sign at any time shall be null and void and of no force

and effect. 10 U.S.C. 1219. Any person in the Armed Forces, prior to being asked to

sign any statement relating to the origin, incurrence, or aggravation of any disease or injury that he has suffered, shall be advised of his right not to sign such a statement.

§ 719.160 Warning witnesses.

The fact-finding body in its discretion may direct a witness in the Naval Estab-

lishment or by appointment or otherwise subject to naval authority or request

any witness not to disclose any testimony with other witnesses or persons who have no official interest in the matter until the investigation is completed. This warning is given to ensure that the fact-finding body can be fairly heard, and to eliminate the possibility that disclosures of the substance of the witness' testimony may influence, however inadvertently, testimony of witnesses still to be heard.

§ 719.161 Meeting of the court.

(a) Sessions. The proceedings of a court of inquiry or formal board will be

open to the public to the extent that it is permitted by the convening

authority or the court or board, for security reasons or other good cause, directs that the entire proceedings or any portion thereof be closed to the public. The fact that the inquiry is held in closed session does not exclude the parties to the inquiry or their counsel. If the matter to be heard requires a security clearance and individual counsel has not been granted such clearance, the convening authority shall be advised thereof. In regard to necessary security clearance of personnel and procedures if such a person or civilian counsel is not so cleared, see § 719.133(b) which shall be applied also to the administrative

fact-finding bodies here dealt with.

(b) Clearing the court. The court (court of inquiry or formal board) may be

closed at any time for deliberation or consultation, whereupon the parties and their counsel will withdraw. Counsel for the court will also withdraw unless requested to remain. During an open hearing and when numerous spec-

tators are present, the court may withdraw to another room for deliberation or consultation.

(c) Spectators; publicity. As a gen-

eral rule, the public shall be permitted to attend open sessions of a court of

inquiry or formal board. The taking of photographs in the courtroom during an

open or closed session of the court or board, or broadcasting the proceedings

from the courtroom by radio or television will not be permitted.

(d) Informal boards. An informal board of investigation must determine the

best methods of eliciting information in each case. Informal boards have

considerable latitude in the methods they may employ to elicit information.

In investigating one incident, it may be desirable to employ the hearing room

procedure of a court of inquiry; in another, signed statements of witnesses may suffice. It may be appropriate to use transcripts.

An informal board of investigation may take testimony in any fair manner it

chooses if the appointing order has not
directed that testimony be taken under oath.

(c) One officer investigations. Formal and informal one officer investigations are governed by the rules and principles prescribed for formal and informal boards of investigation, respectively. The rules and principles can be applied to a single officer investigator. The mission of the officer must be given primary consideration in the determination of procedural questions not covered by sources of guidance.

Subpart G—Appendices (Regulations Referred to in Preceding Subparts)
§ 719.201 Appendix I—Applicable provisions of the Bureau of Naval Personnel Manual and Marine Corps Manual relating to authority of commanding officers to effect promotions and reductions of enlisted personnel
(a) Bureau of Naval Personnel Manual article C-7202(7) defining "commanding officer" for purposes of advancement, reduction or change in rate or rating:

(7) The term "commanding officer" as used in this section and in certain directives prescribed thereunder applies only to those commanding officers and officers-in-charge of Navy and Marine Corps activities who are expressly authorized to convene summary courts-martial or higher courts-martial.

(b) Bureau of Naval Personnel Manual article C-7211(2):

(2) Reduction as punishment pursuant to Article 15, Uniform Code of Military Justice. Pursuant to Article 15, Uniform Code of Military Justice and implementing regulations, a commanding officer or an officer-in-charge may reduce an enlisted person to a grade from which demoted is, under certain circumstances to the next lower pay grade. The Marine Corps retains promotion authority for promotion to pay grades E-9, E-8, E-7, and E-6. Reductions from these grades as nonjudicial punishment may be made only by the Commandant of the Marine Corps. Reduc-
3. State, home, or territorial guard:
4. Army and Navy Reserve Officers' Training Corps and Citizens Military Training Corps;
5. time spent in a fraudulent enlistment when such enlistment is so specified in discharge authority.

044019 SERVICE NOT CREDITABLE, TIME LOST
1. Time lost defined—A. General. The period of absence defined in subpar. b through e are considered as time lost and will not be included in computing aggregate years of enlisted service for basic pay purposes. Under 10 U.S. Code 972, time lost by an enlisted member must be added to the period served before such absence or absence to complete the term for which enlisted or induced. Prior laws required only that time convicted, upon his agreement to make reparation for the offense for which he was taken into custody or released without trial and without making restitution or reparation.

E. Sickness misconduct, SKMC. Sickness misconduct is defined as a period of absence from duty in excess of one day (24 consecutive hours) while in custody of civil authorities, unless the member is acquitted or released without trial and without making restitution or reparation.

F. Nonperformance of duty (civil arrest), NPDI—(1) Prior to 24 July 1956. Nonperformance of duty (civil arrest) is defined as a period of absence in excess of one day (24 consecutive hours) by a member of the active or reserve forces of the Army or Navy or under sentence will be regarded as service pendng legal action in effect and in accordance with the Manual for Courts-Martial. No period of confinement will be counted as loss time if the individual is acquitted of the charges involved or trial is continued and the charges dismissed by competent authority.

2. Time Lost, Computation—A. General. In computing time lost, the period of absence, the day on which leave, liberty, or authorized travel time expires if prior to the actual day such sentence is approved by the convening authority, unless the convening authority, at the time he approves the sentence, orders its execution if, as approved by him, the sentence is ordered executed. Except in the case of a new trial, the convening authority at the time of approval of any sentence may order its execution if, as approved by him, it does not involve a general or flag officer, or authorized travel time expires at 2400, the unauthorized travel time expires at 2400, the unauthorized absences for the purpose of making good any lost time will be computed in the same manner. When computing cumulative years of service for pay purposes, time lost will be computed in the manner prescribed in para. 044250-044255 for computing unexpired authorized absence, and travel time. If authorized absence must be exercised to assure that the member is not required to make up the unauthorized absence or to the interest of the member retained in the service.

3. Member released without trial. If the member is released without trial, or without being convicted, upon his agreement to make restitution or reparation of the alleged offense for which he was taken into custody, the period of arrest is creditable only if his commanding officer or any other competent authority determines that his absence will be considered as time lost and loss of pay; 13 April is a day of time lost and loss of pay; 14 April is a day of time lost and loss of pay; 15 April is a day of time lost and loss of pay; 16 April is a day of time lost and loss of pay; 17 April is a day of time lost and loss of pay; 18 April is a day of time lost and loss of pay; 19 April is a day of time lost and loss of pay; 20 April is a day of time lost and loss of pay; 21 April is a day of time lost and loss of pay; 22 April is a day of time lost and loss of pay; 23 April is a day of time lost and loss of pay; 24 April is a day of time lost and loss of pay.

4. Periods of authorized leave. A period of authorized leave is not included in NPDI. See par. 044283-1. (Forfeiture of bond will not in itself constitute reparation or admission of guilt.)

5. Nonperformance of duty (confined court), NPDC—(1) Before 24 July 1956. Nonperformance of duty (confined court or military award) is defined as a period of absence in excess of one day (24 consecutive hours) while in confinement or under sentence will be regarded as service pendng legal action in effect and in accordance with the Manual for Courts-Martial. No period of confinement will be counted as loss time if the individual is acquitted of the charges involved or trial is continued and the charges dismissed by competent authority.

6. Confinement of absence. The first day of confinement or unauthorized absence (including the day on which leave, liberty, or authorized travel time expires) will be computed in the manner prescribed in para. 044250-044255 for computing unexpired authorized absence, and travel time. If authorized absence must be exercised to assure that the member is not required to make up the unauthorized absence or to the interest of the member retained in the service.
Friday, December 8, 1961

FEDERAL REGISTER

ing officer to substantiate entries on a member's pay record. When the pay record order is prepared, the member's pay record voucher and any other pertinent documents.

1. Remission of previous forfeitures of pay by reason of sentence involving total forfeiture of pay. On the effective date of a general court-martial sentence involving confinement and forfeiture of all pay and allowances, any disapproved or set aside portion of forfeiture of pay under a previous sentence of court-martial automatically is remitted. An account of remission of sentence involving confinement and forfeiture of all pay and allowances afterwards is set aside, such account not in day's pay.

a. Remission of discharges awarded by courts-martial and procedures for resuming pay and allowances. If a previously executed sentence of dishonorable or bad conduct discharge is not sustained on a new trial and the member is entitled to the pay and allowances involved to the General Accounting Office via the Navy Finance Center (Central Accounts Department) or the Commandant of the Marine Corps (Code CDB) accompanied with all pertinent documents.

b. Remission of discharges awarded by courts-martial and procedures for resuming pay and allowances. If a previously executed sentence of dishonorable or bad conduct discharge is not sustained on a new trial and the member is entitled to the pay and allowances involved to the General Accounting Office via the Navy Finance Center (Central Accounts Department) or the Commandant of the Marine Corps (Code CDB) accompanied with all pertinent documents.

c. Action to be taken when sentence involving reduction in rating or forfeiture of pay set aside in order to provide for new hearing. When the sentence of a court-martial is set aside or dishonorably discharged, the member will have to be reinstated or re-enlisted in the same manner as if the member had never been discharged or dishonorably discharged.

d. Computings the period and amount of forfeiture of a sentence awarded upon rehearing. If a forfeiture of pay is approved and ordered executed under a new sentence incident to a rehearing, the member will be credited with the amount of any forfeiture of pay actually affected under the former sentence prior to the time such sentence was discharged, as is the latter sentence provides otherwise.

e. Reductions in rating as a court-martial sentence. In the case of an enlisted member who is reduced in rating by a court-martial sentence of dishonorable discharge awarded by a court-martial, the member's pay will be reduced to the rate of pay of a member reduced in rating by the rate and for the time remaining in that sentence.

2. Loss of pay unliquidated. If a sentence involving forfeiture of pay has not been legally paid, the checkage will be considered as of the date of separation from active service, death, or desertion, by the effective date of a voluntary extension of enlistment, or by the date of expiration of enlistment of a member who is detained in a disciplinary nonpay status after the expiration of enlistment (see par. 044204-4), only the amount of pay actually affected under the former sentence will be considered as of the date of separation from active service, death, or desertion, by the effective date of a voluntary extension of enlistment, or by the date of expiration of enlistment of a member who is detained in a disciplinary nonpay status after the expiration of enlistment (see par. 044204-4), only the amount of pay actually affected under the former sentence will be considered as of the date of separation from active service, death, or desertion, by the effective date of a voluntary extension of enlistment, or by the date of expiration of enlistment of a member who is detained in a disciplinary nonpay status after the expiration of enlistment.

3. Loss of pay unliquidated. If a sentence involving forfeiture of pay has not been legally paid, the checkage will be considered as of the date of separation from active service, death, or desertion, by the effective date of a voluntary extension of enlistment, or by the date of expiration of enlistment of a member who is detained in a disciplinary nonpay status after the expiration of enlistment (see par. 044204-4), only the amount of pay actually affected under the former sentence will be considered as of the date of separation from active service, death, or desertion, by the effective date of a voluntary extension of enlistment, or by the date of expiration of enlistment of a member who is detained in a disciplinary nonpay status after the expiration of enlistment (see par. 044204-4), only the amount of pay actually affected under the former sentence will be considered as of the date of separation from active service, death, or desertion, by the effective date of a voluntary extension of enlistment, or by the date of expiration of enlistment of a member who is detained in a disciplinary nonpay status after the expiration of enlistment.

4. Substantiating vouchers. The NavCompt Form 516 or DD Form 114 modified for necessary expenses irrespective of a sentence of a court-martial not involving total forfeiture of pay will not be applicable to days in service.

5. Liquidations. The provisions of par. 044270-5 relating to forfeiture of pay will be applicable to days in service.

6. Payments. Each member may be permitted to draw $5 a month (not cumulative) for necessary expenses irrespective of a sentence of a court-martial involving detention of pay.

7. Reimbursement. a. General. Upon discharge (except by reason of a fraudulent or illegal enlistment), voluntary extension of an enlistment, or release from active duty, any amount of pay detained in accordance with the terms of a court-martial sentence will be paid to the person entitled to the amount found due under statutory provisions affecting the settlement of accounts of deceased personnel in accordance with 10 U.S. Code 2771. A mark of desertion, if not removed, will serve to delimit all amounts of pay detained prior to the date of desertion.

b. The execution of a sentence involving confinement and forfeiture of all pay and allowances which would have been received had the bad conduct or dishonorable discharge not been executed until the date of the actual issuance of the administrative discharge or normal date of return to duty or normal date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Commandant of the Marine Corps (Code CDB) pay and allowances for the period between the date paid and the date of expiration of enlistment, whichever is earlier. In appropriate cases, a Com..
RULES AND REGULATIONS

044273 FORFEITURE OF PAY, COMMANDING OFFICER'S NONJUDICIAL PUNISHMENT

The provisions of par. 044270 relating to forfeiture of pay by sentence of court-martial are applicable to forfeiture of pay imposed as a nonjudicial punishment by a commanding officer exercising court-martial jurisdiction. Such commanding officer will authorize and direct the disbursing officer carrying the Military Pay Record (DD Form 113) to make an appropriate entry on the pay record involved. A diary entry or Memo Form (NavPers Form 114) will be used for such authorization and will be submitted as a substantiating voucher. Such a forfeit will be entered on the pay record in the manner prescribed in par. 044270-3 except that the abbreviation "COP" will be used to describe the type of disciplinary action involved.

