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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 804—MORTUARY AFFAIRS

Part 804, Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

- Sec.
- 804.0 Purpose.
- Subpart A—Mortuary Benefits**
- 804.1 Scope of coverage.
- 804.2 Eligibility for benefits.
- 804.3 Disposition of remains.
- Subpart B—Disposition Procedures**
- 804.10 Person (next of kin) entitled to direct disposition of remains.
- 804.11 Unclaimed remains.
- 804.12 Military prisoners.
- Subpart C—Deaths Within the Continental United States Occurring Away From Home Installation**
- 804.20 Deaths while absent without leave (AWOL).
- 804.21 Deaths at Veterans' Administration facilities.
- Subpart D—Nonrecovered Remains**
- 804.30 Memorial flags, services, and markers.
- 804.31 Reimbursement of memorial service expenses.
- Subpart E—Transportation and Shipment of Remains**
- 804.40 Transportation authorized.
- 804.41 Responsibility for determining methods of shipment.
- 804.42 Modes of transportation authorized for shipment of remains and escorts.
- 804.43 Stopover of remains en route to final destination.
- 804.44 Through shipment of remains by common carrier.
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- 804.46 Shipment after interment.
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- Subpart F—Escorts**
- 804.50 For whom escort is authorized.
- Subpart G—Government Cemeteries**
- 804.60 National cemeteries eligibility.
- 804.61 Persons eligible for interment.
- 804.62 Interment policy for dependents.
- 804.63 Reservation of grave site.
- Subpart H—Air Force Cemeteries**
- 804.70 Definitions.
- 804.71 Establishment, maintenance and disposal.
- 804.72 Eligibility.
- 804.73 Interment of remains and reservation of grave sites in base cemeteries.
- Subpart I—Cemetery Markers**
- 804.80 Types furnished.
- 804.81 Application for markers.
- 804.82 Shipment and erection costs.
- Subpart J—Handling of Reimbursable Cases Outside the Continental United States**
- 804.90 Furnishing mortuary services and supplies on reimbursable basis.

Sec. Subpart K—Military Honors

804.100 Policy and responsibility.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 804.0 Purpose.

(a) This part contains procedures for transportation and disposition of remains of deceased Air Force personnel and certain other categories of deceased personnel. It also explains what mortuary benefits are authorized; escorts; Government and Air Force cemeteries; cemetery markers; and military honors.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

Subpart A—Mortuary Benefits

§ 804.1 Scope of coverage.

Certain mortuary services and items, as described in the following paragraphs of this section, may be provided at Government expense or on a reimbursable basis to care for the remains of deceased persons cited in § 804.2. Certain other benefits to which entitlement exists for certain categories of personnel are also shown. Section 804.3 (which combines the provisions of this section and § 804.2) shows the extent of coverage for each category of personnel. Insofar as civilian employees and military members are concerned, this subpart covers only those benefits provided by the Air Force. Entitlement to other benefits derived from civilian employees' status as Federal employees or as veterans is explained in AFR 40-717 and AFP 40-15. Entitlement of military members to other benefits (such as those resulting from participation in the Federal Social Security Program) is explained in AFP 211-15. The mortuary officer will insure that only those services and/or items authorized are provided (see § 804.3).

(a) *Recovery.* Search, recovery, segregation, and identification of remains.

(b) *Communications.* Advising next of kin or other appropriate person concerning arrangements for preparation and disposition of remains.

(c) *Mortuary services—(1) Removal.* Removal of remains from place of death to a mortuary.

(2) *Preparation.* Embalming and other preservative measures, derma surgery, restorative art, dressing or wrapping, placing in casket, burial and shipping permits and other related items, some of which may be required to comply with laws for shipment of remains to or from the Continental United States.

(3) *Casket and outer case.* (1) Casket and outer case conforming to the specification in the Contract for Care of Remains.

(ii) Casket and outer case suitable for shipment to place of interment.

(d) *Cremation.* Actual crematory charges including a suitable urn and any costs necessary to transport the remains to the crematory.

(e) *Clothing.* Military uniform or civilian clothing.

(f) *Transportation.* Transportation by rail, commercial air, hearse or other suitable closed vehicle furnished by a funeral director, or by suitable Government vehicle or aircraft, except, movement of remains by military aircraft within the Continental United States is not authorized (see § 804.42(d)). Transportation includes shipping case and/or overpack, removal of remains from place of death to a mortuary, one delivery by funeral director vehicle from place of preparation to common carrier at the on-loading point, and one delivery of remains by hearse from the common carrier terminal at destination to a mortuary or other place of immediate delivery.

(g) *Escort travel.* Round trip transportation and prescribed allowances for an escort (one person) to accompany remains of deceased military personnel to final destination.

(h) *Flag.* One or more interment flags, with cases, for each deceased military person.

(i) *Interment.* Interment in a Government cemetery as designated by the person authorized to direct disposition of the remains or, in the absence of such designation, a Government cemetery designated by the commander concerned.

(j) *Interment allowance.* The next of kin of a military person is entitled to an allowance toward payment of burial expenses. These expenses may be for a grave site in a civilian cemetery; opening and closing of the grave; use of cemetery equipment; purchase of burial vault; flowers; obituary notices; services of a funeral director; clergy fee; hearse; transportation of relatives and friends to and from the funeral home, church and cemetery; and any other expenses incident to burial of the remains.

(k) *Grave marker.* The Government furnishes an upright marble marker or a flat marker of marble, granite or bronze to mark certain graves (see Subchapter I of this chapter).

§ 804.2 Eligibility for benefits.

The following are authorized certain benefits listed in § 804.1.

(a) *Military personnel.* Even though such person may have been temporarily absent from active duty without leave at the time of death (provided he had not been dropped from the rolls of his organization before his death):

(1) Regulars of the Air Force (including cadets of the U.S. Air Force Academy), members of the Air Force Reserve,

members of the Air National Guard of the United States, and members of the Air Force without component, who die while on active duty (other than active duty for training).

(2) Members of the Air Force Reserve, the Air National Guard, and the Air National Guard of the United States, who die while:

(i) On active duty for training for any period of time or performing authorized travel to or from such duty, or

(ii) Hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while in that duty or training or while performing that travel, or

(iii) On authorized inactive duty training. (Inactive duty training Reservists who die en route to or from such training are not eligible for care and disposition of remains at Air Force expense.)

(3) Members of or applicants for membership in the Air Force Reserve Officer's Training Corps who die while:

(i) Attending a training camp or performing authorized travel to or from such camp, or

(ii) While hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted while attending training camp or while performing travel to or from such camp.

(4) Accepted applicants for enlistment in the Air Force.

(5) Any person who has been discharged from an enlistment in the Air Force while a patient in the U.S. Government hospitals, and who continued to be such a patient to the date of death.

(6) Any retired member of the Air Force who became a patient in a U.S. Government hospital while he was on active duty for a period of more than 30 days and who continued to be a patient in a U.S. Government hospital to the date of death.

NOTE: Individual must have been a patient continuously and physically in the hospital. Those who have been medically treated in an out-patient status are not authorized mortuary services at Government expense. (Disposition of remains of retired personnel, other than those indicated above, is the responsibility of relatives or the Veterans' Administration if death occurs while the retired person is hospitalized in a Veterans' Administration hospital. Queries concerning payment of burial expenses for such personnel should be referred to the Veterans' Administration.)

(b) *Air Force civilian employees paid from appropriated funds.* (1) Employees who die while traveling at Government expense on official business within and outside the Continental U.S.

(2) Employees whose homes are in the Continental United States, who die while assigned to an official duty station outside the Continental United States or in transit thereto or therefrom: *Provided*, The employee would have been entitled to travel to his home at Government expense upon termination of his employment.

(3) Employees whose homes are in foreign countries, who die while performing official duties away from their homeland or in transit thereto or therefrom: *Provided*, The employee would have been entitled to travel to his home at Government expense upon termination of his employment.

(c) *Contractor engineering and technical services personnel.* Contractor engineering and technical services personnel as defined in AFM 66-18.

(d) *Dependents.* (1) Dependents of members of the Armed Forces who die while the member is on active duty (other than for training).

(2) Dependents of civilian employees of the Armed Forces (paid from appropriated funds) who die while residing with such employee outside the Continental United States or while traveling to or from such place of duty: *Provided*, The

employee would have been entitled to travel to his home at Government expense upon termination of his employment.

(e) *United States citizens who die outside the Continental United States.* For the purpose of this section, Alaska and Hawaii are considered to be Continental U.S.

(1) An employee of a humanitarian agency accredited to the Armed Forces of the United States such as the American National Red Cross and the United Services Organization.

(2) Any civilian performing services directly for the Armed Forces because of employment by an agency under contract with the Armed Forces.

(3) Any person on duty with the Armed Forces of the United States paid from nonappropriated funds.

(4) Any officer or member of a crew of a merchant vessel operated by or for the United States through the Armed Forces.

(5) Any person for whom such services are requested by the Department of State.

(6) Any dependent of a United States citizen covered in this section: *Provided*, The dependent is living outside the Continental United States with that person at the time of death.

(f) *Indigent persons.* Indigent persons who die in Air Force hospitals and other persons who die on Air Force installations, when next of kin or local municipal authorities will not assume custody of the remains and disposition cannot otherwise be made.

(g) *Military prisoners.* Military prisoners (other than prisoners of war or internees) who die or are executed while in Air Force custody or confinement.

(h) *Enemy prisoners and aliens.* Prisoners of war and interned enemy aliens who die while in Air Force custody.

§ 804.3 Disposition of remains.

Decedents covered	Items and expenses authorized										
	Recovery	Communications	Mortuary services	Cremation	Clothing	Transportation	Escort	Flag	Interment, Government cemetery	Interment allowance	Grave marker
Military personnel.....	X	X	X	X	X	To place selected by next of kin.	X	X	X	X	X
Accepted applicants.....	X	X	X	X	X	do.....	X	X	X	X	X
Civilian employees.....	X	X	(9)	(9)	(9)	To home, official station, or another place no further distant ¹	(9)		X		
Contractor engineering and technical services personnel.						To place selected by next of kin.	(9)				
Death outside CONUS.....			(9)			do.....	(9)				(9)
Dependents, death in CONUS.....						do.....	(9)		(9)		(9)
Dependents, death outside CONUS.....						do.....	(9)		(9)		(9)
U.S. citizens' death in foreign country.....			(9)			May be furnished on reimbursable basis to CONUS port.					
Indigent persons.....	These items (including expenses for interment and transportation to a cemetery designated by HQ USAF/LGS) may be furnished provided disposition cannot otherwise be made.										
Military prisoners (other than POW's and internees).	X	X	X	X	X	To place selected by next of kin.	X	(9)			(9)
Enemy prisoners and aliens.....	These items (including expenses for interment and transportation to a cemetery designated by HQ USAF/LGS) may be furnished at reasonable cost.										

¹ An applicant for membership in the AFROTC is not eligible for burial in a Government cemetery.

² Costs of these items (excluding outer case) may not exceed \$200 when death occurs in CONUS.

³ An outer case for transportation, (including when necessary, dealing of such cases) is authorized as part of transportation expenses: Travel as escort is not authorized. However, if remains are moved as baggage by rail, an individual may travel as attendant when a second ticket is required for transportation of the remains. No return transportation is authorized for the attendant.

⁴ If a veteran and honorably separated from military service.

⁵ May be furnished on reimbursable basis.

⁶ Wife, husband, widow, widower, minor child, and in certain instances an unmarried adult child.

⁷ If buried in a Government cemetery.

⁸ A military person who dies while in Air Force custody and whose approved sentence includes a discharge is not authorized a flag.

Subpart B—Disposition Procedures**§ 804.10 Person (next of kin) entitled to direct disposition of remains.**

(a) The person entitled to direct disposition of the remains of military personnel and Department of the Air Force civilian employees covered by this part are recognized in the order listed below:

(1) Widow or widower (if not divorced, or remarried, see paragraphs (c) and (d) of this section).

(2) Sons over 21 years of age in order of seniority.

(3) Daughters over 18 years of age in order of seniority.

(4) Father (unless legal custody of the decedent when he was a minor had been granted to another person by reason of a court decree or statutory provision, see paragraph (d) of this section).

(5) Mother (unless legal custody of the decedent when he was a minor had been granted to another by reason of a court decree or statutory provision, see paragraph (d) of this section).

(6) Blood or adoptive relative of decedent who had been granted legal custody of the decedent by reason of court decree or statutory provision.

(7) Brothers over 21 years of age in the order of seniority.

(8) Sisters over 18 years of age in the order of seniority.

(9) Grandfather.

(10) Grandmother.

(11) Next of kin of legal age in order of relationship to the deceased in accordance with civil laws. Seniority controls where persons are of equal degree of relationship, except that males have priority over females.

(12) In the absence of persons listed above, a person standing in loco parentis to the deceased.

(b) The right to direct disposition of remains is considered a personal right and cannot be exercised by guardians, committees, or agents of any of the above-listed persons solely by reason of their status as such.

(c) To invalidate the entitlement of a widow or widower, proof must be submitted that final decree of divorce was awarded or that the widow or widower has remarried.

(d) To invalidate the entitlement of any person cited in paragraph (a) of this section the person claiming to have priority over another person must submit documentary evidence sufficient to establish his right. (For example, in the case of divorced parents, where custody of the minor child was awarded by the court at the time of the divorce, a certified copy of the decree or custody document must be furnished.)

(e) When two or more persons claim to have the entitlement to direct disposition of remains and a way to settle the matter is not readily apparent, tactfully suggest that they try to reach an agreement as to disposition to be effected. An example of such a case would be where parents have been separated (but not divorced) for many years, the decedent had lived with one parent only, but custody by reason of court decree was not

involved. If the parties concerned cannot reach an agreement, advise them of their right to seek adjudication in an appropriate court.

(f) Where there is a question as to the person entitled to direct disposition of the remains, obtain legal assistance from a staff judge advocate.

§ 804.11 Unclaimed remains.

(a) Remains will be considered unclaimed when:

(1) No next of kin or other responsible person can be located.

(2) The next of kin states in writing (or telegram) that he is not concerned with disposition of the remains.

(b) Unclaimed remains will be prepared at Air Force expense and interred in a cemetery designated by HQ USAF/LGS.

§ 804.12 Military prisoners.

Military prisoners who die or are executed while in Air Force custody or confinement are entitled to the burial benefits authorized active duty personnel, except that a flag is not authorized in the case of a prisoner whose sentence includes a discharge. All decorations, insignia or other evidence of membership in the Air Force must be removed when the regulation uniform is used for burial.

Subpart C—Deaths Within the Continental United States Occurring Away From Home Installation**§ 804.20 Deaths while absent without leave (AWOL).**

In general, procedures for disposition of the remains of personnel who die while AWOL are the same as for personnel who die while on active duty except as follows:

(a) It is absolutely essential that determination be made as to whether or not the deceased had been dropped from the rolls of his organization prior to the date of death before any funds are obligated for payment of burial expenses or any commitments are made concerning payment of burial expenses by the Air Force.

(b) If it is determined that an individual who was AWOL had been dropped from the rolls of his organization prior to the date of death, the Air Force will not participate in any arrangements for disposition of the remains or assume any responsibility for the remains or for payment of expenses. Advise relatives that disposition of the remains must be handled by them and that any expenses incurred must be paid from personal funds.