044274 CHECKAGE FOR LOSS OR DAMAGE TO PRIVATE PROPERTY

1. General. Checkages for assessment of damages made under sec. 0511, Naval Supplement to the Manual for Courts-Martial (appended to this chapter) will be entered in item 28 of the member's Military Pay Record (DD Form 113) opposite the pay record entry. This pay record entry may not be applied to an enlisted member's saving deposits or to the interest accumulated therein.

2. Effective date. The effective date of the fine will be indicated on the diary entry, Military Pay Record (DD Form 113) inserted in the Pay Record Memorial (NavPers 601/NavCompt 516) submitted to the disbursing officer by the commanding officer.

3. Pay record entry. If the member consents to checkage, a fine may be entered immediately in item 26 of the Military Pay Record (DD Form 113). The fine will be liquidated strictly in accordance with the terms of the member's consent, which may be request, either on the checkage, or liquidation in stated monthly installments. The checkage entry will indicate by abbreviation the type of court-martial, the date the provison to forfeiture was executed, the word "Fine, the amount of the fine, and installment information for example: SerCO 1/19/56, Fine $50 ($10 x 5) CHKD BAL $50. If the member does not consent to checkage, applicable information plus the notation "Non-consent" will be entered in Item 40 of the pay record. This notation will be carried forward to item 40 of all succeeding pay records until such time as the fine is liquidated (see subpar. 6).

4. Substantiating vouchers. The diary entry, DD Form 113, or NavCompt Form 516 modified to show that a fine is involved will be submitted to substantiate the proper entry on the member's pay record.

5. Deposits to offset fines. The disbursing officer will accept and credit on the pay record any amount which the member's funds are sufficient to pay. Such a deposit will be described in item 4 of the pay record opposite the notation "Non-consent" will be entered in Item 40 of the pay record. This notation will be carried forward to item 40 of all succeeding pay records until such time as the fine is liquidated.

6. Fine unliquidated. Any amount of the fine unpaid at the time of the separation of the member from active service will be set aside against any pay due and unpaid at that time.

7. Sentence disapproved, suspended, or set aside. The provisions of par. 044270-8 relating to forfeiture of pay are applicable to fines.
civil and military history, his adjustment in confinement, or while awaiting completion of appellate review. If the review is confined, motivation during the service, the nature and circumstances of the current offense(s), the recommendation of the commanding officer, and the nature and circumstances of confinement.2 years' or more confinement.

8 months' confinement.

Less than 8 months' confinement.

punitive discharge.

Sentence

Initial clemency requests to be submitted

Subsequent clemency requests to be submitted

30 days prior to release date, assuming full credit for good time, if applicable, has been earned.

Not later than 4 nor later than 6 months

Not later than 8 months thereafter

Annual thereafter.

continued by the Naval Clemency Board as follows:

b. In the case of an individual who does not have sufficient time remaining in his current enlistments to serve an unsuspended punitive discharge without confinement, who do not have sufficient time remaining in their current enlistments to serve an unsuspended punitive discharge without confinement. Consequently, any such request will be considered appropriate, the commanding officer, or the Chief of Naval Personnel may recommend no action, or one or more of the following forms of clemency:

(1) Restoration to duty on probation.

(2) Reduction in period of confinement or forfeitures. These recommendations should ordinarily be reserved for cases involving verified serious hardship or exceptionally meritorious service in confinement.

(3) Mitigation of the discharge to one less severe.

(a) Voluntary. When an enlisted member has insufficient time remaining in which to serve a probatio period on active duty during his normal enlistment or enrollment as extended under paragraph 4b of SECNAV Instruction 1626.4, for the purpose of mandatorily making good time lost, he may, in appropriate cases and in accordance with

that the initial progress report will be prepared using appropriate DD forms. In some unusual cases, however, DD Form 2163 may be used, when it proves adequate for the information to be presented.

9. Clemency recommendations. a. When considered appropriate, the commanding officer or other persons therein may recommend one or more of the following forms of clemency:

(1) Restoration to duty on probation.

(2) Reduction in period of confinement or forfeitures. These recommendations should ordinarily be reserved for cases involving verified serious hardship or exceptionally meritorious service in confinement.

(3) Mitigation of the discharge to one less severe.

(a) Voluntary. When an enlisted member has insufficient time remaining in which to serve a probationary period on active duty during his normal enlistment or enrollment as extended under paragraph 4b of SECNAV Instruction 1626.4, for the purpose of mandatorily making good time lost, he may, in appropriate cases and in accordance with

the Naval Clemency Board, or the Chief of Naval Personnel, as appropriate. Such recommendations shall contain substantiating information.

b. In connection with clemency recommendations for one or more of the following forms of clemency.

(1) Nature of offense.

(2) Previous record of service.

(3) Adjustment in record.

(4) Sincerity of motivation.

(5) Potential value to the service.

(6) Is a petty officer or a noncommissioned officer.

(c) Ordinarily, an individual is considered to have served no useful purpose either to the naval service or the individual.

(1) Was convicted of an offense involving moral turpitude, including larceny.

(2) Was convicted of a vicious, violent, or other offense.

(3) Has a record or criminal acts or incorrigibility.

(4) Has a record of numerous military offenses.

(5) Is mentally or physically unfit for duty.

(6) Is a probation violator.

10. Probationary periods. a. Restoration to duty on probation may be granted to persons who have sufficient time remaining in their current enlistments, and who have been recommended to the Secretary of the Navy by the commanding officer. The requirement for clemency action in compliance with this paragraph is that the individual is serving sentence in Marine brigs, the commanding officer referred to in paragraph 10(b) of the Court-Martial Progress Report (NavPers 3047), or, alternatively, the Waiver of Restoration (NavPers 3048), or, alternatively, the Waiver of Restoration (NavPers 3047) shall be forwarded. The requirement for clemency action in compliance with this paragraph is that the individual is serving sentence in Marine brigs, the commanding officer referred to in paragraph 10(b) of the Court-Martial Progress Report (NavPers 3047), or, alternatively, the Waiver of Restoration (NavPers 3047) shall be forwarded.

3. When the provisions of 1965 NS MCM, section 0116(a) (4) (c) (5), applicable. In the event a naval psychiatrist can’t be obtained, the original and six copies of the Re-
pertinent instructions, make application to
make good lost time involuntarily extends the enlistment, a voluntary applica-
which is made and approved before or during the period in which the member is mandatorily making good lost time pursuant to SECNAV Instruction 1626.4, meets this requirement, the period of probation shall be so construed. If the application is approved, time lost before 24 July 1956 commences to be made good, with entitlement to pay and allowances, on the date immediately following the date of expiration of enlistment. Since retention on or return to active duty for the purpose of mandatorily making good lost time involuntarily extends the enlistment, enlistment as involuntarily extended by unlawful confinement, and nonperformance of duty (civil arrest) will be computed in accordance with the provisions of paragraph 044019, NavCompt Manual.

12. Effect of the Secretary of the Navy's action. The individual shall be notified as soon as practicable after receipt of any application of the action taken by the authority delegated by 1955 NS, MCM, section 0113 (superseded by § 719.122), will insure that one copy of the official action is forwarded, without delay, to the Senior Member, Naval Clemency Board, with copy to BuPers or MarCorps as appropriate.

13. Authority to withhold action. a. Unsatisfactory conduct on the part of an individual which becomes known to the commanding officer is designated as having the authority to exercise so much of the power vested in the Secretary of the Navy under article 74, Uniform Code of Military Justice as will enable him to serve a reasonable period of probation. I further understand that this suspension may be vacated, in accordance with paragraph 9a, in every case where the offense involves escape or attempted escape, or results in the forfeiture of good conduct time in confinement.

14. Liaison, Coordination with Naval Clemency Board in exercise of clemency authority delegated by 1955 NS, MCM, section 0113 (superseded by § 719.122), will ensure that one copy of the official action is forwarded, without delay, to the Senior Member, Naval Clemency Board for clemency review.

15. Discharge. a. Persons sentenced to an unsuspended punitive discharge will not be discharged unless the Secretary of the Secretary of the Navy's action regarding clemency, and receipt of appellate review action, except those who have requested immediate release and in whose cases the provisions of 1955 NS, MCM, section 0122 [superseded by § 719.128], and subparagraph 8a of this Instruction have been complied with. When transfer for discharge has been effected, service-record entries which may indicate the status of clemency requests, the Secretary of the Navy's action thereon, and appellate review action.

16. Other uses of progress reports. Copies of progress reports, requests of individuals concerned, recommendations thereon, and other relevant correspondence and information are included in a permanent file in each case. These data may become especially significant in any subsequent petition by the individual to the Navy Discharge Review Board or the Board for Correction of Naval Records.

RICHARD JACKSON, Assistant Secretary of the Navy (Personnel and Reserve Forces)

Distribution:
SNDC Part I and 2
Military Assistance Command, Vietnam
Additional copies may be obtained from:
NSC, Norfolk, Va.
Supply Dept., NWP, Washington, D.C.

ENCLOSURE (1)

RETENTION ON ACTIVE DUTY BY EXTENSION OF ENLISTMENT FOR PURPOSE OF SERVING PROBATION

1. Procedure. a. In the case of an individual falling within the purview of paragraph 10b of this Instruction, he shall be informed that in order to become eligible for probation he must have sufficient obligating enlistment as will enable him to serve a reasonable period of probation. Otherwise, if he desires to obligate himself for the requisite period of service, he may submit for consideration an agreement in the following form:

I understand that in order that the unexecuted portion of my sentence may be suspended for the purpose of enabling me to be restored to active duty on probation, I must be obligated to serve on active duty for sufficient time in which to serve a reasonable period of probation. I further understand that, pursuant to Public Law 780, 84th Congress (reenacted, U.S.C. 972), and implementing directives, I shall be required to make up the period of ________ days lost from my enlistment, unless I am sooner discharged. (Omit preceding sentence if the individual has not lost time which must be made good under that law.) Accordingly, I hereby agree to being retained on active duty for the period of my probation, such period not to exceed 1 year. I understand that the time remaining in enlistment, as involuntarily extended for the purpose of making good time lost, will be included in this period. (Omit preceding sentence if the individual has not lost time which must be made good under that law.) I further understand that this suspension may be vacated, in accordance with paragraph 9a, in every case where the offense involves escape or attempted escape, or results in the forfeiture of good conduct time in confinement.

b. The request shall be signed in duplicate by the individual. The original shall be retained in the individual’s service record and the duplicate original, together with six copies, shall be forwarded with the Request for Restoration (NavPers 3048).

c. No voluntary agreement to make up lost time under paragraph 11b of this Instruction is to be used in connection with this request.

d. Upon receipt of notification that the Secretary of the Navy has suspended the unexecuted portion of the sentence for purposes of probation, the service-record entry required by paragraph 12 of this Instruction shall include the following:

________ is being retained in the public interest for convenience of the Government in an active-duty status under an extension of enlistment prescribed by the Secretary of the Navy for the period of ________ days, unless sooner discharged. ________ has agreed to such retention.

(Name)
Friday, December 8, 1961

§ 719.206 Appendix VI—Secretary of the Navy Instruction 1050.3 on leave pending appellate review (referred to in § 719.126).

FEDERAL REGISTER

11787

SECRETARY OF THE NAVY

SECNAV Instruction 1050.3

Pursuant to the provisions of SECNAV Instruction 1050.3, a Commanding Officer may authorize a member of the uniformed services to be granted leave without pay and allowances while awaiting completion of an appellate review of his court-martial case. Such leave shall be granted only if the Commanding Officer has been advised of the facts of the case, the findings of the court-martial, and the time remaining before completion of the appellate review.

The Commanding Officer shall notify the Secretary of the Navy of the granting of such leave and the date of return to duty. The Secretary of the Navy shall be advised of the findings of the court-martial and the time remaining before completion of the appellate review.

The Commanding Officer shall notify the Secretary of the Navy of the granting of such leave and the date of return to duty. The Secretary of the Navy shall be advised of the findings of the court-martial and the time remaining before completion of the appellate review.

The Commanding Officer shall notify the Secretary of the Navy of the granting of such leave and the date of return to duty. The Secretary of the Navy shall be advised of the findings of the court-martial and the time remaining before completion of the appellate review.