(c) When it cannot be readily determined whether the deceased had been dropped from the rolls of his organization, request relatives to make all arrangements for care and disposition of the remains and advise them of their privilege of submitting a claim to the Air Force.

(d) If it is determined that an individual who was AWOL had not been dropped from the rolls of his organization, the same procedures will be followed as for active duty personnel.

§ 804.21 Deaths at Veterans' Administration facilities.

(a) When the death of an eligible person occurs in a Veterans' Administration facility, the nearest Air Force installation will obtain disposition instructions and arrange for preparation and shipment of the remains.

(b) Any Air Force installation contacted by a Veterans' Administration facility will either assume responsibility for disposition of the remains or immediately notify the Air Force installation nearest the Veterans' Administration facility in order that such installation can properly assume its responsibilities.

Subpart D—Nonrecovered Remains**§ 804.30 Memorial flags, services, and markers.**

(a) *Services.* Memorial services may be conducted when remains are not recovered. The presentation of flag(s) at a memorial service will be in accordance with established Air Force regulations.

(b) *Flag.* A flag(s), with flag case(s), for memorial purposes, may be furnished in accordance with established Air Force regulations.

(c) *Memorial plots and markers in national cemeteries.* Memorial plots, where memorial markers may be erected, can be set aside in national cemeteries. DD Form 1330, "Application for Headstone or Marker," will be submitted by the next of kin for memorial plots and markers in national cemeteries.

(d) *Memorial markers in civilian cemeteries.* DD Form 1330 will be submitted for memorial markers to be erected in a civilian cemetery.

§ 804.31 Reimbursement of memorial service expenses.

(a) The next of kin of those declared dead and carried in a nonrecovered status after January 1, 1961, may be reimbursed for expenses incurred in conducting a memorial service. The reimbursement may not exceed \$375 maximum, when remains are shipped or released to a funeral director designated by the next of kin (can be contract funeral director) and subsequently interred in a Government cemetery. A claim for reimbursement may be allowed only if presented within 2 years after date of death or October 22, 1970 (date of enactment of Public Law 91-487), whichever is later.

(b) Next-of-kin claims will be submitted to HQ AFLC/DPSM for processing and payment. The claims will be submitted in triplicate, in letter form, for memorial expenses incurred.

(c) There is no statutory authority for payment of the interment allowance when remains are in a nonrecovered status.

Subpart E—Transportation and Shipment of Remains**§ 804.40 Transportation authorized.**

(a) *At Government expense.* Transportation at Government expense is authorized for shipment of the remains of the following deceased personnel from

the place of death to the destination specified below:

(1) Military personnel cited in § 804.2 (a) and (g) to place selected by the next of kin.

(2) Civilian employee cited in § 804.2 (b) to the home or official station of the deceased or to another place no further distant.

(3) Contractor engineering and technical services personnel cited in § 804.2 (c) to place selected by next of kin.

(4) Dependents cited in § 804.2(d) to place selected by the next of kin.

(5) Indigent persons, enemy prisoners, and aliens cited in § 804.2 (f) and (h) to a cemetery designated by HQ USAF/LGS.

(b) *On reimbursable basis.* Government transportation on a reimbursable basis is authorized for shipment of remains from place of death outside the continental United States to a continental United States aerial port of entry for U.S. citizens and their dependents cited in § 804.2(e).

(1) Information as to transportation charges to be assessed for shipment of the remains and charges for return of the transfer case from the continental United States aerial port of entry will be obtained from the Military Airlift Command traffic representative at the port where the remains will be accepted for movement to the continental United States. Expenses for transportation of remains of these persons from the continental United States aerial port to final destination cannot be paid by the Government nor will such transportation be furnished on a reimbursable basis.

(2) The sponsor will be required to arrange with the carrier of his choice at his own expense the necessary transportation within the United States. The sponsor will be required to deposit with the selected carrier, in advance, funds to cover the cost of this transportation. The sponsor will be advised to contact the aerial port Mortuary Officer who will assist him in every way possible in completing these arrangements.

§ 804.41 Responsibility for determining method of shipment.

(a) *Outside the continental United States.* The Air Force commander of the area in which death occurred will determine the manner of shipment between two overseas points and between the place of death outside the continental United States and the appropriate continental United States aerial port of entry.

(b) *Continental United States aerial ports of entry.* At continental United States aerial ports of entry, the Mortuary Officer, in conjunction with the Transportation Officer, will determine the fastest and most practicable method of shipment between the port and final destination.

(1) If feasible, all remains, regardless of the Service of which the decedent was a member, will be shipped from continental United States ports within 24 hours after arrival at the port.

(2) To avoid confusion, and to insure proper control, continental United States ports will accept instructions for disposition of remains of deceased Air Force military and civilian personnel who die outside the continental United States only from HQ USAF/LGS.

(c) *Continental United States.* The Mortuary Officer at the place of death within the continental United States, in conjunction with the Transportation Officer, will determine the fastest and most practicable method of shipment between the place of death and the final destination whether such destination is within or without the continental United States.

(1) In the case of remains being shipped outside the continental United States, he will ascertain from the port through which shipment may be made the requirements which must be met to comply with shipping regulations and regulations governing entry into the foreign country.

(2) When Government facilities are not available, or the use thereof is impracticable, remains may be shipped direct to final destination.

§ 804.42 Modes of transportation authorized for shipment of remains and escort.

Transportation of remains and escorts at Government expense is authorized as set forth in this section.

(a) *In the continental United States.* From the place of death to the place of interment; from the place of death to a continental United States aerial port of entry; from a continental United States aerial port of entry to the place of interment; and from an aerial port of entry to another port for reshipment, one of the following methods or combinations of methods may be used:

(1) Railway Baggage Service procured by Government transportation requests.

(2) Commercial air procured by Government transportation requests.

(3) Railway Express Agency. Transportation of remains without escort procured by Government transportation requests.

(4) Hearse or other suitable closed vehicle furnished by a funeral director provided:

(i) The cost of such transportation is not in excess of the cost of common carrier transportation.

(ii) Common carrier service is not available, or use thereof is impracticable.

(iii) It is requested by the next of kin and the next of kin defrays any costs in excess of what it will have cost the Government to transport the remains by common carrier.

(b) *Outside the continental United States.* Between two overseas points and between overseas points and the continental U.S. aerial ports of entry movement will be made by the following methods:

(1) Government transportation facilities, whenever possible.

(2) Commercial transportation, when Government transportation facilities are

not available or the use thereof is impractical.

(3) Hearse or other suitable closed vehicle furnished by a funeral director provided such service is requested by the next of kin and the next of kin defrays any costs in excess of what it would have cost the Government to transport the remains.

(c) *Between the continental United States and overseas.* From the continental United States, movement will be made by the following methods:

(1) Government transportation facilities, whenever possible.

(2) Commercial transportation, when Government transportation facilities are not available or the use thereof is impractical.

(d) *Movement of remains by military aircraft within the continental United States is not authorized.* Except for:

(1) The recovery of remains for autopsy or accident investigation purposes from the accident site to the nearest adequate military installation.

(2) The movement of remains originating outside the continental United States by the Military Airlift Command from the aerial port of debarkation of the first continental United States landing, to an aerial port of debarkation where mortuary facilities are located, using Military Airlift Command positioning/depositioning aircraft.

§ 804.43 Stopover of remains en route to final destination.

The next of kin may request that arrangements be made for a stopover of remains en route to final destination, either by direct or indirect routing.

(a) The installation commander may authorize one stopover if the primary next of kin, who directed disposition of remains, makes the request for a bona fide reason. Any additional stopovers must be approved by HQ USAF/LGS.

(b) The next of kin will be advised that the escort will accompany the remains to final destination at Government expense. The next of kin will also be advised that he is responsible for all costs incurred at the stopover point. (For example, if the next of kin wants remains moved from Philadelphia to Chicago with ultimate burial in Arlington National Cemetery, transportation at Government expense can be furnished from Philadelphia to Chicago then back to Arlington National Cemetery. All expenses incurred in Chicago, such as removal of the remains from the carrier, funeral services, and returning the remains to the carrier, would be a responsibility of the next of kin.)

§ 804.44 Through shipment of remains by common carrier.

Remains will be routed through from point of origin, to destination. Local ticket agents will assist in making necessary arrangements for transfer of remains from one carrier to another.

§ 804.45 Delivery of remains from common carrier terminal.

Transportation will include one delivery of remains from the common car-

rier terminal at destination to a funeral home selected by the next of kin or a Government cemetery. When remains are transported by hearse under this provision to a:

(a) *Government cemetery.* Superintendents of national cemeteries and commanders of base cemeteries will engage a funeral director to receive the remains at the common carrier terminal and to deliver them to the cemetery. This will include necessary personnel to handle the casketed remains and storage, if required. Government facilities will be used if available; otherwise, services will be obtained as required in each individual case.

(1) A funeral director rendering any of the necessary services must submit a properly certified, itemized invoice to the national cemetery superintendent or to the commander of the base or post cemetery concerned.

(2) The following certification will be added and the invoice forwarded to the mortuary officer of the shipping activity for processing and payment:

I certify that the services itemized in this invoice have been satisfactorily rendered.

(b) *Funeral home selected by the next of kin.* A funeral director's unpaid invoice for the removal of the remains from a common carrier terminal to the funeral home should be submitted direct to the shipping installation for payment. The funeral director will be so advised when remains are transported.

§ 804.46 Shipment after interment.

(a) If temporary disposition is required because of local health laws or inability to contact the person recognized as having the right to direct disposition of remains, remains may subsequently be disinterred and transported at Government expense.

(b) If the person recognized as having the right to direct disposition of remains states in writing that he is not concerned with disposition, and the remains are interred at Government expense, subsequent disinterment or transportation of the remains will not be made at Government expense.

(c) After remains are interred in accordance with instructions of the next of kin, subsequent disinterment or transportation of the remains will not be made at Government expense.

§ 804.47 Transportation of disinterred remains.

The disinterment and transportation of remains within the continental United States requires special permission of the health authorities at the place of disinterment and, in some instances, at the point of destination. All disinterred remains will be inclosed in a metal lined container, which will be hermetically sealed. However, remains stored in a receiving vault, when prepared by licensed embalmers, will not be regarded as disinterred until after the expiration of 30 days.

Subpart F—Escorts

§ 804.50 For whom escort is authorized.

(a) One escort is authorized to accompany the remains (including cremated remains) of a deceased military member specified in § 804.2(a).

(b) An escort is authorized for personnel specified in § 804.2(g), except that an escort will not be furnished for:

(1) A person who dies after the approved court-martial sentence which includes a dishonorable or bad conduct discharge, or

(2) A person who is executed following a sentence by court-martial.

Subpart G—Government Cemeteries

§ 804.60 National cemeteries eligibility.

(a) Burial in national cemeteries except Arlington, of the following categories of persons is authorized:

(1) *Military.* (i) Members of the Armed Forces of the United States who die while on active duty (other than for training).

(ii) Former members (veterans and retired) of the Armed Services of the United States who were honorably separated from last period of service. Subsequent conviction of a crime may result in ineligibility for burial in a national cemetery (§ 804.6(c)).

(iii) Any member of a reserve component of the Armed Forces, and any member of the Army National Guard and the Air National Guard, whose death occurs under honorable conditions while he is:

(a) On active duty for training, or performing full-time service under section 316, 503, 504, or 505 of title 32, United States Code.

(b) Performing authorized travel to or from that duty or service.

(c) On authorized inactive duty training, including training performed as a member of the Army National Guard or the Air National Guard, or

(d) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is:

(1) On that duty or service.

(2) Performing that travel or inactive duty training; or

(3) Undergoing that hospitalization or treatment at the expense of the United States.

(iv) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is:

(a) Attending an authorized training camp or on an authorized practice cruise.

(b) Performing authorized travel to or from that camp or cruise, or

(c) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is:

(1) Attending that camp or on that cruise;

(2) Performing that travel; or

(3) Undergoing that hospitalization or treatment at the expense of the United States.

(2) *Citizens.* U.S. citizens who served in the armed services of any government allied with the United States during any war in which the United States has been or may hereafter be engaged. However, they must have been honorably separated from the last period of such service.

(3) *Members of families of service or former service members.* The wife, husband, widow, widower, minor child, and in certain instances the unmarried adult child of any of the persons listed in paragraphs (a) (1) and (2) of this section. This includes the widow or widower of a member of the Armed Forces of the United States lost or buried at sea; officially determined to be permanently absent in a status of missing or missing in action; officially determined to be dead for the purpose of terminating his status of missing or missing in action; or one whose remains have not been recovered.

(b) Burial in Arlington National Cemetery is limited to:

(1) A member of the Army, Navy, Air Force, Marine Corps, or Coast Guard dying on active duty.

(2) A retired member of one of the above services carried on a service retired list and eligible to receive compensation stemming from service in that Armed Force.

(3) A former member of one of the above services who:

(i) Has been awarded the Medal of Honor.

(ii) Is otherwise eligible by reason of honorable military service who have also held elective office in the U.S. Government or served on the Supreme Court or in the cabinet or in an office compensated at level II under the Executive Salary Act.

(4) The spouse, minor children, and, in certain instances, unmarried adult children of any of the persons listed in paragraph (b) (1) through (3) of this section.

(5) The surviving spouse, minor children, and in certain instances, unmarried adult children of any person already buried in Arlington National Cemetery.

(6) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery.

§ 804.61 Persons ineligible for interment.

(a) *Fathers, mothers, and in-laws.* These relatives are not eligible for interment in a national cemetery by reason of relationship to an eligible service person regardless of whether they are dependent upon the service member for support and/or members of his household.

(b) *Discharge other than honorable.* Persons whose last separation from the Armed Forces of the United States was under other than honorable conditions

are not eligible for burial in a national cemetery notwithstanding the fact that they may have received veterans benefits, treatment in a Veterans' Administration hospital, or that they died in such a hospital.

(c) *Conviction of a crime.* (1) A person otherwise eligible for burial in a national cemetery but who was convicted in a Federal, State, or U.S. military court of a crime or crimes, the result of which was the loss of U.S. citizenship or nationality, a sentence of death, a sentence of imprisonment for 5 years or more, or in the case of any offense involving subversive activities listed in paragraph (c)(1)(i) of this section, any sentence, will not be buried in a national cemetery, except that any such person who, subsequent to such conviction and sentence, is pardoned of his offense or serves in the Armed Forces of the United States and whose last service therein terminates honorably may be buried in a national cemetery.

(i) The offenses involving subversive activities referred to in paragraph (c)(1) of this section are those offenses for which punishment is prescribed in the following provisions of Title 18, United States Code: Sections 792, 793 (excluding subsection (f)), 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105; in the following sections of the Atomic Energy Act of 1954; sections 222, 223, 224, 225, and 226 (42 U.S.C. 2272, 2273, 2274, 2275, and 2276); and in the following sections of the Internal Security Act of 1950; sections 4, 112, and 113 (50 U.S.C. 783, 822, and 823).

(ii) Where minimum and maximum terms are imposed, the maximum will be used. An indeterminate sentence is considered to be a sentence of 5 years or more when the maximum term equals or exceeds 5 years. Separate sentences served consecutively and which aggregate 5 years or more are disqualifying. A suspended sentence will not be considered as imposing a term of imprisonment, except to the extent that such sentence is actually served.

(2) A person excluded from burial under subparagraph (1) of this paragraph who dies while in the custody of an Armed Force, may, with prior approval of the U.S. Army Memorial Affairs Agency (USAMAA), be buried in such other military burial ground as the USAMAA may select, but no military ceremony will be performed at such burial.

§ 804.62 Interment policy for dependents.

(a) If a dependent dies before the service member, interment may be made in a national cemetery upon submission of a signed certificate by the service member that he will be interred eventually in the same grave (AF Form 507, "Agreement for Burial"). Such certificate will be presented or promptly mailed to the superintendent of the national cemetery concerned.

(b) The remains of those persons listed in § 804.60 (a) (3) and (b) (4) may be removed from a national cemetery

proper and interred in the post section of a national cemetery if, upon death, the related service member is not buried in the same grave. This will not apply when the service member is lost or buried at sea; officially determined to be permanently absent in a status of missing or missing in action; officially determined to be dead for the purpose of terminating his status of missing or missing in action; or determined to be nonrecoverable.

§ 804.63 Reservation of grave site.

Grave sites are not reserved or assigned in advance of actual interments. Adjoining grave sites are not available.

Subpart H—Air Force Cemeteries

§ 804.70 Definitions.

(a) *Base cemetery.* A military cemetery located at an Air Force installation.

(b) *Civilian cemetery.* Any privately or publicly-owned cemetery or burial plot located within or without the boundaries of an Air Force installation.

§ 804.71 Establishment, maintenance and disposal.

New base cemeteries will not be established, and existing base cemeteries will not be expanded beyond present boundaries. Base cemeteries now in operation may be used for authorized burials, within present boundaries, until filled or discontinued.

(a) Base cemeteries will be maintained until disposition is effected by the procedures listed below. Those located on surplus installations which are not to be moved or otherwise disposed of will be maintained under the supervision of an active military installation to be designated by the Director of Civil Engineering, HQ USAF.

(b) When feasible and possible, base cemeteries will be disposed of in accordance with the provisions of AFR 87-4. Normally, the General Services Administration would accomplish disposal by transfer to a State, county, municipality, or proper agency thereof, or by the removal of remains and reinterment in a national, private, or public cemetery, or by a transfer of custody to the next of kin or other relatives. Once a cemetery has been disposed of, it will not be reacquired without prior approval of an acquisition request as outlined in AFR 87-1.

§ 804.72 Eligibility.

Burials in base cemeteries will be restricted to the following categories of personnel.

(a) Members of the armed services of the United States on the active and retired lists as published by the decedent's service.

(b) The wife, husband, widow, widower, minor child and, in certain instances, the dependent unmarried adult child of any person listed in paragraph (a) of this section. (Dependent unmarried adult children include those who have never married, widows, widowers, and divorcees, provided the unmarried adult child, at time of death, was incapable of self-support because of physical

or mental condition and was receiving over one-half of his support from the service-connected parent or surviving spouse, or had been receiving such support prior to the death of the parents and by reason of their death was receiving such support from some other source.)

(c) General prisoners whose discharges have been executed, who die while under the jurisdiction of the Department of the Air Force.

(d) Prisoners of war and interned aliens, and unclaimed remains which cannot be transferred to the custody of civil authority, provided no other disposition of remains can be made under existing statutes.

(e) Veterans when a dependent of the deceased has been previously buried in such a cemetery.

(f) Individuals whose remains must be disposed of as directed by HQ USAF/LGS.

§ 804.73 Interment of remains and reservation of grave sites in base cemeteries.

(a) *Interment policies for dependents.* (1) If a dependent dies before the service member, interment may be made in a base cemetery upon submission of a signed certificate by the service member that he will be interred eventually in the same grave or an adjoining (side-by-side) grave. Such certificate, in the following format, will be presented or promptly mailed to the base commander concerned:

This is to certify that in consideration of the interment of the remains of my _____ in the _____ (spouse-child) _____ (name) _____ Base Cemetery, my remains (name) shall, upon my demise, be interred in the same or adjoining grave.

(2) When a deceased dependent child is interred prior to the death of either parent, the above certificate will be accomplished by the service member with the understanding that all available space in the occupied grave must be used for any future family interment, including that of the service member, before the second grave can be used. Additional eligible dependents may be interred before the death of the service member, provided not more than two side-by-side graves are used and that space is reserved for burial of the service member.

(b) *Procedures for effecting interment.* The procedure for effecting interment will conform in general with that outlined in prescribed Air Force regulations.

(c) *Reservation of grave sites.* (1) Grave sites are not reserved or assigned in advance of actual interments except as provided in paragraph (c) (2) and (3) of this section.

(2) If the service member dies first, an adjoining grave may be reserved for the eventual interment of the surviving spouse. Such reservations must be requested by the spouse at the time arrangements are being made for the in-

terment of the service member to insure availability of an adjoining grave site. The surviving spouse will receive an inquiry every 2 years to find out whether she wants to continue the reservation. Until she receives such an inquiry it will not be necessary for her to contact the base concerned in order to insure continuance of the reservation. Failure to reserve an adjoining grave site will not preclude burial of the spouse in the same grave with the service member or removal, at private expense, of the remains of the service member to a location where two adjoining graves are available.

(3) When arrangements are being made for the interment of a dependent of a service member, the surviving service member may request a reservation of an adjoining gravesite for his future interment. However, provisions of paragraph (b) of this section are applicable irrespective of this reservation.

Subpart I—Cemetery Markers

§ 804.80 Types furnished.

(a) *Grave markers.* The Government will furnish an upright marble marker or a flat marker of marble, granite or bronze, free of cost, to mark the graves of:

(1) Members of the Air Force who died in the service.

(2) Members of a Reserve component of the Air Force, the Air National Guard or Air Force Reserve Officer Training Corps who died under conditions incident to service on behalf of the United States: *Provided*, The death, injury, illness, or disease occurred or was contracted under honorable conditions.

(3) All persons buried in Government cemeteries.

(b) *Memorial markers.* The Government will furnish, free of cost, an appropriate marker for erection in a Government or civilian cemetery, to commemorate members of the Air Force who died in the service and whose remains have not been recovered or identified, or were buried at sea.

§ 804.81 Application for markers.

(a) *Grave markers—(1) Civilian cemetery.* When interment is to be made in a civilian cemetery, DD Form 1330 will be furnished to the next of kin by the escort. Stocks of this form are available through Air Force supply channels. The application form can be requested and submitted by anyone interested who will be responsible for receiving and erecting the marker at the grave.

(2) *National cemetery.* When interment is made in a national cemetery, the superintendent of the cemetery normally prepares the necessary form for supply of the final marker for the grave, whether individual or group burial.

(3) *Air Force cemetery.* When interment is made in an Air Force cemetery, DD Form 1330 will be submitted by the base commander, or his designee, who will be responsible for receiving and erecting the marker at the grave.

(b) *Memorial markers.* (See § 804.30 (c) and (d).)

§ 804.82 Shipment and erection costs.

(a) *At civilian cemeteries.* The Government will prepay shipping charges for delivery to the consignee. Costs for transporting the marker to the cemetery, and erection, must be borne by the applicant.

(b) *At Government cemeteries.* All expense is borne by the Government.

Subpart J—Handling of Reimbursable Cases Outside the Continental United States

§ 804.90 Furnishing mortuary services and supplies on reimbursable basis.

Mortuary services and supplies may be furnished on a reimbursable basis in an Air Force mortuary to care for the remains of the following when local commercial facilities and supplies are not available or, if available, the cost thereof is prohibitive:

(a) Dependents of members of the Armed Forces who die while the member is on active duty (other than for training).

(b) Dependents of civilian employees of the Armed Forces (paid from appropriated funds) who die while residing with such employee performing official duties outside the continental United States or while traveling to or from such place.

(c) Contractor engineering and technical services personnel, as defined in AFM 66-18.

(d) U.S. citizens and their dependents cited in § 804.2(e).

Subpart K—Military Honors

§ 804.100 Policy and responsibility.

(a) *Policy.* It is the view of the Department of Defense that it is a privilege to participate to the extent possible in the conduct of funerals for active and retired military personnel and veterans who served honorably in the Armed Forces. Commanders at all echelons will place sufficient emphasis on this program to insure that honors are properly rendered in every instance.

(b) *Responsibility.* Air Force commanders of bases manned by active duty personnel will provide or assist in providing military honors as prescribed below. Commanders of Air Reserve training bases will coordinate the furnishing of military honors with the nearest capable Air Force installation manned by active duty personnel.

(1) *Air Force member.* Upon request of the next of kin of an active duty member of the Air Force or a retired member of the Air Force or Air Corps provide honors.

(2) *Air Force veteran.* Upon request of the next of kin of any veteran of Air Force or Air Corps whose last service terminated honorably, advise the next of kin to first request honors from local patriotic organizations. Should it be impossible for any local organization to furnish honors make every effort to provide honors.

(3) *Personnel of other services.* Upon request of the next of kin of a deceased of another service:

(i) Advise the next of kin that the request will be passed on to the nearest military activity of the same service as the deceased.

(ii) Contact the parent service of the deceased who must assume responsibility for the requested honors in accordance with Department of Defense policy; the other service should be asked to work out arrangements with the next of kin.

(c) Air Force commanders of bases manned by active duty personnel will cooperate with other services within their capability in furnishing military honors.

(d) Air Force commanders of bases manned by active duty personnel when the parent service of the deceased and requested by another service to take care of its own will assume the responsibility to provide or assist in providing military honors for those personnel indicated in paragraph (b) (1) and (2) of this section.

(e) In instances where Air Force commanders are unable to provide requested military honors for:

(1) An active duty member of the Air Force or a retired member of the Air Corps or Air Force, the major command concerned will determine the final action to be taken. The decision to decline to participate in furnishing military honors in these instances will not be delegated below the major command level.

(2) A veteran of the Air Corps or Air Force, the base commander concerned will advise the person making the request in a timely manner that it is necessary to respectfully decline to participate. However, each request should be considered in light of the circumstances at the time.

(f) The organization responsible for obtaining instructions from the next of kin for disposition of remains of Air Force personnel who die while on active duty will determine whether or not the next of kin desires military honors at the funeral. The installation to provide honors will not be committed at this time regarding the type and extent of honors that will be furnished.

(g) The home installation will provide military honors when the place of burial is located nearby. When the place of burial is not near the home installation, the mortuary officer who is arranging for disposition of the remains will ask the Air Force installation nearest the place of burial to provide honors. Exception: When a military member dies overseas and the remains are returned to the continental United States for burial, the mortuary branch, HQ USAF/LGSKC, will designate the installation to provide honors.

(h) The wishes of the next of kin regarding the type and extent of honors to be furnished will be paramount, limited only by the capabilities of the activity rendering the honors, and the principles of good taste. Immediately after the request to furnish military honors is received, the base commander will designate a person to supervise the honors and to contact the next of kin to make preliminary arrangements. Final arrangements will be made when notification of

shipment of the remains to final destination is received from the shipping installation. The mortuary officer will assist the person who is designated to supervise the furnishing of honors. The mortuary officer will also complete Air Force Form 1946, "Military Honors Checklist," and submit a copy to the major command supervisor for mortuary affairs.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative
Division, Office of The
Judge Advocate General.

[FR Doc.73-4480 Filed 3-12-73;8:45 am]

SUBCHAPTER B—SALES AND SERVICES

PART 813—SCHEDULE OF FEES FOR COPYING, CERTIFYING AND SEARCHING RECORDS AND OTHER DOCUMENTARY MATERIAL

Part 813, Subchapter B of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

- Sec.
813.0 Purpose.
813.1 Policy on fee collection.
813.2 Restrictions on copying and releasing information.
813.3 Establishing the schedule of fees.
813.4 Services furnished free to or in behalf of members of the Armed Forces (Armed Forces includes Air Force, Navy, and Marine Corps, and their civilian components).
813.5 Services furnished free upon request from specific sources other than members of the Armed Forces of the United States.
813.6 Services furnished free, regardless of source of request.
813.7 Schedule of fees and rates.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 813.0 Purpose.

(a) This part explains what fees will be collected by the Air Force for copying, certifying, and searching records and other documentary material whose release has been authorized under pertinent Air Force directives. It also cites certain restrictions that must be applied in the release of material.

(b) Additionally, Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 813.1 Policy on fee collection.

(a) A reasonable charge will be made for any service or sale that conveys a special benefit to the recipient above and beyond any benefits that accrue to the general public (see § 813.7). A special benefit will be considered to accrue and a charge will be made when the service:

(1) Enables the recipient to obtain more immediate or substantial gain or

values than those which accrue to the general public; or

(2) Is performed at the request of the recipient and is above and beyond the service ordinarily received by, or available to, the general public without charge.

(b) The charge for a special service may be waived, or reduced, when it is determined that:

(1) The recipient of the special benefit is engaged in a nonprofit endeavor which is actively promoting the public safety, health, or welfare, and the national interest;

(2) Payment of the full cost or fee by a State, local government or nonprofit group would not be consistent with traditional policy of Air Force or Federal support of the customer's endeavor; and

(3) The incremental cost of collecting the fee would be an unduly large part of the receipts for the service.

(c) The service or sale will be provided without charge, when the request is:

(1) From, or in behalf of, a member of the Armed Forces (see § 813.4).

(2) From other specific sources (see § 813.5).

(3) In accordance with the policy of free service (see § 813.6).

(d) When the fee can be determined in advance, it will be collected before the service is rendered, unless the service is in response to an unusual request (for example, in a situation where time is so important to the customer that the delay might make the information useless; where the cost is insignificant; or

where the recipient has established a regular customer relationship).

§ 813.2 Restrictions on copying and releasing information.

(a) All requests for information and documentation are subject to policy outlined in Part 806 of this chapter and Air Force directives governing the release of information.

(b) To avoid violating the exclusive rights of a copyright holder, consult AFR 110-8 before copying or selling copyrighted material in any Air Force document.

(c) The restrictions outlined in AFR 6-1 also apply in copying and reproducing material.

§ 813.3 Establishing the schedule of fees.

Costs are determined or estimated by the cost standards outlined in Part 812 of this chapter and in this part.

(a) HQ USAF/DAD reviews the schedule of fees:

(1) At least once each year, to determine whether the Air Force should:

(i) Collect fees for other services rendered to the public, or

(ii) Change or discontinue any of the existing fees.

(2) Whenever costs change significantly.

(b) Any activity may submit a recommendation for a change or addition to these fees.

§ 813.4 Services furnished free to or in behalf of members of the Armed Forces. (Armed Forces includes Air Force, Navy, and Marine Corps and their civilian components.)