The Commanding Officer shall notify the Secretary of the Navy of the granting of such leave and the date of return to duty. The Secretary of the Navy shall be advised of the findings of the court-martial and the time remaining before completion of the appellate review.
sonnel (Attn: Pers-F3) a report setting forth
regard to Reserve who falls in the category described

11788
daily, kind of restraint imposed, if any, pay
duties, normal number of hours performed
utilized, the nature of the member's present
status, date of expiration of enlistment as
the individual.

Distribution:

introduced into evidence in civilian courts,
whether he was acquitted or convicted.
precaution be taken by convening authorities
upon the conviction. Such records may be
counsel for use as a basis for legal attack

general court-martial is entitled to a copy
to the officer exercising general court-martial
jurisdiction over the command for disposi­
tion shall be governed by the following

information, and the convening authority
finds that the trial would be warranted ex­

inimical to national security he shall, with­

forwarding them to the Secretary.

nized by the President or by joint reso­

6 months after termination of hostilities as

prosecution and the trial is authorized, the

procedures:

this manual to all members of the court,
clearances in accordance with chapter 15 of

defense counsel, such counsel must likewise

2. If classified information is required for
proceedings.

availability of forms used in courts-martial by

contains below are used in courts-martial by

Manual for Courts-Martial, 1951,
but are

Additional copies may be obtained from:
NSC, Norfolk, Va.
GSD, NSC, Oakland, Calif.
Supply Dept., NWP, Washington, D.C.

§ 719.207 Appendix VII—Applicable
provisions of the Department of the
National Security Manual for Classified
Information, Chapter 9, Section 3

DISCLOSURE THROUGH JUDICIAL PROCEEDINGS
0916. GENERAL COURTS-MARTIAL

By law every person who has been tried by
general court-martial is entitled to a copy
of the record of the proceedings of the court,
whether he was acquitted or convicted.
Prosecution and the trial is authorized, the
records are not classified or of a privileged
status as described in article 1251, Navy Reg­
ulations, a written request for said records
shall be sent to the Secretary of the Navy
or by joint resolu­
tion. Any officer exercising general court-martial jurisdi­
cion has authority to determine whether security
considerations are paramount to trial, and he
may, in his discretion, discharge or authorize their trial instead of
forwarding them to the Secretary.

2. If classified information is required for
proceedings. The use of this form was made optional by JAG
Instruction 5810.20A of 24 September 1958).

additional copies may be obtained from:
NSC, Norfolk, Va.
GSD, NSC, Oakland, Calif.
Supply Dept., NGF, Washington, D.C.
§ 719.209 Appendix IX—U.S. Navy Regulations article 1901 on the meaning of the term "Accountable Officer" (referred to in § 719.137).

The term "accountable officer" as used in these regulations shall be construed to mean an officer detailed to duty involving pecuniary responsibility for Government Funds and property.
paid before, or at the time of, that member's honorable discharge. This provision had for remitting enlisted members' indebtedness except indebtedness due to a court-martial sentence of fine or forfeiture, may be considered for remission under the procedures of this Instruction. However, an indebtedness resulting from overpayment of basic allowance for quarters or "Q" allotment under the Dependents Assistance Act of 1950 will normally be subject to relief under the waiver authority as prescribed in reference (b).

5. Limitation. Indebtedness may not be remitted or canceled after the enlisted member has been discharged, unless he has reenlisted. The provisions of this Instruction are not applicable to retired members, members of the Fleet Reserve or Fleet Marine Corps Reserve, nor to members of the Marine Corps Reserve. Applications should be submitted in the course of an enlistment and, in any event, prior to the member's discharge, release from active duty, or transfer to the retired or retainer rolls to permit the processing and issuance of a determination before the member's discharge, release, retirement, or transfer. A discharge, release from active duty, or transfer to the retired or retainer rolls to permit the processing and issuance of a determination before the member's discharge, release, retirement, or transfer. In making this determination, the entire amount should be remitted or canceled and the collected amount may not be retained.

6. Delegation. The authority to carry out the intent of this statute is delegated by the Secretary of the Navy to the Chief of Naval Personnel, and to the Commandant of the Marine Corps, to the Secretary of the Navy to the Chief of Naval Personnel, and to the Commandant of the Marine Corps for enlisted members of the Navy and to the Commandant of the Marine Corps for enlisted members of the Fleet Reserve and reservists not on active duty.

7. Guidelines. Remission or cancellation will be granted only when it is determined that the discharge, release from active duty, or transfer to the retired or retainer rolls to permit the processing and issuance of a determination before the member's discharge, release, retirement, or transfer. In making this determination, the entire amount should be remitted or canceled and the collected amount may not be retained.

8. Application. Application for remission or cancellation of indebtedness will be made in the member's name, either by himself or by the enlisted member concerned or by his superior commissioned officer.

9. Action by disbursing officer. The disbursing officer will forward the member's pay record vouchers as prescribed under paragraph 8 which is available from the member's pay counts, upon the request of the member's commanding officer, to be used in connection with application for remission of indebtedness. Upon receipt of evidence that a remission has been forwarded by the member's commanding officer, the disbursing officer will suspend collection of the indebtedness if available (Pay Adjustments and evidence as applicable:)

1. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
2. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
3. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
4. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
5. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
6. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
7. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
8. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
9. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
10. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
11. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
12. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
13. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
14. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
15. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
16. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
17. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
18. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
19. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
20. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
21. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
22. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
23. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
24. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
25. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
26. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
27. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
28. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
29. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
30. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
31. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
32. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
33. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
34. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
35. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
36. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
37. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
38. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
39. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
40. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
41. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
42. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
43. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
44. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
45. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
46. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
47. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
48. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
49. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
50. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
51. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
52. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
53. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
54. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
55. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
56. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
57. Monthly and cumulative totals of dollar amount and number of cases which were not remitted;
FEDERAL REGISTER

§ 719.212 Appendix XII—Bureau of Naval Personnel Instruction 1640.5B

on designation of places of confinement (referred to in § 719.129)

On and after 1 May 1960 the U.S. Naval Retraining Command, Camp Elliott, San Diego, California, will be designated as the place of confinement or temporary custody for discharges provided: (1) the sentence involves at least 4 months’ confinement, (2) the minimum time to serve after arrival at Portsmouth is at least 6 months after allowing full credit for good conduct time.

8. Exceptions. When the foregoing instructions are inapplicable or inappropriate or when the conditions of confinement or temporary custody other than the normal one shall be forwarded to the Chief of Naval Personnel (Pers P4). These requests shall give specific reasons for deviating from the procedure outlined above and shall be considered as to the confinement facility to be used. After 1 May 1960 the Portsmouth Retraining Command should be designated as the place of confinement or temporary custody for restorees with a sentence to confinement of more than 6 months.

9. Officer or enlisted personnel sentenced to confinement shall normally be retained at the place of trial until the sentence is ordered executed under such degree of restraint as the commanding officer considers necessary in each case. Where physical confinement is considered absolutely necessary and local facilities are inadequate for this purpose, requests for designation of a place of temporary custody shall be forwarded to the Chief of Naval Personnel (Pers P4). These requests must provide specific justification to warrant exception to the general procedures outlined above.

10. Redesignation. Commanding officers operating brigbs which receive prisoners for further temporary custody or confinement shall redesignate that brig as the place of confinement or temporary custody when the prisoner no longer meets the time-to-risk criterion [see paragraph 4d].

11. Records and reports. When a retraining command has been designated as a place of temporary custody or confinement, the transfer shall not be made until the required records and reports are available and complete. The following records and reports, except as noted below, shall accompany every prisoner at the time of transfer:

a. Service record;

b. Medical record;

c. Pay account;

d. Certified true copy of the court-martial order;

e. One copy of the review of the legal officer;

f. One copy of the Prisoner Data Card (NavPers 1521 Rev.), if available;

h. One copy of the Prisoner Conduct Record Card (NavPers 1530).

In special courts-martial cases, items (d) and above shall be furnished to the retraining command by the supervising authority immediately upon promulgation.

12. Transfer. These instructions are considered practicable, in view of the requirements of the Navy and Marine Corps Correction Programs, to retain in a brig a prisoner whose sentence has been suspended. Such authority includes an unsuspended discharge and confinement of 4 months or more. Accordingly, notwithstanding subparagraph 9d, transfer to a more suitable place of confinement or temporary custody designated in that section is strictly prohibited.

Designation of a retraining command as the place of confinement or temporary custody for a prisoner is subject to the approval of the commanding officer, by the U.S. Naval Retraining Command, Portsmouth, New Hampshire, where final authority has been received from the Commandant of the Marine Corps (MarCorps DK) or the Chief of Naval Personnel, Portsmouth, New Hampshire, as appropriate, requests for designation of place of confinement or temporary custody when local brig facilities are redesignated for other purposes.

These requests shall give specific reasons for involving transfer from overseas, the necessary authority and accounting data will be obtained from the Commandant of the Marine Corps, Portsmouth, New Hampshire, or the commanding general of the Naval District in which the designated place of confinement is located.

b. Navy prisoner. The following accounting number must be inserted in the permanent change of station orders chargeable to the appropriate "Military Personnel, Navy" for travel of a convicted Navy prisoner:

Appropriation symbol and subhead: For the fiscal year in which the member will be detached, the following appropriation code shall be inserted:

Month and year of detachment code: As required by reference (b).

Bureau control activity number: Bureau control number: 41690.

Object class: 024.

Expenditure accounting number officer travel: 74120.

Expenditure accounting number enlisted travel: 74121.

Customer identification code if travel is to be performed by MATS: Constructed in accordance with reference (b).

The following accounting data should be inserted in accordance with reference (a) and (b) and (a) in the accounting data should be inserted in accordance with reference (a). In this travel of a convicted Marine prisoner:

Appropriations symbol and subhead: For the fiscal year in which the member will be detached, the following appropriation code shall be inserted:

Month and year of detachment code: As required by reference (b).

Bureau control activity number: 72.

Bureau control number: 41690.

Object class: 024.

Expenditure accounting number officer travel: 74120.

Expenditure accounting number enlisted travel: 74121.

Customer identification code if travel is to be performed by MATS: Constructed in accordance with current Marine Corps order.

(2) Commands will forward to Commandant of the Marine Corps (Code DFP) a copy of all orders issued for transfer of Marine prisoners to a naval retraining command including a copy of modification of orders where that brig fails to meet the requirements for prisoners received from overseas forces or forces afloat.

14. General information. It is the policy of the Navy Department to transfer certain serious offenders (nonrestorable felons) to Federal penal and correctional institutions. Such transfers are subject to the approval of the Chief of Naval Personnel and acceptance by the Director, Bureau of Prisons. Such transfers will ordinarily be made from
**(RULES AND REGULATIONS)**

**§ 755.1 Statutory authority.**

This part outlines procedures for administrative settlement of claims when property is willfully damaged or wrongfully taken by members of the armed forces. (Article 139 of the Code.)

**§ 755.2 Scope.**

Claims for damage, loss or destruction of property caused by person or persons in the naval service, subject to the limitations in this section, are within the provisions of article 139 of the Code, only if such damage, loss, or destruction is caused by riotous conduct, acts of depreciation, or acts showing such reckless and wanton disregard of the property rights of others that a willful damage or destruction is implied. Acts of the type punishable under article 109 of the Code are cognizable under article 139. However, redress for damages resulting from such acts is not to be confused with disciplinary action under article 109 or any other article of the Code. See § 755.10.

**§ 755.3 Claims not cognizable.**

The following claims are not payable under this part.

(a) **Claims payable under other regulations.** Claims for damage, loss, or destruction of property which are payable under the provisions of General, Personnel, Admiralty, and Foreign Claims Regulations set forth in Parts 750, 751, 752, and 753 of this chapter.

(b) **Claims resulting from simple negligence.** Claims for damage, loss, or destruction of property resulting from simple negligence, whether carried by the offender, the claimant, or a third party.

(c) **Claims for personal injury or death.**

(e) **Acts or omissions within the scope of employment.** Claims for damage, loss, or destruction of property resulting from acts or omissions, while the offender is acting within the scope of his employment.

(f) **Absence of riotous, violent and disorderly conduct.** Claims arising from larceny, wrongful appropriation, forgery, or deceit, where the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by riotous, violent, or disorderly conduct; or claims for damages arising from breach of contract.

**§ 755.4 Limitations of applications.**

(a) **Time limitations.** In order to be cognizable under article 139 of the Code, a claim must be submitted within 30 days of the date of the incident out of which the claim arose.

(b) **Aliens.** Claims of aliens under article 139 of the Code, in addition to the limitations of article 139, are subject to all laws and regulations controlling payments to aliens in effect at the time of action on the claim. If the claimant is a national of a country at war with the United States, or an ally of such foreign country, the claim will not be approved unless it be determined that the claimant is friendly to the United States.

(c) **Limitation of amount of assessment.** No assessment exceeding the amount of $250.00 will be made against any offender under the provisions of article 139 of the Code for any single act or incident.