Ref. No.	A When requested by—	B This service is furnished free
1	A member of the Armed Forces of the United States.	Any service when he requires the information or document in his capacity as a member of the Armed Forces of the United States.
2	A member or retired member of the Armed Forces of the United States.	Copies of papers or information from his own medical and dental records when required for treatment and copies of his flight records.
3		The address of record of an active member or former member of the Armed Forces of the United States, if the information can be furnished informally through reference to a local telephone directory, base locator or the USAF Worldwide Locator Service.
4	A member of the Armed Forces who is in a casualty status, or from his next of kin or legal representative.	Any service.
5	A member or retired member, or his dependent.	Any service pertaining to copies of papers or information from the medical or dental records of the dependent when required for treatment.
6	A relative or legal representative of a member of the Armed Forces of the United States.	The address of record of an active duty member of the Armed Forces of the United States if the information can be furnished informally through reference to a local telephone directory, base locator, or the USAF Worldwide Locator Service.
7	A member or former member of the Armed Forces of the United States.	Any service pertaining to requests for: Information: Required to obtain financial benefits; relating to a decoration or award; or required for memorial purposes. Documents that show membership and military records in the Armed Forces, when discharge or release was under honorable conditions. Review of or change in type of discharge. Correction of records. Personal documents, such as birth certificate, when the registrant is required to furnish the document.

§ 813.5 Services furnished free upon request from specific sources other than members of the Armed Forces of the United States.

Ref. No.	A When requested by—	B This service is furnished free
1	A member of Congress	Any service that is for official use.
2	An agency of a State, U.S. possession, county, or municipal government or a U.S. Government agency that is carrying on a function favorably related to and in furtherance of an objective of the Department of Defense.	Any service requested.
3	A court	Any service that will serve as a substitute for personal court appearance of a military or civilian employee of DOD.
4	A nonprofit organization that is carrying on a function in furtherance of an objective of the Federal Government and/or is in the national interest in the area of public health, safety or welfare.	Any service or information requested dealing directly with the mission of the organization as reflected in its charter.
5	A donor	Any service pertaining to his gift.
6	A Federal employee	Information to complete forms applicable to claims for reimbursement under the Federal Employee's Health Benefit Act of 1959 (5 U.S.C. 8901, et seq.).
7	An accredited medical facility, physician, or dentist, or a patient or his next of kin or legal representative.	Information from or copies of medical or dental records or X-ray films of patients or former patients of military medical or dental facilities, if information or copies are for furthering medical or dental care of the patient.
8	A custodian or manager of property owned by a member or former member of the Armed Forces of the United States who seeks to communicate with the owner about that property.	The address of record of an active duty member or former member of the Armed Forces of the United States.
9	A prospective employer or recognized source of inquiry for credit or financial purpose.	Any service that involves confirmation of employment or salaries of active or separated civilian or military personnel.

§ 813.6 Service furnished free, regardless of source of request.

- Ref. No. Service furnished free upon request
- Any service designated as free by a statute or executive order.
 - Any service that relates to or furthers the Armed Forces Recruiting Program.
 - Any service furnished to representatives of public information media or the general public in the interest of furthering understanding of the Armed Forces.
 - Any service the cost of which would ultimately be charged to the Federal Government.
 - Any request that results in an unsuccessful search of records, except a request to determine the existence or nonexistence of a record, or an unsuccessful search for an address of record.
 - Any service when furnishing it free is an appropriate courtesy to a foreign country or international organization. (When comparable fees are set on a reciprocal basis with a foreign country, such fees apply instead of the fees in § 813.7.)
 - Administrative services normally provided in reference or reading rooms or libraries for public inspection of records, except furnishing copies of records or documents.
 - Information about a casualty.
 - Address of record of an active duty member or former member of the Armed Forces of the United States when it can be furnished informally through reference to a local directory (locator), if the address is required to pay money or forward property to the member or former member.
 - Address of record of members and employees required by banks and other financial organizations participating in the composite check/guaranteed deposit program and listed in the "Financial Organization Directory" of the Treasury Department.

- Requests for services that are occasional, incidental, and not often made (including any request from a resident of a foreign country), if it is administratively determined that a fee for such an occasional case would be inappropriate.

§ 813.7 Schedule of fees and rates.

This schedule of fees applies to authorized services related to copying, certifying, and searching records rendered to the public, unless those services are excluded or excepted from charges under § 813.1. A minimum fee of \$2 is levied for processing any chargeable case, except as specified below. (This ordinarily provides for only one copy of the document.)

(a) Training and education records.

- Transcripts (including transcripts of graduation from military academies and schools), original copy \$2.00
Each additional copy .25
- Certificates (including certificates, verification of attendance, and course completion from service schools and other facilities), original copy 2.00
Each additional copy .25

(b) Medical and dental records.

Requests that involve the records of patients and former patients, when the record is to be used for purposes other than further treatment (for example, for information from, or for copies of, medical records, including clinical records (inpatient records of military and nonmilitary patients); health records (military outpatient records); outpatient records (nonmilitary outpatient records); dental records; and loan of X-ray). For copies of other medical articles and illustrations, apply the rates for general services as shown in paragraph (1) of this section.

- Searching and processing (per hour) \$5.00
Minimum charge 3.00
- Each typewritten page 1.75
- Office copy reproduction (per image; first 6 images included in the minimum fee) .05
- Loan of each X-ray 1.50

(c) Military membership and record (excluding medical and dental records).

- Address of record, both successful and unsuccessful searches, each \$2.00
- Copies of releasable military personnel records (such as effectiveness reports) reproduced for the personal use of an active, retired, or former member, or for the next of kin of a deceased member of the Armed Forces.
 - Minimum charge (up to 6 pages of office copy reproductions) \$2.00
 - Each additional image or each additional page (standard or legal) .05
 - Statement of verification of service, or report of separation, for individuals with other than honorable discharges 3.00
 - Certification and validation with seal, each 3.00

(d) Photography, motion picture film, and magnetic tape. All film used in duplication to furnish a requested end product shall be charged on a per foot basis (for additional information, see Parts 810 and 811 of this chapter).

(1) Still or documentary pictures (not more than three prints from any one negative on each order). If available, standard sizes not listed here may be furnished at proportional rates.

- | | |
|--|--------|
| 8×10 single weight glossy finish, 1st print | \$1.25 |
| 2d and 3d print, each | 1.00 |
| 8×10 double weight matte finish, 1st print | 1.75 |
| 2d and 3d prints, each | 1.50 |
| 11×14 double weight matte finish, each | 3.50 |
| 16×20 double weight matte finish, each | 4.75 |
| 20×24 double weight matte finish, each | 6.50 |
| 35 mm. color transparencies (cardboard mount), each | 3.50 |
| 4×5 color transparencies or color negative, each | 6.75 |
| 8×10 color transparencies or color negative, each (in quantities not to exceed 3 copies of any 1 view) | 14.00 |
| 8×10 color type "C" print, 1st print | 4.50 |
| 2d and 3d prints, each | 2.00 |
| 11×14 color type "C" print, 1st print | 8.00 |
| 2d and 3d print, each | 5.00 |
| 16×20 color type "C" print, each | 17.50 |
| 16×20 color type "C" print, mounted on 20×24 cardboard, each | 19.25 |

(2) An aerial photographic print (contact print or duplicate negative; single weight glossy or double weight semi-matte).

- Negatives (in quantity):
 Up to 9 by 9 inches: 1-25 at \$1.75 per print, over 25, \$43.75, plus \$1.25 for each print.
 9 by 18 inches: 25 at \$3 per print, over 25, \$75, plus \$2.30 for each print.
- Print enlargements:
 14 by 14 inch format, each \$3.00
 18 by 18 inch format, each 3.50
 20 by 20 inch format, each 4.00
 Duplicate positives, each 3.00
 Duplicate negatives:
 Up to 9 by 9 inch format, each 6.00
 9 by 18 inch format, each 10.00

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(3) Aerial photographic indexes and mosaic copies:

Size 20 by 24 inch, each..... \$3.00

(4) Reproduction of cover overlays:

Transparent foil film overlays, each... 2.00
Transparent paper overlays, each..... 1.00

(5) Motion picture:

16 mm. or 35 mm., black and white, unedited footage:
Without optical sound track, per foot..... .07
With optical sound track, per foot... .10

Color unedited footage:

16 mm., per foot..... .20
16 mm., internegative..... .25
35 mm., per foot:Answer print, each..... .45
Viewing or release print, each..... .15
Separation master positive (3 required)..... .85
Color, interpositive, each..... .55
Color, internegative, each..... .55

Magnetic tape (per foot):

16 mm. (direct dubb), each..... .05
35 mm. (direct dubb), each..... .05

Searching (including overhead expense), each hour or fraction thereof..... 10.00

Minimum charge (including stock search) per order..... 20.00

(e) Construction and engineering information. The fees for copies of a photographic map, specification, permit, chart, blueprint, or other technical engineering document are as follows:

(1) Searching, per hour (or fraction thereof)..... \$5.00
(2) First print..... 1.00
Each additional print of same document..... .50

(f) Claims or litigation. This refers to requests for information from a court-martial record, or from an investigative report (such as an automobile collision investigation, etc.). If the record is to be used in private litigation, or in a claim or litigation to which the U.S. Government is a party (and when the court rules that the record will be provided at no cost to the Government), the following rates apply, unless the rates in paragraphs (b) and (c) of this section apply.

(1) Searching and processing, per hour (for professional search or research, see paragraph (1) of this section)..... \$5.00
Minimum charge..... 3.00
(2) Office copy reproduction (minimum charge, up to 6 reproduced images)..... 2.00
(3) Each additional image or each additional page (standard or legal)..... .05
(4) Certification and validation with seal, each..... 3.00

(g) Publications and forms. This refers to requests for shelf stock, or when shelf stock is unavailable, for office copy reproductions of a publication or form. When the service requires extensive time (1 hour or more) in searching or processing, an additional fee applies, as explained in paragraph (i) of this section.

(1) Shelf stock:
(1) Minimum fee (includes the first 6 pages of the publication, or the first copy of a form)..... \$2.00

(ii) Additional copies:

(a) Publications (each printed page over 6 pages)..... .01
(b) Forms, per copy..... .05

(2) Office copy reproduction, when shelf stock is not available:

(1) Minimum fee (includes the first 6 pages or images of the publication or forms)..... \$2.00

(ii) Each additional image or each additional page (standard or legal)..... .05

(h) Microfilms.

(1) General:

(i) Diazo/thermal process:

(a) 16 mm., per 100-foot roll..... \$3.00

(b) 16 mm., roll film, per frame..... .25

(c) 35 mm., per 100-foot roll..... 3.50

(d) 35 mm., roll film, per frame..... .30

(ii) Silver process:

(a) 16 mm., per 100-foot roll..... 4.00

(b) 16 mm., roll film, per frame..... .25

(c) 35 mm., per 100-foot roll..... 6.00

(d) 35 mm., roll film, per frame..... .30

(iii) Microfiche:

(a) Cost of each copy of the fiche..... .95

(b) Cost to make a copy of a frame..... .25

(2) Engineering data:

(i) Aperture cards, silver duplicate negative, per card..... .40

When keypunched, verified and interpreted, per card..... .50

(ii) Copy cards, diazo duplicate negative, per card..... .35

When reproduced punched and interpreted each card..... .40

(iii) 35 mm. microfilm, per individual frame..... .30

(a) When copies of engineering data are maintained in roll form only and complete roll(s) are required, per foot..... .10

(b) Minimum charge per order, including stock search..... 10.00

(iv) Paper reproduction for microfilm:

(a) Paper prints (engineering drawings), each..... .50

(b) Paper reprints of microfilm indices, for each printed page (standard or legal)..... .05

Minimum processing charge, per order..... 2.00

(c) Letter-size (standard or legal) paper prints from 16 mm. roll or cartridge film, each..... .15

(d) Letter-size (standard or legal) paper prints from 35 mm. roll film, each..... .15

(e) Larger than letter-size paper prints from 35 mm. roll film, each..... .50

(1) General services. When the fee is not specified here for any service which is authorized by this part and consistent with the policy outlined in Part 812 of this chapter, the following rates will apply:

(1) Clerical search and processing, each hour..... \$5.00
Minimum charge, including first half-hour..... 3.00

(2) Professional searching or researching (by professional personnel as opposed to clerical personnel) will be established prior to the search, using the actual hourly pay rate of the professional accomplishing the work. (The minimum charge will be one-half the hourly rate.)

(3) Minimum charge for office copy reproduction, including the first 6 pages..... 2.00

(4) Each additional image or each additional page (standard or legal)..... .05

(5) Each typewritten page..... 1.75

(6) Certification and validation with seal, each..... 3.00

(7) Review of application for authorization to solicit members of the military services for the purchase of life insurance on U.S. military installations in foreign areas..... 175.00

(8) Handdrawn plots and sketches, per hour (or fraction thereof)..... 6.00

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc. 73-4481 Filed 3-12-73; 8:45 am]

SUBCHAPTER I—MILITARY PERSONNEL
PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

Part 888, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.	Purpose.
888.0	Definitions.
888.1	Instructions.
888.2	Citizenship requirements.
888.3	Age.
888.4	Mental and educational requirements.
888.5	Applicants ineligible to enlist.
888.6	Obtaining specific authority for enlistment.
888.7	Applicability of the program.
888.8	Terms of enlistment.
888.9	Date of rank.
888.10	Preenlistment security investigation.
888.11	Nonprior service (NPS) program.
888.12	Enlistment in NPS personnel for Air Force bands.
888.13	Medically remedial enlistment program (MREP).
888.14	Prior service program.
888.15	Women in the Air Force (WAF) (NPS).
888.16	Airmen removed from temporary disability retired list (TDRL).
888.17	Restored Air Force prisoners.
888.18	Applicants whose last period of service was in officer status.
888.19	Officer appointees to the U.S. Air Force Academy.
888.20	Selected applicants to School of Military Sciences, Officer (SMSO).

- 888.22 National Guard and Reserve members of the Armed Forces not on extended active duty (EAD).
- 888.23 National Guard and Reserve members of the Air Force on extended active duty (EAD).
- 888.24 General considerations.
- 888.25 Prequalification of applicants by USAF recruiting service.
- 888.26 Processing of qualified applicants by USAF recruiting service.
- 888.27 Distribution of enlistment documents by AFES.

Authority: 10 U.S.C. 8012, except as otherwise noted.

§ 888.0 Purpose.

(a) This part prescribes the eligibility requirements for enlistment in the regular Air Force.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888.1 Definitions.

(a) *Extended active duty (EAD)*. A tour of active duty, normally in excess of 90 days, performed by a Reservist for whom strength accountability changes from the Air Reserve Forces to the Regular Air Force.

(b) *Original enlistment*. Enlistment of a person who never was a member of the Army Air Corps, Army Air Forces, or U.S. Air Force.

(c) *Prior service (PS)*. Includes: (1) former members of the Armed Forces who served a continuous period of active duty for 6 months or more.

(2) Enlisted or former enlisted members of Reserve components of the Armed Forces who served a continuous period of active duty or ACDUTRA exceeding 6 months, except as provided in § 888.22 (b).

(d) *Reenlistment code*. This entry made in item 15, DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," is a primary consideration in establishing the enlistment eligibility of an applicant with previous military service. An explanation of the entries made for former Air Force personnel is as follows:

- (1) "NA"—Airman reenlisting within 24 hours or being released from involuntary recall to extended active duty.
- (2) "1"—Applicant is eligible for enlistment.
- (3) "2"—Applicant is barred from enlistment by § 888.6.
- (4) Blank—No entry is made when directed by HQ USAF.

(e) *Restraint*. As used in this part, restraint means court imposed restrictions such as confinement, suspended sentence of confinement, parole, probation, or work detail. The following are not considered forms of restraint:

- (1) Acceptance of detention in lieu of fine.
- (2) A fine, whether or not suspended.
- (3) An unconditional suspended sentence.
- (4) Unsupervised unconditional probation.

(f) *Unconditional suspended sentence and unsupervised unconditional probation*. These terms are explained as any suspended sentence or probationary status imposed by a criminal or juvenile court that places no conditions upon the individuals:

- (1) Regarding his freedom of movement.
- (2) Requiring the payment of damage (upon payment, the condition would not be disqualifying).
- (3) Requiring periodic reporting by him to an officer of the court (to include a probation officer).
- (4) Involving supervision by an officer of the court (to include a probation officer).

§ 888.2 Instructions.

(a) *Secretarial authority*. The Secretary of the Air Force may deny enlistment to any individual although the applicant appears to meet the criteria specified in this part. The Secretary of the Air Force may also authorize waivers of, or exceptions to, the provisions of this part which do not recite or implement statutory requirements.

(b) *Privileged communications*. All letters, documents, and information pertaining to applicants are privileged communications and will not be revealed to anyone not officially concerned. Release of mailing lists or rosters of military personnel, applicants, and dependents is prohibited. Do not reveal derogatory information to the applicant.

(c) *Provision on confidentiality of information*. All information received from judicial authorities and probation officers, all character, police and employment references, and any other document reflecting upon the character of an applicant are confidential in nature. Treat their source and contents accordingly and do not make them available to anyone outside the recruiting service except authorized Air Force investigative officials (commanders and OSI agents) and only to them provided its content is held in confidence and is not released to another agency outside the investigative channels. It is incumbent upon recruiters to refrain from divulging the nature or source of any adverse rating to prevent reflections on institutions, officials, or others who have made objective ratings.

(d) *Enlistment oath*. The oath of enlistment may be taken before any commissioned officer of any Armed Force of the United States. Except under unusual circumstances, use an active duty officer (preferably Air Force) in uniform to administer the oath.

§ 888.3 Citizenship requirements.

Applicant must be a citizen of the United States or possess a valid Form I-151, "Immigration and Naturalization Service Alien Registration Receipt Card," as evidence of lawful entry into the United States for permanent residence. Do not process in any way (including preliminary qualification testing) an alien who does not possess an I-151 form as he is ineligible for enlistment; advise him to contact the Immigration and Naturalization Service to obtain this form.

Reproduction of the I-151 form in any manner is prohibited.

§ 888.4 Age.

All applicants, except when otherwise specified, are required to meet the standards listed under this section.

Rule	A If applicant is—	B Then the minimum age is attainment of the— (note 1)	C And the maximum age limit is—
1	Male nonprior service.	18th birthday.	Less than the 28th birthday.
2	Female nonprior service.	21st birthday.	
3	Male prior service.	18th birthday.	Less than 28, when reduced by total active service shown on DD Form 214 (note 2).
4	Female prior service.	21st birthday.	

Notes: 1. Minimum age is 17 years for men and 18 years for women if DD Form 373, "Consent, Declaration of Parent or Legal Guardian (for Enlistment of a Minor in the U.S. Armed Forces)," is properly executed.

2. Applicants over 35 years of age must have at least 3 months prior service in the U.S. Air Force.

§ 888.5 Mental and educational requirements.

(a) *Mental testing*—(1) *Passing scores*. All applicants must attain passing scores as prescribed and additionally qualify as outlined in paragraph (a)(2) of this section.

(2) *Additional qualifications and restrictions on enlistments*. Applicant enlisting for a specific aptitude or AFSC must attain the passing score prescribed for that aptitude area in AFM 35-1.

(3) *Testing guidelines*. (i) USAF Recruiting Service will administer the ASVAB or AQE to applicants. ACT scores may be accepted for enlistment of members of the Air Force Reserves or Air National Guard. Oversea applicants will be tested with the ACT. Defer from enlistment applicants failing to achieve a qualifying score. When authorized by AFMPC/DPMMPA, recruiting service may establish and publish scores for deferment higher than the minimum prescribed scores.

(ii) Do not administer the ASVAB, AQE, or ACT to:

(a) Any applicant currently on active duty with another Armed Force.

(b) A high school student, unless he is scheduled to graduate during the current school year or is tested under the HS testing program.

(iii) The Defense Language Aptitude Test (DLAT) is authorized to be administered by AFES to those individuals desiring to be considered for a guaranteed job in AFSC 203X0 who are referred by Air Force liaison NCO's. To be eligible, individuals must receive a score of 80 or above on the general aptitude index of the AQE or ACT.

(4) *Retesting.* (i) A retest of an applicant who failed to achieve a qualifying score on the AQE, ASVAB, or ACT may not be administered until 1 year after the date of the first test. Only one retest is authorized.

(ii) An applicant, qualified on the ASVAB or AQE who previously failed the AFQT/AFWST and later successfully completes the Job Corps training program as evidenced by JC Form 71 or 71A, "Certificate of Achievement," may be retested once. This exception also applies to a person who submits a certificate or other satisfactory evidence of having completed a federally sponsored educational program subsequent to his failure to pass the AFQT/AFWST.

(iii) Any applicant may be retested on the AFQT/AFWST provided all the conditions below are met:

(a) The recruiting detachment commander determines that the applicant deserves a retest.

(b) No applicant is tested more than twice.

(c) Applicant has qualified on the ASVAB or AQE for enlistment in the Air Force.

(b) *Conditions that bar enlistment.* (1) Intoxicated or under the influence of alcohol or drugs.

(2) Does not possess a social security account number (§ 888.25(b)).

(3) Conscientious objector or person with convictions which preclude unrestricted assignments, regardless of selective service classification.

(4) Enlistment not clearly consistent with interest of national security under AFR 35-62.

(5) Questionable moral character, history of antisocial behavior, alcoholism, sexual perversion, having frequent difficulties with law enforcement agencies, history of psychotic disorders.

(6) Has moral disqualifications listed in § 888.7(b)(2), or has been involved with narcotics, marijuana, or dangerous drugs (§ 888.7(d)), unless specific authority to enlist is granted (NOTE 1).

(7) Under restraint imposed by any civil court (NOTE 1).

(8) Civil or criminal charges filed or pending against them by civil authorities.

(9) Relieved of criminal charges filed and pending on condition that he enlist.

(10) Male, 18-26 years of age not registered with Selective Service.

(11) Selective Service Registrant classified I-O, I-A-O, I-W, or IV-F (NOTES 1 and 2).

(12) Under orders for induction (NOTE 3).

(13) Receiving disability compensation from any Federal or other agency.

(14) Does not have a valid letter of selection (NPS female applicants only).

NOTES: 1. For exceptions, see § 888.7.

2. Classification of IV-F because of a medical defect covered by the MREP does not render an NPS individual ineligible to enlist.

3. Applicant may enlist provided enlistment is accomplished at least 10 days prior to the scheduled reporting date for induction.

(c) *Additional conditions barring enlistment of applicant with previous military service.* (1) Separated from the Air

Force for a period of less than 93 days (NOTE 1).

(2) Separated from last period of service for unsuitability, unfitness, disloyalty, or not recommended for reenlistment.

(3) Separated with other than an honorable discharge certificate or with entry other than "Honorable" on DD Form 214.

(4) Separated with discharge or conditions that are a bar to enlistment.

(5) Separated under AFM 39-10 while on control roster.

(6) Separated because of physical disability with or without severance pay.

(7) Separated and charged with time lost under 10 U.S.C. 972 (NOTE 2).

(8) Separated in pay grade E-3 or lower after 6 months or more active duty in last enlistment (NOTE 2).

(9) Discharged prior to completion of 6 months active Federal service (NOTES 2 and 3).

(10) Separated as a USAFR member under AFR 45-43, paragraphs 11, 16, or 20 thru 28.

(11) Separated and claims prior honorable service but lacks written evidence of such service.

(12) Has completed 20 or more years active Federal service.

(13) Retired, eligible for retirement under any provision of law, or retired and serving on extended active duty.

NOTES: 1. Reenlistment may be authorized at CBPOs in accordance with AFM 36-16.

2. For exceptions see § 888.7.

3. Except those separated for minority (AFM 39-10, paragraphs 3-21) or failure to complete School of Military Sciences, Officer (SMSO) (AFM 39-10, paragraphs 3-8h) who will be given RE Code 1.

(d) *Education.* The minimum educational requirements for enlistment are as follows:

(1) A nonhigh school graduate NPS male applicant must score in mental category I, II or III (AFQT 31-99).

(2) A 17-year-old NPS male applicant must be a high school graduate unless he scores in mental category I or II on the AFQT.

(3) A WAF applicant must be a high school graduate.

(4) A prior service enlistee must be a high school graduate or have qualified on the GED test.

§ 888.6 Applicants ineligible to enlist.

Section 888.5 (b) and (c) summarize the conditions that render an applicant ineligible to enlist in the regular Air Force.

§ 888.7 Obtaining specific authority for enlistment.

(a) *Authorization required.* ATC/RS may submit to AFMPC/DPMPA, Randolph Air Force Base, Tex. 78148, fully justified requests to enlist an applicant who was:

(1) Separated from the Air Force and charged with time lost under 10 U.S.C. 972.

(2) Separated with honorable discharge under former AFR 39-10, AFR 39-11, and AFR 39-14 (now obsolete) and AFM 39-10 with DD Form 214 coded

RE-2, RE-2/91, RE-3, RE-3/91, RE-4, RE-15, or RE-20.

(3) Separated under AFM 39-10, paragraph 3-8m, and coded RE-1.

(b) *Authorization required from HQ USAF recruiting service.*—(1) Applicants separated for dependency or hardship reasons. HQ USAF recruiting service is authorized to approve enlistment of applicants separated for dependency or hardship. If more than 1 year has elapsed, approval authority may be delegated. Include the following in the request:

(i) Statement of applicant that the hardship or dependency condition is permanently terminated.

(ii) Proof in the form of affidavits or sworn statements that the hardship or dependency condition has ended. These must be executed in duplicate by the person on whose behalf the discharge was obtained or by other members of the community familiar with the home conditions involved.

NOTE: The burden of furnishing proof if the conditions at time of discharge have changed is upon the applicant.

(2) *Applicants with moral disqualifications.* Advise applicants who were convicted or adjudicated for an offense listed in this subparagraph of their ineligibility to enlist. Upon request of applicant or in meritorious cases, submit an application for waiver. Document case according to instructions from USAF recruiting service.

	A	B	C
Rule	If applicant has a conviction or an adverse juvenile adjudication for—(note 1)	And the offenses number—	Then approval authority for the waiver is delegated to—(note 2)
1	Multiple minor traffic offenses.	6 or more in 1 year.	USAF Recruiting Detachment.
2	Multiple minor nontraffic offenses.	2 or 3.....	USAF Recruiting Detachment.
3		4 or more....	USAF Recruiting Group.
4	Other (non-minor) misdemeanors.	1 or more....	USAF Recruiting Group.
5	A felony.....	1 or more....	HQ USAF Recruiting Service.

NOTES: 1. Waiting periods after civilian restraint are as follows:

(a) No waiting period is required following termination of parole, probation, or suspended sentence.

(b) A 3-month waiting period is required after termination of confinement of 15 days or more for those convicted. (Does not apply to juveniles with an adverse adjudication.)

(c) Up to a 3-month waiting period, after termination of confinement of 15 days or more for juvenile offenders, is authorized when considered necessary by the detachment commander.

(d) Up to a 2-month waiting period after termination of confinement of less than 15 days for those convicted or adjudicated is

authorized when considered necessary by the detachment commander.

2. Disapproval authority is delegated to the USAF Recruiting Detachment. Refer questionable cases to next higher headquarters within the USAF recruiting service.

(c) *Uniform guide lists of typical offenses*—(1) *Minor traffic offenses.* (i) Blocking or retarding traffic.

(ii) Careless driving.
(iii) Crossing yellow line; driving left of center.
(iv) Disobeying traffic lights, signs, or signals.

(v) Driving on shoulder.
(vi) Driving uninsured vehicle.
(vii) Driving with blocked vision.
(viii) Driving with expired plates or without plates.

(ix) Driving without license or with suspended or revoked license.

(x) Driving without registration or with improper registration.

(xi) Driving wrong way on one-way street.

(xii) Failure to comply with officer's directives.

(xiii) Failure to have vehicle under control.

(xiv) Failure to keep to right or in line.

(xv) Failure to signal.

(xvi) Failure to stop for or yield to pedestrian.

(xvii) Failure to yield right of way.

(xviii) Faulty equipment (defective exhaust, horn, lights, mirror, muffler, signal device, steering device, tailpipe, or windshield wipers).

(xix) Following too closely.

(xx) Improper backing: Backing into intersection or highway; backing on expressway; backing over crosswalk.

(xxi) Improper blowing of horn.

(xxii) Improper parking: Restricted area, fire hydrant, double parking.

(xxiii) Improper passing: Passing on right, in no passing zone; passing parked school bus; pedestrian in crosswalk (when not treated as reckless driving).

(xxiv) Improper turn.

(xxv) Invalid or unofficial inspection sticker; failure to display inspection sticker.

(xxvi) Leaving key in ignition.

(xxvii) License plates improperly displayed or not displayed.

(xxviii) Operating overloaded vehicle.

(xix) Racing, dragging, contest for speed (when not treated as reckless driving).

(xxx) Speeding (when not treated as reckless driving).

(xxxi) Spinning wheels; improper start; zigzagging or weaving in traffic (when not treated as reckless driving).

Note: This list is a guide; consider as minor the offenses of a similar nature and traffic offenses treated as minor by local law enforcement agencies.

(2) *Minor nontraffic offenses.* (i) Abusive language under circumstances to provoke breach of peace.

(ii) Carrying concealed weapon (other than firearm); possession of brass knuckles.

(iii) Curfew violation.

(iv) Damaging road signs.

(v) Discharging firearm through carelessness.

(vi) Discharging firearm within municipal limits.

(vii) Disobeying summons.

(viii) Disorderly conduct; creating disturbance, boisterous conduct.

(ix) Disturbing peace.

(x) Drinking liquor on train (other than club car).

(xi) Drunk in public; drunk and disorderly.

(xii) Dumping refuse near highway.

(xiii) Fighting; participating in affray.

(xiv) Fornication.

(xv) Illegal betting or gambling; operating illegal handbook, raffle, lottery, punch board; matching cockfight.

(xvi) Juvenile non-criminal misconduct: Beyond parental control, incorrigible, runaway, truant, or wayward.

(xvii) Killing domestic animal.

(xviii) Liquor: Unlawful manufacture, sale, or possession, or consumption in public place.

(xix) Loitering.

(xx) Malignant mischief: Painting water tower, throwing water-filled balloons, throwing rocks on highway, throwing missiles at athletic contests, or throwing objects at vehicles.

(xxi) Nuisance, committing.

(xxii) Poaching.

(xxiii) Possession of cigarettes by minor.

(xxiv) Possession of indecent publications or pictures.

(xxv) Purchase, possession, or consumption of alcoholic beverages by minor.

(xxvi) Removing property under lien.

(xxvii) Removing property from public grounds.

(xxviii) Robbing orchard.

(xxix) Shooting from highway.

(xxx) Shooting on public road.

(xxxi) Simple assault.

(xxxii) Throwing glass or other material in road.