(d) **Acts of property owner.** When the acts or omissions of the owner, his lessee, or his agent were a proximate cause of the damage or wrongful taking, the owner of the property involved, assessment will not be made against any offender in excess of that amount for which he is found to be directly and solely responsible.

(e) **Only direct damages considered.** Assessment will be made only for direct physical damages. Indirect, remote, or consequential damage will not be considered.

**§ 755.5 Complaint by injured party.**

(a) **Ordering investigation.** Whenever a complaint is made to a commanding officer that willful damage has been done to property or that property has been wrongfully taken by members of the naval service, and the nature of the damage or wrongful taking is within the purview of article 139 of the Code, the commanding officer, if he has authority to convene special courts-martial and if an alleged offender is a member of his command, shall order an investigation of the matter. If the accused offender is not a member of his command, he shall forward the complaint and all evidence which can be obtained locally, to the commanding officer of the alleged offender. If the command of an alleged offender is not known, the complaint and all evidence which can be obtained locally, shall be sent to the Commanding General, Personnel, or the Commandant of the Marine Corps, whichever is appropriate, for forwarding. If the commanding officer of an alleged offender does not have authority to convene special courts-martial, he shall forward the complaint to his superior with such authority, who shall, for the purposes of article 139, be considered the commanding officer of the offender. At the request of the commanding officer of an alleged offender, or the commanding officer of any other naval activity shall investigate the matter as required by article 139 of the Code.
An investigation made under article 139 of the Code may be combined with an investigation required for any other reason.

§ 755.7 Action to be taken by commanding officer and higher authority where offenders are members of one command.

(a) Action by commanding officer.

Where there is one offender or, if more than one, all of the offenders are members of the command of the officer who has ordered the investigation, such officer shall determine, in taking action on the record of proceedings, whether the claim is within the provisions of article 139 of the Code and this part. If he finds that the claim is within such provisions, he will fix the amount to be assessed against each offender. Subject to the limitations of § 755.4, charges totaling the amount of damages assessed and approved shall be fixed in such proportion as may be deemed just upon the pay of those shown to have been principals or accessories.

(b) Review. If the commanding officer has authority to convene a general court-martial, no action is required as to redress of injuries to property. If the commanding officer does not have general court-martial jurisdiction, the original of the investigation and the action thereon approving or disapproving the claim, will be forwarded to the officer exercising general court-martial jurisdiction over the command. A copy of the report will be placed on the file of the command concerned. Upon receipt by the officer exercising general court-martial jurisdiction, the report, as approved or disapproved, will be reviewed. Such reviewing authority's action will be final. The claimant and offender or offenders shall be informed of such final order. Any determination that the claim is invalid, or that no members of the command were pecuniarily responsible, will be promptly communicated to the claimant.

§ 755.8 Charge against pay.

The amount ordered by the commanding officer shall, as provided in the Navy Commanders' Manual (par. 044274, quoted in § 719.204 of this chapter), be charged against the pay of the offender and the amounts so charged shall be paid to the claimant. The amount charged in any single month against the pay of an offender under article 139 of the Code shall not exceed one-half of the basic pay of the offender. The basic pay of an offender shall be as defined in paragraph 123b(2), Manual for Courts-Martial. The action by the commanding officer in ordering the assessment against the pay of an offender shall be conclusive and the commanding officer may order the assessment for payment by him to the claimant of the damages assessed, approved, charged, and collected.
§ 755.8 Action to be taken by commanding officer and higher authority where offenders are members of different commands.

(a) Action by common superior. Where the offenders are members of different commands, the investigation or investigations conducted under article 139 of the Code shall be forwarded, if practicable, to the common superior who exercised general court-martial jurisdiction who is to adjudicate the charges against the pay of an offender, but shall make recommendations in this regard. If an alleged offender was neither accorded the rights of a party nor subsequently afforded the right to inspect the investigatory report and make a statement thereon, a copy of the report will be forwarded to such offender for his inspection prior to his making a statement regarding the incident or to the effect that he does not desire to make a statement. This statement will be forwarded to the superior exercising general court-martial jurisdiction who is to adjudicate the claim. No action shall be taken by such superior against any alleged offender until he has been given a hearing. The common superior commander shall fix the amount, if any, to be assessed against an offender and direct the appropriate commanding officer to take action accordingly. See § 755.7 (b), (c). The common superior shall forward the record, with his action and all statements appended, to the Judge Advocate General Command via appropriate commands.

(b) Forwarding to SECNAV (JAG). Where it is not practicable or possible to carry out the procedure prescribed in paragraph (a) of this section, the investigation or investigations shall be forwarded to the Secretary of the Navy (Judge Advocate General) who will take action in the matter. Commanding officers, in such a situation, are not to make charges against the pay of an offender until directed by the Secretary of the Navy (Judge Advocate General).

§ 755.9 Reconsideration.

In the absence of newly-discovered evidence, an adjudication pursuant to this part shall be final except as to the Secretary of the Navy (Judge Advocate General). In the event of newly-discovered evidence deemed sufficient to warrant reopening the matter, further investigation shall be conducted by the commanding officer and acted upon in accordance with the provisions of this part.

§ 755.10 Effect of court-martial proceedings.

Administrative action under this part is separate and distinct from and is not affected by any disciplinary action against the offender; consequently a person may be tried and punished for violation of the Code without regard to proceedings under this part. The two proceedings, one disciplinary and the other administrative, are legally independent of each other and action in one proceeding is not determinative in the other; the court-martial is of a criminal nature and the assessment of damages is of a civil nature. Acquittal or conviction of the alleged offender by court-martial is evidence but is without inde­proceedings under article 139 of the Code pending upon the or approval or denial of a claim thereunder.

PART 765—RULES APPLICABLE TO THE PUBLIC

§ 765.20 [Deletion]

3. Section 765.20 is deleted.

§ 765.20 by direction of the Secretary of the Navy.

§ 765.20 by direction of the Secretary of the Navy.

DEC. 1, 1961.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

Miscellaneous Amendments

1. Section 29.6 is amended by striking all material after paragraph (a) and inserting in lieu thereof the following:

§ 29.6 Disability retirement.

* * * * *

(b) (1) Each disability annuitant who has not attained age 60 shall be examined annually by the Commissioner of the Commission. Where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, if the Commissioner may waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired. If the evidence shows that the disability is permanent and further examination shall not be or­dered, unless warranted, and the annuitant shall be notified accordingly.

(3) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered, the annuity shall be discontinued at the expiration of one year from the date of such medical ex­amination. If the annuitant is em­ployed in the Government service within the one year, the annuity shall be dis­continued from the date of such reemployment.

By direction of the Secretary of the Navy.
be required by the Commission, his in-
comes from wages and self-employment for any period after retirement. If an
annuitant fails to submit such report, the Commission may discontinue his annuity payments until entitlement to continu-
anance of annuity is satisfactorily estab-
lized.

2. If, in each of two succeeding calendar years, the disability annuitant has received income from wages and self-
employment equaling at least 80 per-
cent of the current rate of compensation of the position from which he retired, the annuity shall be discontinued at the expiration of one year from the end of the two-year period. If the annuitant is reemployed in the Government serv-
vice within the one year, the annuity shall be discontinued from the date of such reemployment. Receipt of such income will be presumed in respect to any calendar year for which the disability annuity fails to make income report.

3. If the service connection of the disability annuitant is not reemployed in a position subject to the Civil Service Retirement Act, has not medically recovered from the disabil-
ity, nor been reemployed, and is found by the Commission to have again lost his earning capacity before reaching age 62, his disability annuity of the same type and at the rate last payable shall be re-
instated from the first of the year fol-
lowing the calendar year in which earn-
ing capacity was lost or January 1, 1962, whichever is later. Earning ca-
pacity shall be deemed lost if during any consecutive twelve months after 1960 the individual's income from wages and self-employment is less than 80 percent of the current rate of compensation of the position from which he retired.

4. Reinstatement of a disability annuity shall, from reinstatement date, terminate the right to any non-disabil-
ity annuity which the annuitant may be receiving or entitled to receive based on the same service connection. If the annuitant elects in writing to retain instead the non-disability annuity. If the annuitant is in Government employment not sub-
ject to the Civil Service Retirement Act on the date of such annuity, is rein-
stituted, payment thereof shall be sus-
pended until separation occurs.

2. The first sentence of § 29.9(a) is amended. As amended paragraph (a) reads as follows:

§ 29.9 Military service.

(a) Periods of honorable active serv-
vice in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service, or, after June 30, 1961, as a commissioned officer of the Coast and Geodetic Survey shall, after the service, have completed 5 years' civilian service under the retirement law. No credit for any mili-
tary service shall be allowed if the em-
ployee is receiving retired pay awarded for service connected (1) service-con-
ected disability incurred in combat with an enemy of the United States, (2) serv-

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabiliza-
tion and Conservation Service (Agricul-
tural Adjustment) Department of Agriculture

[Amtd. 3]

PART 728—WHEAT

Subpart—Wheat Marketing Quota

Regulations for 1961 and Subse-
quently Crop Years

EXCESS ACREAGE UTILIZATION DATES AND
NORMAL HARVEST COMPLETION DATES

The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are issued (1) to amend the final dates for the disposal of excess wheat acreage, effective for the 1962 and subsequent crops of wheat, in the States of Alabama, Arizona, California, Indiana, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Ohio, Pennsyl-

The Federal Register is the official publication for Federal agencies. It contains regulations, proposed rules, and public notices. The content is structured and formal, typical of legal or regulatory documents. The text refers to various dates and locations, as well as specific regulations and laws, indicating its use in legal and administrative contexts.
WASHINGTON—Continued

<table>
<thead>
<tr>
<th>County</th>
<th>Area or type of wheat</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lewis</td>
<td>All wheat</td>
<td>July 20</td>
</tr>
<tr>
<td>Lincoln</td>
<td>North Lincoln: Winter wheat</td>
<td>July 5</td>
</tr>
<tr>
<td></td>
<td>Winter wheat</td>
<td>August 1</td>
</tr>
<tr>
<td>Mason</td>
<td>All wheat</td>
<td>May 30</td>
</tr>
<tr>
<td>Okanogan</td>
<td>Area 1: Winter wheat</td>
<td>August 1</td>
</tr>
<tr>
<td></td>
<td>Winter wheat</td>
<td>July 20</td>
</tr>
<tr>
<td></td>
<td>Spring wheat</td>
<td>August 1</td>
</tr>
<tr>
<td></td>
<td>Spring wheat</td>
<td>July 20</td>
</tr>
<tr>
<td>Pacific</td>
<td>All wheat</td>
<td>June 15</td>
</tr>
<tr>
<td>Pend Oreille</td>
<td></td>
<td>June 15</td>
</tr>
<tr>
<td>Pierce</td>
<td></td>
<td>July 15</td>
</tr>
<tr>
<td>San Juan</td>
<td></td>
<td>July 15</td>
</tr>
<tr>
<td>Skamania</td>
<td></td>
<td>July 15</td>
</tr>
<tr>
<td>Skagit</td>
<td></td>
<td>July 15</td>
</tr>
<tr>
<td>Skamania</td>
<td></td>
<td>July 15</td>
</tr>
<tr>
<td>Spokane</td>
<td>Winter wheat</td>
<td>July 15</td>
</tr>
<tr>
<td></td>
<td>Spring wheat</td>
<td>August 1</td>
</tr>
<tr>
<td>Stevens</td>
<td></td>
<td>August 1</td>
</tr>
<tr>
<td>Yakima</td>
<td>All wheat</td>
<td>July 15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>July 15</td>
</tr>
</tbody>
</table>

WEST VIRGINIA

June 15: All counties.

Wisconsin


June 20: All other counties.

Wyoming

(Winter Wheat)

June 30: Goshen, Laramie, Platte.

July 5: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.

July 20: Big Horn, Fremont, Hot Springs, Park, Washakie.

August 1: Lincoln, Sublette, Sweetwater, Teton, Uinta.

(Spring Wheat)

June 30: Goshen, Laramie, Platte.

July 20: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

August 1: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

2. In § 728.1152(a), the list of established dates in wheat-producing counties on which wheat harvest is normally substantially completed is amended for the State of Arizona, effective with respect to the 1961 and subsequent crops of wheat, to read as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Area or type of wheat</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>(Winter Wheat)</td>
<td></td>
</tr>
<tr>
<td>June 25: Maricopa, Pima, Pinal, Santa Cruz, Yuma.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 15: Cochise, Gila, Graham, Greenlee.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>August 1: Apache, Coconino, Mohave, Navajo, Yavapai.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Title 8—ALIENS AND NATIONALITY

Chapter 1—Immigration and Naturalization Service, Department of Justice

PART 252—LANDING OF ALIEN CREWMEM

PART 253—PAROLE OF ALIEN CREWMEM

Requirements for Admission and Parole of Alien Crewmen

Reference is made to the notice of proposed rule making which was published in the Federal Register of November 3, 1961 (36 F.R. 10358), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) and in which there were set out in full the terms of the proposed rules pertaining to the requirements for admission and parole of alien crewmen. No representations were received concerning the proposed rules. The published rules have not been amended. The rules as set out below are adopted.

1. Paragraph (c) of § 252.1 is amended to read as follows:

§ 252.1 Examination of crewmen.

• • • • •

(c) Requirements for admission.

Every alien crewman applying for landing privileges in the United States must make his application in person before an immigration officer, present a passport issued by the country of his nationality, valid for the period set forth in section 212(a)(6) of the Act, and a valid unexpired visa if his name does not appear on the crew list vised by a consular officer, and establish to the satisfaction of the immigration officer that he is not subject to exclusion under any provision of the law and is entitled clearly and beyond doubt to landing privileges in the United States.

2. Paragraph (d) is amended and paragraphs (e) and (f) are added to § 253.1 to read as follows:

§ 253.1 Parole.

• • • • •

(d) Medical treatment or observation. Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1(d) (1) of this chapter is revoked may, upon the request of the master or agent, be paroled into the United States under the provisions of section 212(d)(5) of the Act in the custody of the agent of the vessel or aircraft and at the expense of the transportation line for medical treatment or observation.

(e) Crewman alleging persecution. Any alien crewman denied a conditional landing permit or whose conditional landing permit issued under § 252.1(d) (1) of this chapter is revoked who alleges that he cannot return to a Communist, Communist-dominated, or Communist-occupied country because of fear of persecution in that country on account of race, religion, or political opinion may be paroled into the United States under the provisions of section 212(d)(5) of the Act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

(f) Other crewmen. Any alien crewman not within the purview of paragraphs (a) through (e) of this section for other emergent reasons or for reasons deemed strictly in the public interest be paroled into the United States under the provisions of section 212(d)(5) of the Act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

(Secs. 374, 375, 52 Stat. 65, as amended, 66 Stat. 904, 7 U.S.C. 1374, 1375)

Effective upon publication in the Federal Register.

Signed at Washington, D.C., on December 4, 1961.

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

[F.R. Doc. 61-11617; Filed, Dec. 7, 1961; 6:45 a.m.]
Title 12—BANKS AND BANKING
Chapter II—Federal Reserve System

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Effective January 1, 1962, § 217.6 (Supplement to Regulation Q) is amended to read as follows:

§ 217.6 Maximum rates of interest pay­able on time and savings deposits by insured member banks.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates of interest payable by the Federal Reserve System on time and savings deposits:

(a) Maximum rate of 4 percent. No member bank shall pay interest accruing at a rate in excess of 4 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed:

(1) On that portion of any savings deposit that has remained on deposit for not less than 12 months,

(2) On any time deposit having a maturity date 12 months or more after the date of deposit or payable upon written notice of less than 12 months and not less than 6 months after the date of deposit or payable upon written notice of less than 12 months and not less than 6 months,

(3) On that portion of any postal savings deposit which constitutes a time deposit that has remained on deposit for not less than 12 months.

(b) Maximum rate of 3⅜ percent. No member bank shall pay interest accruing at a rate in excess of 3⅜ percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed:

(1) On any savings deposit, except as otherwise provided in paragraph (a) (1), of this section,

(2) On any time deposit having a maturity date 12 months or more after the date of deposit or payable upon written notice of less than 12 months and not less than 6 months after the date of deposit or payable upon written notice of less than 12 months and not less than 6 months,

(3) On any postal savings deposit which constitutes a time deposit, except as otherwise provided in paragraph (a) (3) of this section.

(c) Maximum rate of 2⅔ percent. No member bank shall pay interest accruing at a rate in excess of 2⅔ percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 12 months and not less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

2a. The purpose of the amendment is to increase the maximum permissible rates of interest which member banks of the Federal Reserve System may pay on savings deposits and on certain time deposits, either certificates or open accounts.

b. The notice and public procedure described in section 4(a) and 4(b) of the Administrative Procedure Act, and the prior publication required in sections 4(c) of such act, are not followed in connection with this amendment for the reasons and good cause found, as stated in section 2(e) of the Board's rules of procedure (12 CFR 262.2(e) ), and especially because in connection with this liberalizing amendment such procedures would prevent the action from becoming effective as promptly as is desirable for the convenience of the banks.

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 12 months and not less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

(2) On any time deposit having a maturity date less than 12 months and not less than 6 months after the date of deposit or payable upon written notice of less than 6 months and not less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

(3) On any postal savings deposit which constitutes a time deposit, except as otherwise provided in paragraph (a) (3) of this section.

(c) Maximum rate of 2⅓ percent. No insured nonmember bank shall pay interest accruing at a rate in excess of 2⅓ percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

2. The purpose of the amendment is to increase the maximum permissible rates of interest which insured member banks may pay on time savings deposits, and on certain time deposits, either certificates or open account.

3. The notice and public participation described in section 4 of the Administrative Procedure Act and Part 302 of the Corporation's rules and regulations (12 CFR Part 302) and the deferral of the effective date of this amendment are found to be unnecessary because this amendment does not diminish but en-

RULES AND REGULATIONS

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 6 months and not less than 90 days after the date of deposit or payable upon written notice of less than 6 months and not less than 90 days.

(d) Maximum rate of 1 percent. No member bank shall pay interest accruing at a rate in excess of 1 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed:

(1) On that portion of any savings deposit that has remained on deposit for not less than 12 months,

(2) On any time deposit having a maturity date 12 months or more after the date of deposit or payable upon written notice of 12 months or more.

(3) On that portion of any postal savings deposit which constitutes a time deposit that has remained on deposit for not less than 12 months.

(b) Maximum rate of 3½ percent. No insured nonmember bank shall pay interest accruing at a rate in excess of 3½ percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed:

(1) On any savings deposit, except as otherwise provided in paragraph (a) (1), of this section,

(2) On any time deposit having a maturity date less than 12 months and not less than 6 months after the date of deposit or payable upon written notice of less than 6 months and not less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

(3) On any postal savings deposit which constitutes a time deposit, except as otherwise provided in paragraph (a) (3) of this section.

(c) Maximum rate of 2⅔ percent. No insured nonmember bank shall pay interest accruing at a rate in excess of 2⅔ percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed:

(1) On any time deposit (except postal savings deposits which constitute time deposits) having a maturity date less than 12 months and not less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

(2) On any time deposit having a maturity date less than 12 months and not less than 6 months after the date of deposit or payable upon written notice of less than 6 months and not less than 90 days after the date of deposit or payable upon written notice of less than 90 days.

(3) On any postal savings deposit which constitutes a time deposit, except as otherwise provided in paragraph (a) (3) of this section.

3The purpose of the amendment is to increase the maximum permissible rates of interest which insured member banks may pay on time savings deposits, and on certain time deposits, either certificates or open account.

This limitation is not to be interpreted as preventing the compounding of interest at other than quarterly intervals. Provided that the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly.
Friday, December 8, 1961

FEDERAL REGISTER

11799

§ 120.3 Tolerances for related pesticide chemicals.

(d) * * * * 

(3) Where tolerances are established for both terpine polychlorinates (chlorinated mixtures of pinene, limonene, and related terpenes, containing 65 percent-66 percent chlorine) and toxaphene (chlorinated camphene containing 70 percent-69 percent chlorine) on the same raw agricultural commodities, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine.

2. Section 120.138 is amended by adding thereto the following new tolerance:

§ 120.138 Tolerances for residues of toxaphene.

* * * * * 

5 parts per million, calculated as a chlorinated terpene of molecular weight 396.6 containing 67 percent chlorine, in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day 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.

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

Tolerance for Residues of Maneb

A petition was filed with the Food and Drug Administration by E. I. duPont de Nemours and Company, Inc., Wilmington 98, Delaware, requesting the establishment of a tolerance for residues of maneby (manganese ethylenebisdithiocarbamate) in or on pumpkins at 7 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; 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 § 120.110 (21 CFR 120.110; 26 F.R. 2594) a tolerance for residues of maneby on pumpkins. As amended, the item "7 parts per million" is changed to read as follows:

§ 120.110 Tolerances for residues of maneby.

* * * * * 

7 parts per million in or on apples, beans (dry form), carrots (roots), carrots (tops), cranberries, cucumbers, eggplants, figs, grapes, melons, onions, peppers, pumpkins, summer squash, sweet corn (kernels plus cob with husks removed), tomatoes, turnip roots, winter squash.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day 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.

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROPYLENE OXIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dried Fruit Association of America, Inc., 633 West San Carlos Street, San Jose, California, and other relevant material, has concluded that the following regulation should issue in conformance with section 409
RULING AND REGULATIONS

of the Federal Food, Drug, and Cosmetic Act with respect to the food additive propylene oxide as a packaging fumigant for dried prunes and glacé fruit. 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 by adding to Subpart F the following new section:

§ 121.2530 Reinforced wax.

Reinforced wax may be safely used as an article or component of articles intended for use in food, manufacturing, packaging, processing, transporting, or holding food subject to the provisions of this section.

(a) Reinforced wax consists of petroleum wax to which have been added certain optional substances required in its production to impart desired physical or technical properties.

(b) The quantity of any optional adjuvant substance employed in the production of reinforced wax does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation provided in this section.

(c) Any substance employed in the production of reinforced wax, including any optional substance, that is subject of a regulation in Subpart F of this part, conforms with any specifications in such regulation, and any substance that is not the subject of a regulation in Subpart F conforms with the specifications, if any, prescribed by a current order extending the effective date of the statute for such substance as an indirect additive to food.

(d) The substances and optional adjuvant substances employed in the production of or added to reinforced wax include:

(1) Substances generally recognized as safe in food.
(2) Substances subject to prior sanction for use in reinforced wax and used in accordance with such sanction or approval.
(3) Substances identified in this subparagraph and subject to any limitations provided therein:

List of substances

<table>
<thead>
<tr>
<th>Limitations</th>
<th>Substance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copolymer of isobutylene modified with isoprene</td>
<td></td>
</tr>
<tr>
<td>Petroleum wax, Type I and Type II</td>
<td></td>
</tr>
<tr>
<td>Polyethylene</td>
<td></td>
</tr>
</tbody>
</table>

(e) Reinforced wax conforming with the specifications in this paragraph is used as provided in subparagraph (2) of this paragraph.

(1) The chloroform-soluble portion of the water extract obtained by exposing reinforced wax to demineralized water at 70° F. for 48 hours shall not exceed 0.5 milligram per square inch of food-contact surface.

(2) It is used as a packaging material or component of packaging materials for cheese and cheese products.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day 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 Ave. 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.


J. Harvey,
Deputy Commissioner
of Food and Drugs.

PART 121—FOOD ADDITIVES

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

REINFORCED WAX

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Milprint, Inc., 4200 North Holton Street, Milwaukee, Wisconsin, and other relevant material, has concluded that the following regulation should issue with respect to reinforced wax in contact with cheese products. 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 by adding to Subpart F the following new section:

§ 121.2531 Surface lubricants.

Surface lubricants may be safely used in the manufacture of metallic articles that contact food. Under the prescribed conditions of use, substances permitted for use in the lubricants are not expected to become components of food in any significant amount. 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 by adding to Subpart F the following new section:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

Surface lubricants may be safely used in the manufacture of metallic articles that contact food, in accordance with the following prescribed conditions:

(a) The surface lubricants are used to facilitate the rolling, drawing, stamping, and forming of metallic articles.

(b) The quantity used shall not exceed the least amount reasonably required to accomplish the intended technical effect and shall not be intended to nor, in fact,
accomplish any effect in the food itself; and

(1) The total residual lubricant remaining on the metallic article in the form in which it contacts food shall not exceed 2 milligrams per square foot of metallic food-contact surface.

(2) The use of the lubricants in the manufacture of any article which is the subject of a regulation in Subpart F of this part must comply with any specifications and limitations prescribed by such regulation for the finished form of the article.

(c) Subject to any prescribed limitations, substances permitted to be used in surface lubricants used in the manufacture of metallic articles include substances subject to prior sanction or approval for such use and employed under the conditions of use prescribed by such sanction or approval, substances generally recognized as safe for use in food, and the following substances:

- Dipropylene glycol
- Mineral oil
- Oleic acid

(d) Any substance employed in the production of surface lubricants used in the manufacture of metallic articles which is the subject of a regulation in Subpart F of this part conforms with any specifications in such subpart; and any substance which is not the subject of a regulation in such subpart conforms with the specification, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day 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 a 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.


JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.
[FR Doc. 61-11687 Filed, Dec. 7, 1961; 8:46 a.m.]
No. 236—6

FEDERAL REGISTER

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended as follows:

1. Section 141a.5 is amended by changing paragraph (b) to read as follows:

§ 141a.5 Sodium penicillin, calcium penicillin, potassium penicillin.

- * * *

(b) pH. Dilute the sample to be tested with carbon-dioxide-free distilled water so that the resulting solution contains 30 milligrams per milliliter. Determine the pH of this solution at 25° C. using a pH meter equipped with a glass and a calomel electrode.