(xxxiii) Trespass to property.

(xxxiv) Unlawful assembly.

(xxxv) Using or wearing unlawful emblem.

(xxxvi) Vagrancy.

(xxxvii) Vandalism: Injuring or defacing public property or property of another; shooting out street lights.

(xxxviii) Violation of fireworks law.

(xxxix) Violation of fish and game laws.

Note: This list is a guide; consider offenses of a similar nature as minor. In doubtful cases, apply the following rule: If the maximum confinement under local law is 4 months or less, treat the offense as minor.

(4) *Other (nonminor) misdemeanors.*

(i) Adultery.

(ii) Assault consummated by battery.

(iii) Bigamy.

(iv) Breaking and entering vehicle.

(v) Check, worthless, making or uttering, with intent to defraud or deceive (\$100 or less).

(vi) Conspiring to commit misdemeanor.

(vii) Contributing to delinquency of minor.

(viii) Desecration of grave.

(ix) Driving while drugged or intoxicated.

(x) Failure to stop and render aid after accident.

(xi) Indecent exposure.

(xii) Indecent, insulting, or obscene language communicated to a female directly or by telephone.

(xiii) Leaving dead animal.

(xiv) Leaving scene of accident (hit and run).

(xv) Looting.

(xvi) Negligent homicide.

(xvii) Petty larceny (value \$100 or less); stealing hub caps; shoplifting.

(xviii) Reckless driving.

(xix) Resisting arrest.

(xx) Selling or leasing weapons to minor.

(xxi) Slander.

(xxii) Stolen property, knowingly receiving (value \$100 or less).

(xxiii) Suffrage rights, interference with.

(xxiv) Unlawful carrying of firearms; carrying concealed firearm.

(xxv) Unlawful entry.

(xxvi) Unlawful use of long-distance telephone lines.

(xxvii) Use of telephone to abuse, annoy, harass, threaten, or torment another.

(xxviii) Using boat without owner's consent.

(xxix) Wilfully discharging firearm so as to endanger life; shooting in public place.

(xxx) Wrongful appropriation of motor vehicle; joyriding; driving motor vehicle without owner's consent (if intent is to permanently deprive owner of vehicle, consider as grand larceny).

Note: This list is a guide; consider offenses of comparable seriousness as nonminor misdemeanors. In doubtful cases, apply the following rule: If the maximum confinement under local law exceeds 4 months but does not exceed 1 year, treat the offense as a nonminor misdemeanor.

(4) *Felonies.* (i) Aggravated assault; assault with dangerous weapon; assault intentionally inflicting great bodily harm; assault with intent to commit felony.

(ii) Arson.

(iii) Attempt to commit felony.

(iv) Breaking and entering with intent to commit felony.

(v) Bribery.

(vi) Burglary.

(vii) Carnal knowledge of female under 16.

(viii) Cattle rustling.

(ix) Check, worthless, making or uttering, with intent to defraud or deceive (over \$100).

(x) Conspiring to commit felony.

(xi) Criminal libel.

(xii) Extortion.

(xiii) Forgery; knowingly uttering or passing forged instrument.

(xiv) Graft.

(xv) Grand larceny; embezzlement (value over \$100).

(xvi) Housebreaking.

(xvii) Indecent acts or liberties with child under 16.

- (xviii) Indecent assault.
 (xix) Kidnaping, abduction.
 (xx) Mail matter: Abstracting, destroying, obstructing, opening, secreting, stealing, or taking.
 (xxi) Mails: Depositing obscene or indecent matter.
 (xxii) Maiming; disfiguring.
 (xxiii) Manslaughter.
 (xxiv) Misprison of felony.
 (xxv) Murder.
 (xxvi) Narcotics or habit forming drugs: Wrongful possession, use, or sale.
 (xxvii) Pandering.
 (xxviii) Perjury; subordination of perjury.
 (xxix) Public record: Altering, concealing, destroying, mutilating, obliterating, or removing.
 (xxx) Rape.
 (xxxi) Riot.
 (xxxii) Robbery.
 (xxxiii) Sedition; soliciting to commit sedition.
 (xxxiv) Sodomy.
 (xxxv) Stolen property, knowingly receiving (value over \$100).

NOTE: This list is a guide; consider offenses of comparable seriousness as felonies. In doubtful cases, apply the following rule: If maximum confinement under local law exceeds 1 year, treat the offense as a felony.

(d) Accession of military personnel through original enlistment/appointment. Illegal drug usage affects enlistment/appointment eligibility as follows:

- (1) An applicant is ineligible for enlistment/appointment if he has:
- (i) Ever used LSD or.
 - (ii) Ever illegally used narcotics or dangerous drugs
 - (iii) Ever been a supplier or casual supplier of narcotics, dangerous drugs or marihuana, or
 - (iv) Illegally used marihuana more than four times or at any time in the last 3 months.
- (2) Persons who have experimented with marihuana are not normally eligible for flying training. USAFA applicants, requests for individual waiver for flying training will be considered by the USAFA Director of Physical Standards. All other requests for waiver will be considered by AFMPC/DPMAJD provided the applicants have not experimented with marihuana during the last 12 months.

§ 888.8 Applicability of the programs.

Sections 888.9 through 888.16 outline the programs for enlistment in the regular Air Force and applies to all personnel enlisting unless specified otherwise.

§ 888.9 Terms of enlistment.

(a) The Air Force has various terms of enlistment to meet the desires of the individual and the needs of the Air Force. The number of years in the enlistment period is determined by the option which the applicant qualifies for and selects. More guarantees and inducements are available to an applicant enlisting for the longer period.

(b) Enlist all applicants for 4 year terms except when:

- (1) Specifically directed otherwise.

(2) Enlistment is accomplished under special limited programs announced by HQ USAF/DPMPMA.

§ 888.10 Date of rank.

Date of rank for all enlistees except when specified otherwise in §§ 888.17 through 888.23 is the date of enlistment.

§ 888.11 Preenlistment security investigation.

(a) The completion of a preenlistment security investigation, under certain circumstances, may be required before he is eligible for enlistment.

(b) Complete all processing, except enlistment, before requesting security investigation. Advise applicant that the normal time required to complete the investigation is 60 to 120 days; additional time may be necessary if applicant has resided for an extended period of time or has near relatives currently residing in a Communist-oriented country. If applicant has received a notice to report for induction, furnish the Selective Service Board a written statement of qualifications and request a deferment of 90 days from induction. If the Board approves the deferment in writing, submit request for investigation. Inform the Selective Service Board in writing, when the deferred applicant does not enlist.

(c) Submit request for preenlistment security investigation under AFR 205-6. Enter following remark as the reason for requesting the investigation on AF Form 1145, or DD Form 1584 as appropriate: "Applicant requires a security investigation prior to enlistment in accordance with AFR 205-6, paragraph 10."

(d) Upon receipt of notification from HQ USAF/DPMS that the facts developed in the investigation were reviewed and authority to enlist the individual is granted, enlist the otherwise qualified applicant. On date of enlistment, recruiting detachment will forward by certified mail the letter of notification and any investigative records to the airman's unit of assignment, Attention: Security police. If the applicant is not qualified for enlistment, or declines to enlist, file the records at the detachment, and destroy in accordance with AFM 12-50, table 35-3.

(e) Communist or Communist-oriented countries:

Country or area	Date effective
Albania	Jan. 11, 1946.
Bulgaria	Oct. 27, 1946.
Chinese Peoples Republic (Communist China) (including Tibet)	Jan. 1, 1949.
Cuba	Dec. 2, 1960.
Czechoslovakia	Feb. 25, 1948.
Democratic Peoples Republic of Korea (North Korea—above the 38th parallel)	Sept. 2, 1945.
Democratic Republic of Vietnam (North Vietnam)	Dec. 19, 1946.
Estonia	June 15, 1940.
German Democratic Republic (GDR) (East Germany)	Apr. 1, 1946.
Hungary	June 1, 1947.
Kurile Islands and South Sakhalin (Kurafuto)	Sept. 2, 1945.
Latvia	June 15, 1940.
Lithuania	June 15, 1940.
Poland	Feb. 7, 1947.

Republic of San Marino	*Mar. 14, 1945.
Rumania	Dec. 30, 1947.
Soviet Sector of Berlin	Apr. 1, 1946.
Union of Soviet Socialist Republics (U.S.S.R.)	Oct. 25, 1922.
Yugoslavia	Nov. 11, 1945.

NOTE: *Terminated October 26, 1957.

§ 888.12 Nonprior service (NPS) program.

The provisions of this program apply to all nonprior service applicants regardless of the program for which they enlist.

(a) Subject to the restriction of the established numerical objectives of the enlistment programs, give enlistment priority to NPS applicant who is:

(1) In the USAFR (DEP), Part 907 of this chapter.

(2) Authorized enlistment by HQ USAF either for a class of applicants or by individual letter of specific authority to enlist.

(3) Authorized enlistment in Grade E-2, if applicable.

(4) A high school graduate or has attained a higher educational level.

(b) Nonprior service male applicants who are found disqualified on AFQT for enlistment at the AFEEs are required to take the regular physical examination given to all inductees or enlistees.

(c) All enlistees are assigned to the School of Military Sciences, Airmen (SMSA), Lackland Air Force Base, Tex.

(d) Enlistment programs such as the Air Force Band or Medically Remedial Enlistment Program (MREP) may be implemented to augment the normal NPS enlistment program.

§ 888.13 Enlistment of NPS personnel for Air Force Bands.

Eligibility for:

(a) An applicant for an Air Force Band, otherwise qualified for enlistment, is required to establish instrument or band qualification prior to enlistment.

(b) Advise applicant that:

(1) If he is proficient on an instrument for which a requirement exists he should consult one of the following band directors:

Alabama—Maxwell Air Force Base	36112.
Alaska—Elmendorf Air Force Base	69506.
Arizona—Luke Air Force Base	85301.
California—March Air Force Base	92508.
Colorado—Ent Air Force Base, United States Air Force Academy	60840.
District of Columbia—Bolling Air Force Base	20332.
Florida—MacDill Air Force Base	33608.
Georgia—Robins Air Force Base	31093.
Hawaii—Hickam Air Force Base	96553.
Illinois—Chanute Air Force Base	61866.
Scott Air Force Base	62225.
Louisiana—Barksdale Air Force Base	71110.
Massachusetts—Westover Air Force Base	01022.
Mississippi—Keesler Air Force Base	30534.
Nebraska—Offutt Air Force Base	68113.
Ohio—Wright-Patterson Air Force Base	45433.
Texas—Lackland Air Force Base	78236.
Sheppard Air Force Base	76311.
Virginia—Langley Air Force Base	23365.
Washington—McChord Air Force Base	98438.

(2) All expenses in connection with pre-enlistment auditioning must be paid by the applicant.

(3) He may volunteer for assignment to a specific Air Force Band, or any Air Force Band, except the U.S. Air Force Band, HQ COMD, USAF, Bolling Air Force Base, Washington, D.C.

(4) He may enlist in the Regular Air Force for assignment to the U.S. Air Force Band, HQ COMD, USAF, Bolling Air Force Base, D.C., as a performing member, only through the Delayed Enlistment Program (DEP). Assignment to the U.S. Air Force Band as a performer requires a completed expanded background investigation. AFEES will furnish the extra copy of the SF 88 and 93 prescribed by AFR 205-32 for this investigation. Part 907, Delayed Enlistment Program (DEP) of this chapter, explains the required procedures. Do not enlist an individual through the DEP or into the Regular Air Force for the U.S. Air Force Band if an investigation is required.

(c) The Band director will audition applicant according to AFR 39-61. If found qualified in the instrumental performance tests for the three skill level, process applicant as outlined. Accomplish all instrumental and vocal auditions for membership in the U.S. Air Force Band, Bolling Air Force Base, D.C., at Bolling Air Force Base, D.C.

§ 888.14 Medically Remedial Enlistment Program (MREP).

NPS male personnel who meet the special medical standards may enlist in MREP if qualified in accordance with this section. The AFEES Medical Examining Officer will determine whether the applicant is medically qualified for the MREP. The AFEES will inform the Air Force recruiting detachment concerned that the applicant is qualified under MREP and furnish appropriate medical records.

(a) *Action by recruiting service.* Upon receipt of certificate of qualification for MREP from AFEES the recruiting detachment will determine eligibility to enlist based on the following:

(1) Applicant must be fully qualified for enlistment other than medically, in accordance with this part. Additionally, he must score 31 or higher on the AFQT.

(2) Applicant must agree to undergo therapeutic procedures necessary to remedy his medical condition.

(3) Approval of ATC/ATSGM is obtained.

(b) *Processing.* Process the applicant according to established processing actions, except as follows:

(1) Explain the program thoroughly to the applicant and emphasize he is being enlisted by waiver of physical standards under an agreement to undergo the therapeutic procedures necessary to remedy his medical condition. He will not enter basic military training until completion of his remedial period, but he is subject to existing guidance.

(2) Complete SF 522, "Clinical Record—Authorization for Administration of Anesthesia and for Performance of Operations and Other Procedures," in

duplicate and have it signed by a parent if applicant is under 18 years of age. Attach the SF 522 to the SF 88 and forward as a single document.

(3) Fully qualified applicants may enlist subject to quotas established by HQ USAF for the MREP, and as scheduled by HQ ATC.

(c) *MREP.* Defect occurring or being discovered after enlistment:

(1) If an airman has a medical defect that occurs or is discovered during basic military training, his enlistment contract may be changed to enlistment under the MREP. The medical officer of the basic military training activity is responsible for identifying the basic airmen eligible for MREP. The director of base medical services (DBMS) will explain to the airman the therapeutic procedures necessary to correct the defect. He will advise the airman that he may either agree to undergo the therapeutic procedures or have his case considered by a medical board which will make recommendations concerning disposition. If the airman is under 18 years of age, the DBMS will require SF 522 to be completed in duplicate and forwarded to the airman's servicing CBPO.

(2) The CBPO will use the following procedures to process the airman into the MREP:

(i) Type the following statement on his Air Force Form 1114 as a separate paragraph:

I understand that I am being granted a waiver of medical qualifications on the express condition that I submit to whatever surgical or other therapeutic procedures are determined to be necessary to correct my physical defect (indicate specific defect).

(ii) Upon receipt of SF's 522 from DBMS, CBPO/DPMMR will forward the forms to airman's parent or guardian for signature, and suspense for return; when received, return forms to DBMS for disposition.

§ 888.15 Prior service program.

This section applies to the enlistment of all prior service personnel in the Regular Air Force except when specified otherwise in this part and other Air Force regulations. Enlistment of prior service personnel in the Air Force is extremely selective because of limited yearly quotas. Applicants for this program are required to meet all standards prescribed in this part.

(a) *Grade determination.* Enlistment grade may not be higher than E-7. Applicants who are authorized grades E-6 and E-7 may not enlist for vacancies below the seven skill level; if authorized a grade lower than E-5, an applicant may not enlist for a seven skill level vacancy.

(b) *Criteria for enlisting for assignment in a required skill.* (1) The AFSC of the applicant shown on his last DD Form 214 must be on the required skills list or be a specialty convertible to the required AFSC for the conversion list with the specified total active military service (TAFMS). Use primary AFSC only for applicants from the other armed forces.