§ 146a.24 [Amendment]

2. In § 146a.24 Sodium penicillin, * * *, paragraph (a) (6) is changed to read as follows:

(6) Its pH in aqueous solution of 30 milligrams per milliliter is not less than 5.0 and not more than 7.5.

§ 146a.48 [Amendment]

3. In § 146a.48 Ephedrine penicillin, * * *, paragraph (a) (6) is changed to read as follows:

(6) Its pH in aqueous solution of 30 milligrams per milliliter is not less than 5 and not more than 7.5.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are editorial in nature and serve only to simplify existing regulations.

Effective date. This order shall become effective 30 days from the date of its publication in the Federal Register.


JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.
[FR Doc. 61-11685 Filed, Dec. 7, 1961; 8:46 a.m.]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLOR­
TETRACYCLINE- (OR TETRACY­
CLINE-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLOR­
TETRACYCLINE- (OR TETRACYCLINE-) CON­
TAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 141c.231, 146a.15, 146c.224) are amended as follows:

1. In § 141c.231 Capsules tetracycline and oleandomycin phosphate * * *, paragraph (d) is amended by adding thereto the following new subparagraph (7):

(7) Crystallinity. Proceed as directed in § 141a.5 (c) of this chapter.

2. In § 146a.15 Dimethoxyphenyl penicillin sodium (sodium-2, 6-dimethoxyphenyl penicillin), paragraph (d) (3) (i) is changed to read as follows:

(i) For all tests except sterility: Nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

3. In § 146c.224 Tetracycline hydro­
chloride-nystatin capsules * * *, paragraph (b) is amended to read as follows:

(b) In addition to the labeling prescribed for tetracycline hydrochloride capsules or tetracycline phosphate complex capsules, each package shall bear on its label or labeling the number of units of nystatin in each capsule of the batch. Its expiration date shall be the date that is 18 months after the month during which the batch was certified, except that the date may be one of the longer dates permitted in § 146c.204 if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are editorial in nature and serve only to simplify existing regulations.


JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.
PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Correction

In F.R. Doc. 61-11214, published in the Federal Register of November 28, 1961 (26 F.R. 11211), the amending language to amendment 2 is corrected to reflect that, although they are listed under the title of "Manufacturers Excise Taxes", they are, in practical operation, taxes "at the retail level." Federal excise taxes on gasoline, when "separately stated", may therefore be excluded in computing the annual gross volume of sales of a gasoline service establishment for the purpose of determining coverage under section 3(s) (5) of the Act.

(F.R. Doc. 61-11650; Filed, Dec. 7, 1961; 8:48 a.m.)

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 779—THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

Excise Taxes Not at Retail Level


The amendment shall become effective upon publication in the Federal Register. The amendment is interpretative. Therefore, the procedural and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

As amended, 29 CFR 779.265 (26 F.R. 8351) reads as follows:

§ 779.265 Excise taxes not at the retail level.

There are also a wide variety of taxes levied at the manufacturer's or distributor's level and not at the retail level. It should be noted, however, that the circumstances surrounding the levying and collection of taxes must be carefully considered. In some cases these circumstances may reflect that despite the fact that such taxes may be levied upon the manufacturer or distributor, nevertheless they may be, in practical operation, taxes "at the retail level" and may be so regarded for the purpose of this provision.

In other circumstances surrounding the levying and collection of the federal excise taxes on gasoline reflect that, although they are listed under the title of "Manufacturers Excise Taxes", they are, in practical operation, taxes "at the retail level." Federal excise taxes on gasoline, when "separately stated", may therefore be excluded in computing the annual gross volume of sales of a gasoline service establishment for the purpose of determining coverage under section 3(s) (5) of the Act.

(Titled at Washington, D.C., this 4th day of December 1961.)

CLARENCE T. LUNDQUIST, Administrator.

(F.R. Doc. 61-11650; Filed, Dec. 7, 1961; 8:48 a.m.)

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

Miscellaneous Amendments

1. Sections 7.0 and 7.1 are revoked.

§ 7.0 Form of application for benefits. [Revised]

§ 7.1 Form of report by insurer. [Revised]

2. Section 7.20 is revised to read as follows:

§ 7.20 The insured.

The term "insured" includes any person on active duty with the military, air and naval forces of the United States (including Coast Guard), whose life is insured under and who is the owner and holder of and has an interest in a policy as defined in § 7.21.

(a) The phrase "person in military service" and "person on active duty" in section 400(c) includes any member of the Army of the United States, the United States Air Force, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army, Air Force or the Navy and the term "military service" as hereinafter used shall mean service in the Army of the United States, the United States Air Force, the United States Navy, the Marine Corps, and the Coast Guard.

A statement over the signature of the Comptroller General or a comptroller or comptroller of higher rank than the

insured, on the application by the insured, may be accepted as a certification that the insured is a person in the military service. If the insured is on detached service, the application may be witnessed by the person who has custody of the insured's service record. If an application is made by a person designated by the insured, or is made by the beneficiary, evidence that the insured is a person in the military service will be procured by the Veterans Administration from the service department.

3. In § 7.26 paragraphs (b), (c), and (d) are amended to read as follows:

§ 7.26 Application.

(b) The form of application for benefits is prescribed as VA Form 9–380 (as revised).

An informal application will be supplemented by an application on the prescribed form. The original of the application for benefits will be mailed or delivered to the insurer at the principal office or to the office or agency to which the last premium on the policy has been paid. The copy of the application for benefits will be mailed or delivered to the Veterans Administration at Washington 25, D.C., or to the Manager, Veterans Benefits Service Office, District of Columbia, will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

(d) Upon receipt of a report from the insurer on VA Form 9–381 (as revised), the Manager, Veterans Benefits Service Office, District of Columbia, will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

4. In § 7.29, paragraph (e) is amended to read as follows:

§ 7.29 Maturity.

(e) The statement of account will show the amount of indebtedness by reason of the premiums with interest, and the credits, if any, then available and will be subject to audit and approval by the Manager, Veterans Benefits Service Office, District of Columbia. The statement of account will include the rate of interest charged on all indebtedness, the dates of debit and credit entries, and such other information as may be deemed necessary in making an audit of the account. If there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective December 7, 1961.

[SEAL] A. H. MONK, Associate Deputy Administrator.

(F.R. Doc. 61–11638; Filed, Dec. 7, 1961; 8:47 a.m.)

RULES AND REGULATIONS
FEDERAL REGISTER

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Mount Desert Narrows, Maine

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1934 (28 Stat. 362; 33 U.S.C. 499), § 203.4 governing the operation of the highway bridge across Mount Desert Narrows, Trenton, Maine, is hereby revoked effective on publication in the Federal Register since the bridge has been removed, as follows:

§ 203.4 Mount Desert Narrows, Maine: highway bridge between the mainland and Thompson Island at Trenton, Maine. [Revoked]

[Regs., November 21, 1961, 368/91 (Mount Desert Narrows, Maine)—ENGCW—ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. Lambert,
Major General, U.S. Army,
The Adjutant General.

[FR Doc. 61-11629; Filed, Dec. 7, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2545]

[Oregon 010623]

OREGON

Withdrawing Lands for Protection of the Galice Creek Timber Access Road

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

1. Subject to existing valid rights, the following-described Revested Oregon and California Railroad grant lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws or disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874), and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for protection of the Galice Creek Timber Access road:

WILLAMETTE MERIDIAN

T. 35 S., R. 8 W.,
Sec. 3, SW 1/4 of lot 9, S 1/8S 1/4SE 1/4 of lot 9, NE 1/4 of lot 11, N 1/8N 1/4NW 1/4 of lot 11, N 1/8SW 1/4SE 1/4, S 1/8NW 1/4SE 1/4, and SW 1/4SE 1/4.

Containing approximately 60 acres.

John A. Carver, Jr.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[FR Doc. 61-11628; Filed, Dec. 7, 1961; 8:45 a.m.]

COLORADO

Revoking Public Land Order No. 61 of November 18, 1942, Which Reserved Minerals Belonging to the United States for War Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 61 of November 18, 1942, which reserved the minerals belonging to the United States in the following-described lands within the exterior boundaries of the Arapaho National Forest, under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 75 W.,
Sec. 29, SW 1/4SW 1/4;
Sec. 30, S 1/8S 1/4;
Sec. 31, N 1/8N 1/4.

The areas described, including both national forest and patented lands, aggregate 366.57 acres.

The mineral resources released from withdrawal by this order are hereby restored to the operation of the mining and mineral leasing laws of the United States beginning at 10:00 a.m. on January 9, 1962.

John A. Carver, Jr.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[FR Doc. 61-11629; Filed, Dec. 7, 1961; 8:45 a.m.]

ALASKA

Reserving Lands in Bethel Townsite for Use of Bureau of Indian Affairs

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

1. Subject to existing valid rights, the following described lands in the Townsite of Bethel are hereby withdrawn from sale or disposal and reserved for use of the Bureau of Indian Affairs as an administrative site:

U.S. SURVEY 3290 A and B
Block 11: lots 4, 5, 6, and 7.

Containing 1.29 acres.

John A. Carver, Jr.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[FR Doc. 61-11630; Filed, Dec. 7, 1961; 8:45 a.m.]

NEW MEXICO

Modification of Grazing District Boundaries, New Mexico Grazing District No. 6

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1288; 43 U.S.C. 313 et seq.), as amended, known as the Taylor Grazing Act, it is ordered as follows:

The following-described lands are hereby added to and made a part of New Mexico Grazing District No. 6, as heretofore established and modified:

NEW MEXICO principal meridian

T. 7 S., R. 17 E.,
Sec. 1;
Sec. 2, E 1/4, NW 1/4, and E 1/4SW 1/4;
Sec. 3, 1/2N 1/4, 1/2NW 1/4, NW 1/4SW 1/4, and SE 1/4;
Sec. 4 and 5;
Sec. 6, NE 1/4, S 1/8NW 1/4, and S 1/4;
Sec. 33.

The areas described aggregate approximately 6,728 acres.

John A. Carver, Jr.,
Assistant Secretary of the Interior.

DECEMBER 4, 1961.

[FR Doc. 61-11631; Filed, Dec. 7, 1961; 8:45 a.m.]
**Proposed Rule Making**

**DEPARTMENT OF AGRICULTURE**
Agricultural Research Service
[9 CFR Part 74]

**SCABIES IN SHEEP**

**Proposed Designation of Pennsylvania as Eradication Area**

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of the Act of May 29, 1905, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 117, 119, 120, 123, 125), it is proposed to amend § 74.3(a) (1) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding the entire State of Pennsylvania to the list of areas therein designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in this State. The entire State of Pennsylvania is now included in the infected areas as sheep scabies is known to exist in this State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., within 45 days after publication of this notice in the Federal Register.

Done at Washington, D.C., this 4th day of December 1961.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[FR Doc. 61-11632; Filed, Dec. 7, 1961; 8:45 a.m.]

**FEDERAL AVIATION AGENCY**
[14 CFR Parts 18, 43]

[Regulatory Docket No. 864; Draft Release No. 86-26]

**PERFORMANCE OF MAINTENANCE BY AN AIR CARRIER ON OTHER THAN AIR CARRIER AIRCRAFT**

**Notice of Proposed Rule Making**

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 18 and 43 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1111 New York Avenue NW., Washington 25, D.C., on or before February 8, 1962. Thereafter, such comments will be available in the Docket Section for all interested persons.

After examination of the original comments received, interested persons may submit such additional comments in response thereto as they may desire. Such additional comments must be submitted on or before March 12, 1962. (Photostatic copies of comments on file in the Docket Section may be obtained upon payment of a nominal fee.)

The rules proposed herein would authorize an appropriately certificated air carrier to perform maintenance, repairs, and alterations on aircraft of a type operated by the air carrier and maintained under its approved continuous airworthiness maintenance and inspection program. Such authorization would include performance of the maintenance required to keep the aircraft in condition for safe operation and for airworthiness and for flight.

In consideration of the foregoing, it is proposed to amend Parts 18 and 43 of the Civil Air Regulations as follows:

1. By amending § 18.10(e) of Part 18 by adding a new sentence at the end thereof to read as follows: "In addition, an appropriately certificated air carrier which operates and maintains large transport-type aircraft has the proper equipment and facilities required to perform maintenance, repairs, and alterations on aircraft of a type operated and maintained by the air carrier under its approved continuous airworthiness maintenance and inspection program." (Photostatic copies of comments on file in the Docket Section may be obtained upon payment of a nominal fee.)

2. By amending § 18.12 (a), (b), and (c) by adding new subparagraphs (4) and (5) to read as follows:

(4) An appropriately certificated air carrier if the aircraft is of a type operated and maintained by the air carrier under its approved continuous airworthiness maintenance and inspection program.

3. By deleting the note at the end of § 18.12.

4. By amending §§ 18.21-1 and 18.22-2 by deleting the phrases "certificated repair station or the manufacturer", "certificated repair team, or the manufacturer", and "certificated repair stations and manufacturers" as they appear in these sections and inserting in lieu thereof the phrases "certificated repair station, air carrier, or the manufacturer", "certificated repair station, air carrier, or the manufacturer", and "certificated repair stations, air carriers, and manufacturers", respectively.
5. By amending §§ 18.23-1, 18.30-18, and 18.30-19 by deleting the phrases "mechanic, repair station, or aircraft manufacturer", "mechanic, repair station or manufacturer", "mechanic, repair station or the manufacturer", "repair station's or manufacturer's", and "certificated mechanic, or repair station, or the manufacturer" as they appear in these sections and inserting in lieu thereof the phrases, "mechanic, repair station, air carrier, or aircraft manufacturer", "mechanic, repair station, air carrier or manufacturer", "mechanic, repair station, air carrier or the manufacturer", "repair station's, air carrier's or manufacturer's", and "certificated mechanic, or repair station, or air carrier, or manufacturer", respectively.

6. By amending § 43.22-2 of Part 43 by deleting the phrase, "mechanic, and airframe repair station, or the manufacturer" as it appears in this section and inserting in lieu thereof the phrase, "mechanic and airframe repair station, air carrier, or the manufacturer".

These amendments are proposed under the authority of sections 313(a), 601, 605 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1425).

Issued in Washington, D.C., on December 1, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-11621; Filed, Dec. 7, 1961; 8:45 a.m.]
FEDERAL COMMUNICATIONS COMMISION  
[Docket Nos. 13822, 13823; FCC 61M-1897]  
BI-STATES CO. (KHOL-TV) AND TOPEKA BROADCASTING ASSOCIATION, INC. (WIBW-TV)  
Order Continuing Hearing Conference  
In re applications of Bi-States Co. (KHOL-TV), Kearney, Nebr., Docket No. 13822, File No. BPTC-2718; Topeka Broadcasting Association, Inc. (WIBW-TV), Topeka, Kans., Docket No. 13823, File No. BPTC-2743; for construction permits for new transmitter sites.  
The hearing examiner having under consideration the informal written request of Bi-States Co. dated November 29, 1961, requesting that the further prehearing conference in the above-entitled matter scheduled for December 1, 1961, be continued for a period of 60 days to allow further engineering investigations to be made that might alleviate further proceedings; and  
It appearing that counsel for the other applicant and the Broadcast Bureau are agreed that a grant of the requested continuance would be in order  
and that good cause exists therefor;  
It is ordered, This 1st day of December 1961 that the request of Bi-States Co. for a continuance, be and the same is hereby granted; and that the further prehearing conference presently scheduled for December 1, 1961, be, and the same is hereby continued to February 1, 1962 at 9:30 a.m.  
[Federal Communications Commission.  
[Seal] Ben F. Waple, Acting Secretary.  
[F.R. Doc. 61-11653; Filed, Dec. 7, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION  
[Docket No. G–13218]  
LONE STAR PRODUCING CO.  
Findings and Order Severing Docket, Vacating Certificate of Public Convenience and Necessity and Permitting Withdrawal of Related Rate Schedule  
December 1, 1961.  
On May 22, 1961, Lone Star Producing Co. (Lone Star) filed a motion to vacate so much of the Commission's order authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corp. (Transco) from certain acreage in the Hahnville area, in St. Charles Parish, La., dedicated under Lone Star's FPC Gas Rate Schedule No. 62.  
It appears that the single gas well completed on the subject acreage was incapable of producing gas in commercial quantities, that two additional wells drilled on said acreage were dry and that no gas has ever been produced and delivered as contemplated by the certificate outstanding in this docket.  
The subject Docket No. G–13218 is presently included in the pending consolidated proceedings designated as Docket Nos. AR61–2 et al.  
The Commission finds:  
(1) Lone Star Producing Co., an independent producer, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order accompanying Opinion No. 315 issued September 4, 1958, as granted a certificate of public convenience and necessity to Lone Star in Docket No. G–13218 authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corp. (Transco) from certain acreage in the Hahnville area, in St. Charles Parish, La., dedicated under Lone Star's FPC Gas Rate Schedule No. 62.  
(2) It is appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the proceeding designated as Docket No. G–13218 be severed from the pending consolidated proceedings designated as Docket Nos. AR61–2 et al., and that so much of the Commission's order accompanying Opinion No. 315 issued September 4, 1958, as granted a certificate of public convenience and necessity to Lone Star in said Docket No. G–13218 be vacated, as hereinafter ordered.  
(3) The related filed Lone Star Producing Co.'s FPC Gas Rate Schedule No. 62 should be permitted to be withdrawn.  
The Commission orders:  
(A) The proceeding designated as Docket No. G–13218 be and the same is hereby severed from the pending consolidated proceedings designated as Southern Louisiana Area Rate Proceeding et al., Docket Nos. AR61–2 et al.  
(B) So much of the Commission's order accompanying Opinion No. 315 issued September 4, 1958, as granted a certificate of public convenience and necessity to Lone Star Producing Co. in Docket No. G–13218 be and the same is hereby vacated.  
(C) The rate filing designated as Lone Star Producing Co.'s FPC Gas Rate Schedule No. 62 is hereby permitted to be withdrawn.  

By the Commission.  
[Seal]  
Joseph H. Gutsche,  
Secretary.  
[F.R. Doc. 61-11623; Filed, Dec. 7, 1961; 8:48 a.m.]

GULF STATES UTILITIES CO.  
Notice of Application  
December 1, 1961.  
Take notice that on November 27, 1961, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Co. (Applicant), a corporation organized under the laws of the States of Texas and Louisiana, with its principal business office at 286 Liberty Avenue, Beaumont, Tex., seeking an order authorizing the issuance of unsecured promissory notes to commercial banks in an aggregate principal amount of up to $20,000,000. Applicant proposes to issue the aforesaid notes to the Irving Trust Co. and the Chase Manhattan Bank, both of New York City, under agreements dated November 20, 1961, under which the Applicant may borrow or reborrow at any time and from time to time during the period December 29, 1961 to December 31, 1962, inclusive, up to an aggregate principal amount of $20,000,000 on unsecured notes which mature on December 31, 1962. The interest rate on the aforesaid notes will be the lender's prime rate in effect at the time of each borrowing. Applicant states that the aforesaid promissory notes will be issued and sold so that the Applicant may carry forward its construction program in 1962 and provide for other corporate requirements.  

11806
any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of December 1961 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.6 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTFREID, Secretary.

[FR Doc. 61-11624; Filed, Dec. 7, 1961; 8:45 a.m.]

### FEDERAL REGISTER

#### SUNRAY MID-CONTINENT OIL CO. ET AL.

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates**

**DECEMBER 1, 1961.**


The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Respondent</th>
<th>Rate schedule No.</th>
<th>Supplement No.</th>
<th>Purchaser and producing area</th>
<th>Amount of annual increase</th>
<th>Date filing tendered</th>
<th>Effective date unless suspended</th>
<th>Rate in effect</th>
<th>Proposed increased rate</th>
<th>Refund in effect subject to docket Nos.</th>
</tr>
</thead>
<tbody>
<tr>
<td>RI62-196</td>
<td>The Atlantic Refining Co. (Operator), et al., P.O. Box 2618, Dallas 21, Texas</td>
<td>175 4</td>
<td>Northern Natural Gas Co., (McKinney Field, Clark and Meade Counties, Kans.)</td>
<td>$8,525</td>
<td>11-3-61</td>
<td>1-1-62</td>
<td>6-1-62</td>
<td>$14.0</td>
<td>$15.0</td>
<td></td>
</tr>
<tr>
<td>RI62-200</td>
<td>Gulf Service Petroleum Co. (Operator), et al., Cities Service Building, Fort Worth, Texas</td>
<td>97 4</td>
<td>Panhandle Eastern Pipe Line Co. (Light Field, Beaver County, Okla.)</td>
<td>961</td>
<td>11-3-61</td>
<td>1-1-62</td>
<td>6-1-62</td>
<td>$15.0</td>
<td>$16.0</td>
<td></td>
</tr>
<tr>
<td>RI62-201</td>
<td>Cities Service Petroleum Co., Cities Service Building, Fort Worth, Texas</td>
<td>127 2</td>
<td>Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.)</td>
<td>7,300</td>
<td>11-3-61</td>
<td>1-1-62</td>
<td>6-1-62</td>
<td>$15.0</td>
<td>$16.0</td>
<td></td>
</tr>
<tr>
<td>RI62-202</td>
<td>Gulf Oil Co. (Operator), et al., P.O. Drawer 2160, Houston 1, Texas</td>
<td>53 5</td>
<td>Texas Gas Transmission Corp. (South Belt City Field, Calcasieu Parish, La.) (South Louisiana)</td>
<td>14,802</td>
<td>11-6-61</td>
<td>1-1-62</td>
<td>6-1-62</td>
<td>$18.75</td>
<td>$19.75</td>
<td></td>
</tr>
<tr>
<td>RI62-203</td>
<td>Gulf Oil Co., P.O. Drawer 2160, Houston 1, Texas</td>
<td>152 2</td>
<td>Texas Gas Transmission Corp. (Grand Lake Field, Cameron Parish, La.) (South Louisiana)</td>
<td>2,677</td>
<td>11-6-61</td>
<td>1-1-62</td>
<td>6-1-62</td>
<td>$18.75</td>
<td>$19.75</td>
<td></td>
</tr>
<tr>
<td>RI62-196</td>
<td>Sunray Mid-Continent Oil Co., P.O. Drawer 3, Tulsa 2, Okla.</td>
<td>20 10</td>
<td>United Gas Pipe Line Co. (North McFaddin Field, Victoria County, Tex. (R.R. District No. 52)</td>
<td>40,139</td>
<td>11-6-61</td>
<td>12-2-61</td>
<td>5-2-62</td>
<td>$13.1848</td>
<td>$14.6</td>
<td></td>
</tr>
<tr>
<td>RI62-205</td>
<td>Sunray Mid-Continent Oil Co., P.O. Drawer 3, Tulsa 2, Okla.</td>
<td>53 14</td>
<td>United Gas Pipe Line Co. (Keenan and North Keenan Fields, Victoria County, Tex. (R.R. District No. 32)</td>
<td>3,783</td>
<td>11-6-61</td>
<td>12-2-61</td>
<td>5-2-62</td>
<td>$9.904</td>
<td>$14.6</td>
<td></td>
</tr>
<tr>
<td>RI62-375</td>
<td>J. Ray McDermott &amp; Co., Inc. (Operator), Houston 1, Texas</td>
<td>11 6</td>
<td>Texas Eastern Transmission Corp. (May Field, Kiberoa County, Tex.) (R.R. District No. 4)</td>
<td>18,622</td>
<td>11-3-61</td>
<td>12-4-61</td>
<td>5-4-62</td>
<td>$15.0</td>
<td>$15.2</td>
<td>RI61-105</td>
</tr>
<tr>
<td>RI62-376</td>
<td>Ben F. Brack Oil Co., Inc. (Operator), et al., 901 First National Bank Building, Wichita 2, Kansas</td>
<td>1 1</td>
<td>Cities Service Gas Co. (W. Medicine Lodge Field, Barber County, Kans.)</td>
<td>1,146</td>
<td>11-3-61</td>
<td>12-4-61</td>
<td>5-4-62</td>
<td>$12.0</td>
<td>$12.0</td>
<td></td>
</tr>
<tr>
<td>RI62-377</td>
<td>The Pure Oil Co., 300 East Golf Road, Forest Park, Ill.</td>
<td>70 14</td>
<td>Texas Eastern Transmission Corp. (Vienna Field, Lavaca County, Tex. (R.R. District No. 2)</td>
<td>782</td>
<td>11-6-61</td>
<td>12-7-61</td>
<td>5-7-62</td>
<td>$15.0</td>
<td>$15.2</td>
<td></td>
</tr>
<tr>
<td>RI62-378</td>
<td>J. M. Huber Corp., 2061 East Second Avenue, Denver 6, Colo.</td>
<td>36 2</td>
<td>Northern Natural Gas Co. (McKinney Field, Meade County, Kans.)</td>
<td>4,545</td>
<td>11-9-61</td>
<td>1-1-62</td>
<td>6-1-62</td>
<td>$14.0</td>
<td>$15.0</td>
<td></td>
</tr>
</tbody>
</table>

1 The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.

2 The pressure base is 15,025 psia.

3 Renegotiated increases.

4 Periodic increases by contract.

The proposed increased rates exceed the applicable area price levels. The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above “Date Suspended Until” column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed or altered in any manner; such proceedings having been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.3 and 1.37) on or before January 16, 1962.

By the Commission.

JOSEPH H. GUTFREID, Secretary.

[FR Doc. 61-11625; Filed, Dec. 7, 1961; 8:45 a.m.]