(2) If AFSC or assignment for which applicant is enlisting requires a security

clearance, obtain this prior to date of enlistment.

(c) *Enlistment of prior service applicants.* Enlist as indicated in the following priority:

(1) Without regard to Required Skills List provided they:

(i) Are airmen removed from the Temporary Disability Retired List.

(ii) Are authorized to enlist by a letter issued by HQ USAF.

(iii) Are enlisted women separated for pregnancy prior to first anniversary of their date of separation.

(2) Personnel who possess a skill contained on the Required Skills List.

(3) Former military members who possess a skill convertible to an AFSC on the Required Skills List.

(4) Former military members enlisting for formal school training.

§ 888.16 Women in the Air Force (WAF) (NPS) program.

Women will be selected for enlistment at recruiting detachment in accordance with the following procedures. The Recruiting Detachment Selection Board will:

(a) Review all available information pertaining to the applicant (including the mental qualification and medical examination).

(b) One voting member of the Detachment Selection Board will personally interview the applicant.

(c) Decide selection / nonselection based upon established criteria.

(d) Advise the applicant by letter of her selection or nonselection. The letter of selection is valid for 6 months after the date of issue unless the applicant enlists in the Delayed Enlistment Program (DEP). The selection of a WAF in the DEP is void on the day following her scheduled date of extended active duty (EAD). Reestablish enlistment eligibility by obtaining a new letter of selection.

§ 888.17 Airman removed from temporary disability retired list (TDRL).

(a) A former airman removed (discharged) from the TDRL may enlist as prescribed unless barred for conditions occurring subsequent to his placement on the TDRL. Refer all cases of barred airmen through channels to USAFMPC/DPMPA for final determination of enlistment eligibility.

(b) Applicants (includes former airmen who have completed 20 or more years of active service and are eligible for retirement under AFR 35-7) may enlist through USAF Recruiting Service or at any Air Force CBPO by presenting:

(1) Letter from AFMPC/DPMARA authorizing enlistment.

(2) Special order announcing removal from TDRL and discharge.

(3) DD Form 214 issued at the time of placement on TDRL.

NOTE: Enlist applicants under paragraph (c) of this section at Air Force installations only.

(c) An airman who has completed the minimum requirement for voluntary retirement established by law and policy, and who is physically fit by having re-

covered from the condition for which placed on TDRL, but unfit by reason of a condition incurred while on TDRL or 60 days thereafter, shall be enlisted provided he was removed from TDRL and discharged without severance pay. Such enlistment shall be consummated notwithstanding the fact that there is a nonservice-connected disqualifying disability and with the understanding that retirement for length of service will be accomplished as soon as practicable. In item 48 of DD Form 4, enter "AFM 33-3, paragraph 4-1c."

§ 888.18 Restored Air Force prisoners.

A "restored prisoner" is a former member of the Air Force discharged from the Air Force with a dishonorable discharge or bad conduct discharge who is permitted to enlist in the Air Force pursuant to established Air Force policy. The authority to effect such enlistment is limited to commanders exercising general court-martial authority. In some individual cases special instructions are issued by HQ USAF. Approval of restoration by competent authority constitutes a waiver of existing disqualifications for reenlistment. Enter in disqualifications for reenlistment. Enter in item 48, DD Form 4: "Enlistment completed under AFM 33-3, paragraph 4-2." As these airmen in fact and in law enter upon a new enlistment, their eligibility for future enlistment is determined entirely by their service during such enlistment.

§ 888.19 Applicants whose last period of service was in officer status.

(a) Former Air Force officers with prior enlisted service in Regular Air Force. This paragraph applies only to former officers who served in the Regular Air Force as enlisted members and enlist within 6 months from date of separation:

(1) To qualify for enlistment applicant must:

(i) Have served on EAD as a Reserve officer or have been discharged as an enlisted member to accept temporary appointment as an officer.

(ii) Not have had a break in service exceeding 6 months after separation as an airman. An officer relieved from active service and later recalled within 6 months will be considered to have had continuous service.

(iii) Not be an officer relieved from active duty to await appellate review of sentence that includes dismissal or dishonorable discharge.

(iv) Have been separated with honorable discharge.

(v) Have approval from the Secretary of Air Force to enlist if separated with general discharge.

(2) Applicant is authorized to enlist in the grade determined by the appropriate provision listed as follows:

(i) Highest permanent enlisted grade held in the Regular Air Force immediately preceding discharge to serve on EAD as an officer.

(ii) Highest temporary enlisted grade held in the Regular Air Force for 6 or more months.

(iii) Sergeant (E-4) if not qualified for a higher grade.

(3) Is not required to meet the prior service program criteria and will be processed without regard to age, physical disqualification incurred in line of duty while in active military service, or existing vacancy.

(4) Is entitled to date of rank in accordance with AFR 35-54.

(b) Other former Air Force officers. Officers separated over 90 days (ineligible under paragraph (a) of this section). Applicants in this category are considered as prior service personnel. Authorized grade is A1C (E-3) with date of rank as date of enlistment.

§ 888.20 Officer appointees to the U.S. Air Force Academy.

(a) Qualifications and procedures for appointment to the U.S. Air Force Academy from quotas allocated to the Regular Air Force are prescribed in Part 901b.

(b) Terminate officer status of the applicant prior to appointment. CBPO's will enlist candidate as prescribed in this section.

(c) Processing. (1) Physical and mental testing are not required.

(2) DD Form 4 and DD Form 53, "Notification of Entry into Active Military Service," are the only forms required in connection with this enlistment.

(3) Special instructions on DD Form 4:

(i) Item 56—enter "This airman was selected for appointment to the U.S. Air Force Academy." (The applicant will initial.)

(ii) Item 10—enter "NA."

(iii) Item 12—enter "paragraph 4-4, AFM 33-3."

(4) Enlistees will sign the following statement and have it witnessed by the enlisting officer:

Upon acceptance of appointment as a cadet to the U.S. Air Force Academy effective _____, I understand that in accordance with the provisions of 10 U.S.C. 516, should my appointment be terminated for reasons other than acceptance of a commission in a Regular or Reserve component of the Armed Forces, or for physical disability, I will resume my enlisted status and complete the period of service for which I was enlisted and for which I have an obligation. Note: Attach original to original DD Form 4; duplicate to duplicate DD Form 4; etc.

(5) Prepare DD Form 53 and forward as prescribed by AFR 35-77.

(6) Determine grade and date of rank under § 888.19.

(7) Assign enlistees in accordance with instructions from HQ USAF.

§ 888.21 Selected applicants to School of Military Sciences, Officer (SMSO).

These are individuals who have successfully completed all qualifying examinations (Part 902, USAF Officers Training School—OTS of this chapter) and have been notified in writing of selection to attend officer training school by the Commander, Air Training Command. Except as prescribed in this section, processing is the same as for regular enlistees.

(a) Applicant who possesses a letter of selection may enlist if not disqualified under this part by conditions which occurred or were discovered subsequent to the initial selection.

(b) Advise applicant that a completed copy of the college transcript must be turned in upon arrival at Lackland Air Force Base.

(c) Commander, Air Training Command, will issue instructions covering class assignment, reporting date, career field, and travel.

§ 888.22 National Guard and Reserve members of the Armed Forces not on extended active duty (EAD).

(a) Do not actively solicit personnel of the Reserve components to enlist in the U.S. Air Force. Upon request, furnish members with all the information they desire concerning enlistment in the Regular Air Force.

(b) Reservists whose total active service consists of an initial tour of active duty for training may enlist under the nonprior service program although their total active service exceeds 6 months.

(c) Inform applicant that airmen are not authorized to hold a Reserve commission or warrant in an Armed Force other than the Air Force. Advise applicants to contact the nearest Air Force Reserve unit to obtain information on procedures for transfers to the Air Force Reserve. Action must be completed prior to enlistment as all commissions and warrants are revoked automatically as of the date of enlistment.

(d) DD Form 368, "Request for Discharge or Clearance from Reserve Components," is required for all members of the Reserve components unless in Air Force Standby Reserve (those assigned to ARPC who are not participating actively in pay status). Forward DD Form 368 to Reserve unit address when known by applicant, or hold form until he obtains the correct address.

(e) If clearance is not received within 21 days, assume it has been granted. Prepare a duplicate DD Form 368 and have applicant sign the following statement on the reverse side of the DD Form 368:

As of _____ I am not on extended active duty or active duty for training, nor have I been ordered to report for extended active duty within the next 60 days.

(f) For all reservists except those in the DEP (Part 907) make specific entry in item 48, DD Form 4, requesting discharge.

§ 888.23 National Guard and Reserve members of the Air Force on extended active duty (EAD).

(a) Qualifications. (1) Airman has served on current extended active duty tour for 12 months or longer.

(2) Applicant must be screened and selected for enlistment by special boards appointed by Wing/Base Commander. Decision of the appointing authority is final.

(3) An airman serving in grades E-8 or E-9 must have passed the USAF Supervisory Examination and enlist for a specific vacancy.

(b) *Grade and date of rank.* Grade and date of rank upon enlistment are the same as that at time of discharge.

§ 888.24 General considerations.

Sections 888.24 through 888.27 explain the procedures for processing and completion of all actions pertaining to enlistment in the Regular Air Force. At Air Force activities authorized by this part to effect enlistment, the CBPO is responsible for accomplishing all processing actions prescribed for Recruiting Service personnel and the Armed Forces Examining and Entrance Station. HQ USAF will notify the major command concerned of any discrepancies in enlistment actions taken by the CBPO.

§ 888.25 Prequalification of applicants by USAF Recruiting Service.

Use the procedures outlined in this section to determine whether or not an applicant may be eligible for enlistment.

(a) *Verification of documents.* Advise applicant to submit originals or duly signed and authenticated copies of all documents. When the required information has been entered on the appropriate records, these documents will be returned to the applicant.

(b) *Verification of Social Security Account Number.* (The burden of proof is upon the applicant.) The only acceptable document for verification of Social Security Account Number is the Social Security Account Number Card normally carried on the person. In item 1 of the DD Form 4 (work copy) enter the SSAN exactly as shown on the SSAN card and in item 47, enter "SSAN verified from SSAN card." If applicant has lost or does not possess an SSAN card, have him prepare and submit IRS Form SS-5, "Application for Social Security Number (or Replacement of Lost Card)" to the nearest Social Security Administration District Office.

(c) *Enlistees from the Delayed Enlistment Program (Part 907 of this chapter).* Obtain previously completed Reserve documents of those who enlist under the Delayed Enlistment Program and furnish to AFEES for their use in processing DEP member for Regular Air Force enlistment. AFEES will retain these documents for attachment to Regular Air Force enlistment documents when the latter are processed for forwarding to AFMPC/DPMDRR, Randolph Air Force Base, Tex. 78148, for inclusion in the USAF Master Personnel Record Group.

(d) *Education.* Encourage applicants to complete their secondary education. Explain the Air Force "stay in school and graduate" policy to all applicants. High school students who apply for enlistment contingent upon their disenrollment require consent of parents and prior notification of the school officials. If applicant is enrolled in high school or has withdrawn therefrom during the current school year obtain signature from school official acknowledging that he discussed the problems with him and the applicant still desires to enlist. If no reply is received from the officer after 10 days,

make a statement to this effect, attach it to the DD Form 373, and continue processing.

(e) *DD Form 398, "Statement of Personal History."* Each applicant is required to complete DD Form 398 in accordance with AFR 205-6 and must insure that all entries are complete and readable. Review the form carefully to determine whether or not the applicant requires a preenlistment security investigation. Also use this form to detect discrepancies from other documents and information furnished by the applicant. Insure that applicant lists all previous security clearances in item 20.

(f) *Police record check.* (1) The use of the DD Form 369 to obtain a police record check as a prerequisite for enlistment is optional at the discretion of USAF Recruiting Service except under the following conditions:

(i) When offenses listed by applicant on AF Form 1114 or DD Form 398 indicate that a waiver is necessary to permit his enlistment.

(ii) If the applicant does not know the final disposition of the offense(s) he listed on his AF Form 1114 or DD Form 398.

(iii) When the recruiter has reason to believe a police record check is appropriate.

(iv) When applicant requires a pre-enlistment security investigation in accordance with § 888.11.

(2) When a police record check is mandatory or required by Recruiting Service, obtain information from law enforcement agencies covering applicant's background for at least 5 years or to date on which first offense was committed, whichever is the greater period. (For PS consider only period since last separated from active duty.) Use DD Form 369, "Police Record Check" for this as follows:

(i) Change the parenthetical phrase "(other than minor traffic violations)" to read "(including minor traffic violations)" on each DD Form 369. Forward DD Form 369 with an addressed return envelope to the chief of police, sheriff, and/or juvenile agency where the applicant resides, has resided, attended school, was employed, or where the offense was committed. This includes Canada and Mexico for U.S. citizens who committed offenses or lived therein for 6 months or more.

(ii) When law enforcement agencies will not or cannot furnish the required information, prepare a DD Form 369 for the appropriate period of time and enter the following remark: "Law enforcement agency will not check for law violations as a matter of policy." HQ U.S. Air Force Recruiting Service will identify these agencies.

(iii) When a reply from a law enforcement agency is not received within 21 days and personal visits or telephone calls are impracticable or unsuccessful, process the enlistment or request special authority for enlistment if appropriate. Enter the following remarks on DD Form 369, "Reply not received and I have no

reason to suspect the applicant had difficulties with the above law enforcement agency."

(iv) When offenses admitted require specific authority to enlist and a DD Form 369 cannot be obtained, advise applicant that processing will be held in abeyance until he furnishes the required information.

(g) *Mental screening tests.* Administer EST or WEST only when it appears the applicant cannot successfully complete the ASVAB or AQE. Retesting on alternate tests after 30 days is authorized; however, not more than two retests may be given in a 12-month period. Applicants failing to achieve a minimum score of 23 on the EST or 14 on the WEST are not authorized to take the AQE or ASVAB.

§ 888.26 Processing of qualified applicants by USAF Recruiting Service.

After the applicant has been found tentatively qualified for enlistment, accomplish DD Form 4. Using a typewriter or pen, prepare an original work copy of DD Form 4 for the applicant in accordance with established procedure. Insure that each entry is accurate, legible, and verified by the applicant or substantiating document. AFEES will use this for preparing the final copy. After the applicant signs item 55 of the work copy of the DD Form 4, the recruiter will sign his name in the witness block.

§ 888.27 Distribution of enlistment documents by AFEES.

Forward all enlistment documents pertaining to enlistment in the Regular Air Force as prescribed. If enlistee is entering the Regular Air Force through the Delayed Enlistment Program (Part 907 of this chapter) attach all enlistment documents to the Regular Air Force enlistment documents for forwarding to USAFMP/DPMDRR, Randolph Air Force Base, Tex. 78148, for inclusion in the USAF Master Personnel Record Group. The AFEES will:

(a) Assemble the documents for Regular Air Force enlistees in order indicated, staple together in upper left corner (to include, if applicable, USAFR (DEP) documents underneath Regular Air Force enlistment documents) and forward within 1 workday to AFMPC/DPMDRR, Randolph Air Force Base, Tex. 78148.

(b) Place records into a sealed separate envelope for disposition as follows:

(1) *For male NPS.* If several male enlistees are traveling together give the records to one man who will be responsible for their delivery to the unit of initial assignment.