### UNITED FUEL GAS CO. ET AL.

**Order Approving Adjournment**

**DECEMBER 1, 1961.**


[Docket No. CP61-107]
At the hearing herein on November 14, 1961, Cincinnati Gas & Electric Co., by its counsel, requested the presiding examiner to adjourn the hearing until December 11, 1961, to allow it time to prepare its case. The presiding examiner stated that the information upon which it planned to predicate its case had not been available until November 8, 1961.

The presiding examiner has stated that prior commitments preclude any further hearings herein during the weeks of December 11 or December 18, 1961, and for that reason a recess was taken until January 9, 1962. Upon inquiry, there was no objection by any of the participants to the recess until January 9, 1962.

Arrangement was made for the service of proposed testimony in written form upon all parties of record on or before December 20, 1961, so that the case may proceed directly to cross-examination upon reconvening.

The Commission finds: Good cause has been shown for the adjournment of the hearing herein until January 9, 1962.

The Commission orders: The adjournment of the hearing herein by the presiding examiner until January 9, 1962, be and the same is hereby approved.

By the Commission.

JOSEPH H. GUTRIEDE, Secretary.

NORTHERN NATURAL GAS CO.
Notice of Application and Date of Hearing

DECEMBER 5, 1961.

Take notice that on June 19, 1961, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed an application, as supplemented on August 23, 1961, in Docket No. CP61-332, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of measuring and regulating facilities and the delivery of firm and interruptible volumes of natural gas to the Brockway Glass Co., Inc. (Brockway), for use in Brockway's new manufacturing plant located near Rosemount, Minn., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement, dated May 23, 1961, Northern by October 1962, will sell and deliver, through its Peoples Division, to Brockway and Brockway shall purchase 1,600 Mcf of firm gas per day. All gas purchased over and above the daily contract demand will be sold as interruptible volumes.

The combined firm and interruptible sales are estimated to total 351,600 Mcf in the first year and 619,300 Mcf in the second and third years.

Brockway will pay Peoples Division a demand charge of $4.25 per Mcf of contract demand per month in addition to a commodity charge of 34 cents per Mcf of gas delivered.

The 1962 stipulation shows that the proposed service will provide Brockway with a direct natural gas supply for use as a fuel in two furnaces producing both flint and amber glass. The application indicates that firm gas is required because the high degree of control necessary in glass production does not lend itself to the interruption required by conversion to a standby fuel.

The cost of Applicant's proposed facilities is estimated to be $32,600 which cost will be financed from general funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on January 9, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before December 26, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIEDE, Secretary.

NORTHERN NATURAL GAS CO.
Notice of Application and Date of Hearing

DECEMBER 4, 1961.

Take notice that on September 26, 1961, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed an application in Docket No. CP62-78, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the delivery of natural gas on a firm basis to Minnesota Mining & Manufacturing Co. (Minnesota), an existing interruptible customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Minnesota manufactures chemicals, lithograph plates, and reflective tapes at its Chemolite Plant in Washington County, Minn. The application shows that Minnesota has several different heating processes that require closely controlled gas, and that firm service would be more advantageous than interruptible service since Applicant's curtailment procedure would result in a change of fuels many times during a heating season and would affect the efficiency of fuel use as well as plant operation if the heating processes were not closely controlled.

Pursuant to a gas sales agreement, dated September 11, 1961, Applicant will deliver, through its Peoples Division, up to 720 Mcf per day of firm gas to Minnesota.

Applicant states that Minnesota will continue to purchase small volumes of interruptible gas when the same are available.

The combined firm and interruptible annual sales to Minnesota are estimated to be 196,600 Mcf; of that amount, 4,600 Mcf are interruptible.

Minnesota will pay Applicant's Peoples Division a demand charge of $4.25 per Mcf of contract demand per month in addition to a commodity charge of 34 cents per Mcf.

No new facilities will be required to render the proposed service. This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on January 8, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIEDE, Secretary.
Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 26, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSPEH H. GUTRIDE, Secretary.

[F.R. Doc. 61-11644; Filed, Dec. 7, 1961; 8:47 a.m.]

[F.Doc. No. R161-532 etc.]

NORTHERN NATURAL GAS CO. ET AL.

Notice Reconvening Hearing

DECEMBER 5, 1961.

On June 24, 1961, the Presiding Examiner recessed the hearing in the above-designated matters.

Take notice that the hearing in this matter will be reconvened at 9:30 a.m., December 13, 1961, in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C.*

JOSSEP H. GUTRIDE, Secretary.

[F.R. Doc. 61-11644; Filed, Dec. 7, 1961; 8:47 a.m.]

[F.Docket No. R161-532 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Approving Continuance

DECEMBER 5, 1961.


On November 15, 1961, Cities Service Gas Co., an intervener, orally moved that the hearing in the above-entitled consolidated proceedings be recessed until January 9, 1962. There were no objections by any party to Cities Service Gas Co.'s motion. The presiding examiner granted the motion subject to the Commission's approval as provided in § 1.13(e) of the Commission's rules of practice and procedure. On November 16, 1961, the presiding examiner certified the record to the Commission for its consideration of this ruling.

The Commission finds: Good cause has been shown for approving the continuance of hearing in the above-entitled proceedings to January 9, 1962.

The Commission orders: The ruling of the presiding examiner made on the record in the above-entitled proceedings on November 15, 1961, granting a continuance herein to January 9, 1962, is hereby approved.

By the Commission.

JOSPEH H. GUTRIDE, Secretary.

[F.R. Doc. 61-11645; Filed, Dec. 7, 1961; 8:47 a.m.]

Order Extending Time for Acquisition of Voting Shares of Richmond Bank and Trust Co.

In the matter of the application of The First Virginia Corp, for prior approval of acquisition of voting shares of Richmond Bank and Trust Co., Richmond, Va.

Whereas, there has come before the Board of Governors, pursuant to section 3(a) (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a) (2) of Federal Reserve Regulation Y (12 CFR 222.4(a) (2) ), an application by The First Virginia Corp., Arlington, Va., for approval of the acquisition of 90 percent or more of the voting shares of Richmond Bank and Trust Co.; and said application has been granted by order of the Board dated September 5, 1961 and published in the Federal Register (26 F.R. 8489), which order included a proviso that such acquisition be completed within three months from the date thereof; and

Whereas, The First Virginia Corp. has applied to the Board for a 90-day extension of the period prescribed by said proviso, and it appears to the Board that such an extension would not be inconsistent with the public interest;

It is hereby ordered, That the time within which said acquisition shall be completed is extended to March 5, 1962.

Dated at Washington, D.C., this 4th day of December 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, Secretary.

[F.R. Doc. 61-11627; Filed, Dec. 7, 1961; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.
### FEDERAL REGISTER

#### PROPOSED RULES—Continued

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 CFR—Continued</td>
<td>Page</td>
</tr>
<tr>
<td>302</td>
<td>11810</td>
</tr>
<tr>
<td>600</td>
<td>11435, 11494, 11734</td>
</tr>
<tr>
<td>601</td>
<td>11864—11868, 11435, 11436, 11438, 11440, 11442, 11445, 11446, 11448, 11449, 11451, 11453—11456, 11494, 11686, 11734.</td>
</tr>
<tr>
<td>603</td>
<td>11435, 11494</td>
</tr>
<tr>
<td>15 CFR</td>
<td>201</td>
</tr>
<tr>
<td>230</td>
<td>11360</td>
</tr>
<tr>
<td>16 CFR</td>
<td>13</td>
</tr>
<tr>
<td>17 CFR</td>
<td>239</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>270</td>
</tr>
<tr>
<td>18 CFR</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>19 CFR</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>11420</td>
</tr>
<tr>
<td>21</td>
<td>11420</td>
</tr>
<tr>
<td>54</td>
<td>11731</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>10</td>
</tr>
<tr>
<td>21 CFR</td>
<td>20</td>
</tr>
<tr>
<td>120</td>
<td>11731, 11799</td>
</tr>
<tr>
<td>121</td>
<td>11677, 11799, 11800</td>
</tr>
<tr>
<td>141a</td>
<td>11801</td>
</tr>
<tr>
<td>141c</td>
<td>11801</td>
</tr>
<tr>
<td>146a</td>
<td>11801</td>
</tr>
<tr>
<td>146c</td>
<td>11801</td>
</tr>
<tr>
<td>147</td>
<td>11802</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>1</td>
</tr>
<tr>
<td>120</td>
<td>11684</td>
</tr>
<tr>
<td>121</td>
<td>11684, 11735</td>
</tr>
<tr>
<td>141a, 146</td>
<td>11684</td>
</tr>
<tr>
<td>146</td>
<td>11684</td>
</tr>
<tr>
<td>146a</td>
<td>11684</td>
</tr>
<tr>
<td>147</td>
<td>11684</td>
</tr>
<tr>
<td>24 CFR</td>
<td>201</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>251</td>
</tr>
<tr>
<td>26 CFR</td>
<td>1</td>
</tr>
<tr>
<td>28 CFR</td>
<td>15</td>
</tr>
<tr>
<td>29 CFR</td>
<td>403</td>
</tr>
<tr>
<td>408</td>
<td>11678</td>
</tr>
<tr>
<td>670</td>
<td>11420</td>
</tr>
<tr>
<td>678</td>
<td>11420</td>
</tr>
<tr>
<td>779</td>
<td>11802</td>
</tr>
<tr>
<td>47 CFR</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>16</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>7</td>
</tr>
</tbody>
</table>

#### 29 CFR—Continued

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Rules:</td>
<td>545</td>
</tr>
<tr>
<td>30 CFR</td>
<td>222</td>
</tr>
<tr>
<td>32 CFR</td>
<td>577</td>
</tr>
<tr>
<td>701</td>
<td>11715</td>
</tr>
<tr>
<td>710</td>
<td>11716</td>
</tr>
<tr>
<td>719</td>
<td>11763</td>
</tr>
<tr>
<td>720</td>
<td>11722</td>
</tr>
<tr>
<td>755</td>
<td>11792</td>
</tr>
<tr>
<td>765</td>
<td>11880, 11704</td>
</tr>
<tr>
<td>2011</td>
<td>11421</td>
</tr>
<tr>
<td>33 CFR</td>
<td>203</td>
</tr>
<tr>
<td>210</td>
<td>11732</td>
</tr>
<tr>
<td>212</td>
<td>11421</td>
</tr>
<tr>
<td>36 CFR</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>38 CFR</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>11802</td>
</tr>
<tr>
<td>8</td>
<td>11802</td>
</tr>
<tr>
<td>39 CFR</td>
<td>1—204</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>201</td>
</tr>
<tr>
<td>202</td>
<td>11431</td>
</tr>
<tr>
<td>203</td>
<td>11432</td>
</tr>
<tr>
<td>204</td>
<td>11432</td>
</tr>
<tr>
<td>41 CFR</td>
<td>9—7</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>192</td>
</tr>
<tr>
<td>200</td>
<td>11493</td>
</tr>
<tr>
<td>Public Land Orders:</td>
<td>61</td>
</tr>
<tr>
<td>842</td>
<td>11361</td>
</tr>
<tr>
<td>2543</td>
<td>11361</td>
</tr>
<tr>
<td>2544</td>
<td>11361</td>
</tr>
<tr>
<td>2545</td>
<td>11361</td>
</tr>
<tr>
<td>2546</td>
<td>11361</td>
</tr>
<tr>
<td>2547</td>
<td>11361</td>
</tr>
<tr>
<td>2548</td>
<td>11803</td>
</tr>
<tr>
<td>2549</td>
<td>11803</td>
</tr>
<tr>
<td>44 CFR</td>
<td>151</td>
</tr>
<tr>
<td>46 CFR</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td>206</td>
<td>11738</td>
</tr>
<tr>
<td>221</td>
<td>11738</td>
</tr>
<tr>
<td>238</td>
<td>11738</td>
</tr>
<tr>
<td>299</td>
<td>11738</td>
</tr>
</tbody>
</table>

#### 47 CFR—Continued

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Rules:</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>16</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>7</td>
</tr>
</tbody>
</table>

#### 49 CFR

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>170</td>
<td>11732</td>
</tr>
<tr>
<td>174a</td>
<td>11492</td>
</tr>
<tr>
<td>50 CFR</td>
<td>32</td>
</tr>
<tr>
<td>33</td>
<td>11733</td>
</tr>
</tbody>
</table>

### Checklist

#### CFR SUPPLEMENTS

**(As of January 1, 1961)**

1960 Supplement to Title 3 ($0.50); Titles 1–4 (Revised) ($4.00); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 1–199 (Revised) ($3.75); Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($0.65); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–25 (Revised) ($5.00); Title 24 (Revised) ($0.50); Title 25 ($0.50); Title 26, Part 1 ($1.00–1.400) (Revised) ($5.50); Part 1 ($1.400–1.860) (Revised) ($5.50); Part 1 ($1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 40–169 (Revised) ($4.50); Parts 170–299 (Revised) ($6.25); Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Parts 600 to end (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 (Revised) ($2.00); Parts 1–39 (Revised) ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($1.00); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 (Revised) ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75); General Index ($1.00).