(2) *For WAF NPS.* Same procedures as for male NPS; however, a WAF must be designated to handle WAF records.

(3) *For PS Airman.* On date of enlistment, mail records to unit of assignment in preaddressed envelopes furnished by Recruiting Service. Do not mail records to TDY school location. If airman is placed on TDY to technical training school, give him copy of SF's 88 and 93 to hand carry.

(4) *SMSO personnel.* SMSO personnel will hand carry their individual records, in a sealed envelope to Lackland Military Training Center (LMTTC).

(c) Forward the triplicate copy of DD Form 4 to the appropriate USAF Recruiting Group.

(d) Furnish the Consolidated Accessions Reporting Unit, Lackland Air Force Base, Tex. 78236, on a daily basis the enlistment data on each Air Force enlistee. The following procedures apply:

(1) Prepare an individual envelope for each category of enlistee and prominently stamp or mark it as NPS, SMSO, PS, DEP, or WAF.

(2) Attach one copy of the enlistment special orders to the quadruplicate copy of the DD Form 4. Place all of these DD Forms 4 and special orders in the envelope appropriate for the category of enlistment.

(3) Consolidate all Air Force DD Form 4 byproduct tapes to reach day's accessions on a single tape by enlistment category (NPS, SMSO, DEP, WAF).

(4) Place the separate envelopes for each enlistment category into a larger envelope. Roll or fold, as appropriate, the consolidated DD Form 4 byproduct tape and insert it into the larger envelope. (Care should be taken to minimize the possibility of damage to this tape during its transmittal.) Mark the outside of this envelope as follows to clearly identify contents: "Byproduct paper tape/DD Form 4. For immediate delivery to CDCC (Attention: NCOIC, Machine Accounting Unit)."

(5) Give this envelope to the enlistee or group leader (if more than one enlistee) and instruct him to hand carry and turn it in upon his arrival at the Base Reception Center, Lackland Air Force Base, Tex.

(6) Records listed on each Regular Air Force enlistee reassigned from the AFEES to Lackland Air Force Base, Tex., cannot be the same envelope referred to in subparagraph (4) of this paragraph.

(7) Records for Lackland Air Force Base, Tex., should be hand carried in all cases. On days when no enlistees travel to Lackland Air Force Base, AFEES are authorized to hold such records up to 2 workdays before resorting to mail transmittal. (Hold records should be consolidated and placed in a separate envelope.)

(3) Retain applicable records and then make disposition as prescribed by AR 601-270. After enlistment the AF Form 2030 is filed in the Unit Personnel Record Group until the airman reenlists or is discharged. AF Form 2031 is destroyed immediately on enlistment or declination to enlist. Do not return any records to the USAF Recruiting Detachment unless specifically directed in this part.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc. 73-4482 Filed 3-12-73; 8:45 am]

PART 888a—ENLISTMENT OF NONPRIOR SERVICE PERSONNEL IN READY RESERVE UNITS

Miscellaneous Amendments

Part 888a, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 888a.0 is revised to read as follows:

§ 888a.0 Purpose.

(a) This part describes the purpose and explains Air Reserve Forces airman enlistment programs in Ready Reserve units available to qualified draft eligible applicants without prior military service. It also outlines the policies and procedures that apply. It applies to Air National Guard of the United States (ANGUS) and U.S. Air Force Reserve (USAFR).

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 888a.1 is amended by revising paragraphs (b) and (c) and deleting paragraph (d) to read as follows:

§ 888a.1 Policy.

(b) Qualified applicants are enlisted under this part in the ANGUS and USAFR according to priorities in Part 888b.

(c) A person who does not appear to meet the qualifications listed in Airman Assignment Instruction Codes ALD and BGE, AFM 39-11, will not be placed on waiting lists under Part 888b of this chapter for enlistment in USAFR air postal and courier units.

§ 888a.10 [Amended]

3. Section 888a.10 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

4. Section 888a.11 is amended by adding paragraphs (f) and (g) to read as follows:

§ 888a.11 Who may enlist.

(f) They are not engaged in or preparing for a skill in a critical civilian occupation unless there is an overriding military need for the skill as determined by AFRES.

(g) They are not medical, dental, veterinary, osteopathy, or optometry students.

5. Section 888a.12 is amended by correcting "(E-12)" in paragraph (b) to "(E-2)" and by adding paragraphs (e) and (f) to read as follows:

§ 888a.12 How to enlist.

(e) Upon enlistment, DD Form 44, "Record of Military Status of Registrants," will be prepared and distributed.

(f) When an otherwise qualified applicant questions his denial of enlistment because of nonselection for a quota vacancy, he will be advised:

(1) Of the policy.

(2) That he may have his name retained on a waiting list pending the availability of another recruiting quota and may check his status at any time.

(3) Of other reserve units to which he may apply for enlistment.

(4) If he feels additional consideration of his application is warranted, he may appeal the denial of his immediate enlistment. Appeal will be in writing and will be forwarded to AFRES, Robins Air Force Base, Ga. 31093. The unit will offer any necessary assistance in preparing the appeal.

6. Section 888a.13 is amended: By changing "120 days" to "180 days" in the third and fourth sentences of paragraph (b); by redesignating (b) (3) to (b) (4) and adding a new (b) (3) to read as follows; and by changing the note following paragraph (b) from "(1), (2), or (3)" to "(1), (2), (3), or (4)":

§ 888a.13 Active duty for training (ACDUTRA).

(b) * * *

(3) If, after enlistment, a member incurs a personal hardship of a temporary nature resulting in an unexpected delay, or

7. Section 888a.14 is revised to read as follows:

§ 888a.14 Participation in Reserve training.

After completing initial ACDUTRA, the member must satisfactorily participate in training required for his reserve assignment.

§ 888a.15 [Amended]

8. Section 888a.15 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

§ 888a.20 [Amended]

9. Section 888a.20 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

10. Section 888a.21 is amended by correcting in the introductory text "36 years" to "26 years", and adding new paragraphs (f) and (g) to read as follows:

§ 888a.21 Who may enlist.

(f) They are not engaged in or preparing for a skill in a critical civilian occupation unless there is an overriding need for the skill as determined by the applicant's State Adjutant General.

(g) They are not medical, dental, veterinary, osteopathy, or optometry students.

11. Section 888a.23 is amended: By deleting "nonprior service" from the first sentence of paragraph (a); by changing "120 days" to "180 days" in paragraph (b); by redesignating (b) (3) to (b) (4) and adding a new (b) (3) to read as follows; and by changing the note following paragraph (b) from "(1), (2), or (3)" to "(1), (2), (3), or (4)":

§ 888a.23 Active duty for training (ACDUTRA).

(b) * * *

(3) If, after enlistment, a member incurs a personal hardship of a temporary nature resulting in an unexpected delay, or

12. Section 888a.24 is revised to read as follows:

§ 888a.24 Participation in training.

After completing initial ACDUTRA, the member must satisfactorily participate in training required for his reserve assignment.

§ 888a.25 [Amended]

13. Section 888a.25 is amended by deleting paragraph (b) and removing "(a)" from the remaining paragraph.

14. Section 888a.26 is amended by revising paragraph (b) to read as follows:

§ 888a.26 Release of members from this program.

(b) After the initial period of active duty for training. The commander of the unit of assignment may permit the conditional release of airmen within prescribed policy on releases of this purpose.

15. Section 888a.35 is revised to read as follows:

§ 888a.35 Promotion.

See chapter 22 of AFM 35-3 for USAFR members and ANGR 39-29 for ANGUS members.

16. Section 888a.36 is revised to read as follows:

§ 888a.36 Release from active duty for training.

(a) A member will be released upon completion of 4 months ACDUTRA unless retained beyond this period to complete required technical training or OJT applicable to his Air Force specialty. A member who completes basic military training and/or technical training and has:

(1) Seven or more days remaining to complete the 4-month tour, will be returned to his unit of assignment for OJT and release upon completion of the ACDUTRA tour.

(2) Less than 7 days remaining to complete the 4-month tour is to be retained and released by his unit of attachment upon completion of the ACDUTRA tour.

(b) DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," will be issued to each individual released from ACDUTRA under this part. The form will be prepared and issued under AFM 35-5 by the CBPO servicing the last active establishment organization with which the individual performs ACDUTRA. When an ANGUS member performs duty with his parent ANG unit, the servicing CBPO of that unit will be responsible for completing the form.

(c) In addition to paragraph (b) of this section, when a member is released

from ACDUTRA for reasons other than normal termination of tour, the CBPO of the unit of attachment will publish orders according to AFM 10-3.

(1) Orders will provide that the member is released from attachment and that upon his return to the address of entry on ACDUTRA, will revert to his inactive duty assignment.

(2) Five copies will be sent to the servicing CBPO of the parent unit of assignment and to the Adjutant General of the appropriate State (for ANGUS members).

(3) The servicing CBPO of the unit that terminates the member's ACDUTRA tour is responsible for accomplishing or arranging the complete separation processing of the member. Before release from active duty, the health records of each member will be thoroughly reviewed. Depending on the validity and completeness of the physical examination for entry into active duty as well as interval medical history, the original physical examination may be accepted, supplemented, or reaccomplished at the discretion of the director of base medical services.

(10 U.S.C. 8012, except as otherwise noted)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief Legislative
Division, Office of The Judge
Advocate General.

[FR Doc.73-4483 Filed 3-12-73;8:45 am]

PART 888b—ENLISTMENT IN THE AIR FORCE RESERVE

Part 888b, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.	
888b.1	Purpose.
888b.2	General provisions.
888b.3	Qualifications for enlistment.
888b.4	Term of enlistment.
888b.5	Who enlists applicants.
888b.6	Verifying applicant's identity and age.
888b.7	Consent of parents/guardians.
888b.8	Medical examination.
888b.9	Police record check.
888b.10	Security investigation for certain applicants.
888b.11	Verifying prior service.
888b.12	Applicants enlisted by agency other than unit of assignment.
888b.13	Administering oath of enlistment.
888b.14	Age qualifications.
888b.15	Mental requirements.
888b.16	Applicants ineligible to enlist—waivers may not be requested.
888b.17	Applicants ineligible to enlist—waivers may be requested.
888b.18	Preenlistment security investigations.
888b.19	How to verify prior service.
888b.20	Uniform guide list of typical minor traffic offenses.
888b.21	Uniform guide list of typical minor nontraffic offenses.
888b.22	Uniform guide list of typical other (nonminor) misdemeanors.
888b.23	Uniform guide list of typical felonies.

AUTHORITY: 10 U.S.C. 8012, except as otherwise noted.

§ 888b.1 Purpose.

(a) This part provides basic policy, qualifications, and procedures for enlisting eligible men and women as Reserves of the Air Force for service in the USAFR.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888b.2 General provisions.

(a) Under this part an applicant may enlist only to fill:

(1) A vacant position in a unit organized to serve as a unit if mobilized, or

(2) A vacant MA position. Exception: A person enlisting for the Retired Reserve under AFM 35-7 or whose enlistment is required by Parts 888d, 901b, 902, or AFR 53-14 may enlist without regard to position vacancies or other qualifications peculiar to this part.

(b) Qualified applicants without prior service are enlisted in the following order:

(1) Priority 1. Females, and male applicants under Part 888c of this chapter who have not undergone random selection for induction or who have undergone random selection and have passed through their full year of vulnerability without induction.

(2) Priority 2. Male applicants under Part 888c who have undergone random selection for induction but who have not yet passed through their full year of vulnerability.

(c) Within the priorities listed in paragraph (b) of this section, applicants in priority 1 may be enlisted without regard to date of application. Applicants in priority 2 who are accepted on a unit waiting list will be retained in their original priority. Exceptions to this policy may be made, when in the judgment of AFRES (for USAFR) or the State Adjutant General (for ANGUS), an applicant's civilian training or experience in the Air Force Specialty concerned is considered to warrant it.

(d) Units are required to actively recruit qualified persons of all races, creeds, and ethnic groups to insure that all units generally reflect the character of the population of their recruiting area.

(e) The Secretary of the Air Force may deny enlistment to any individual or authorize the enlistment of an individual otherwise ineligible by the criteria contained in this part when it is determined to be in the best interest of the Air Force.

§ 888b.3 Qualifications for enlistment.

An applicant who does meet requirements stated in this section and other applicable AF regulations may not be enlisted unless waiver is specifically permitted by this part, requested in writing, and approved. Waivers are approved only when the facts indicate that the applicant will be a useful member of the AFR. Major commands have waiver approving authority unless otherwise specified in this part. Send requests through channels to the approving authority.

(a) *Citizenship.* Applicant must be a citizen of the United States or possess a valid Immigration Form I-151, "Immigration and Naturalization Service Alien Registration Receipt Card," as evidence of lawful entry into the United States for permanent residence. Reproduction of this form in any manner is prohibited.

(b) *Moral character.* Applicant must be of good moral character which can be determined by ascertaining his reputation in his community. A person convicted or adversely adjudicated as a juvenile offender for certain offenses, is ineligible to enlist; however, waiver may be considered.

(c) *Age.* See §§ 888b.7, 888b.14, and 888b.16.

(d) *Mental.* See § 888b.15.

(e) *Drug abuse.* Refer to AFR 30-19, table 1, to determine eligibility of applicants who have used drugs.

§ 888b.4 Term of enlistment.

(a) Six years for applicants under Part 888c of this chapter.

(b) As prescribed in Part 888d of this chapter for college students selected for enrollment in the Professional Officer Course or the College Scholarship Program, AFROTC.

(c) One time for 1 year when enlisting in the USAFR for the first time after the member completes his military service obligation (MSO).

(d) Four years for a ResAF officer selected under Part 901b to fill a reserve (competitive) vacancy in the USAF Academy.

(e) Three, 4, 5, or 6 years for a person with prior service enlisting as an Air Reserve technician.

(f) Unspecified period of time when enlisting for transfer or assignment to the Retired Reserve under AFM 35-7, Chapter 8.

(g) Two, 3, 4, 5, or 6 years for all others.

Note: Male applicants must enlist for a period equal to or greater than their remaining MSO.

§ 888b.5 Who enlists applicants.

Enlistment normally is done by the unit or servicing CBPO/CRPO that controls the position for which the applicant is enlisted, unless a written agreement is made to have it done by another agency.

(a) *Within the United States and U.S. possessions and territories.* (1) Men subject to induction. (i) Applicants without prior service are enlisted according to Part 888c of this chapter.

(ii) Applicants with prior service transferred to the USAFR may be enlisted by the unit or servicing CBPO/CRPO having the vacant position.

(iii) College students accepted for enrollment under Part 870 of this chapter in the Professional Officer Course or in the College Scholarship Program, AFROTC, are enlisted according to Part 888d of this chapter.

(iv) ResAF commissioned officers accepted for appointment to the USAF Academy against a reserve (competitive) vacancy under Part 901b of this title are enlisted by their unit of assignment (or

servicing CBPO/CRPO) after instructions are received from ARPC.

(v) Upon receipt of notification from the USAF Academy that an individual has been selected to attend the USAF Preparatory School, ARPC notifies the CBPO/CRPO of an Air Force activity or USAFR unit nearest the individual's home to enlist the applicant in the USAFR. Specific assignment instructions are furnished by ARPC.

(2) Men not subject to induction because of prior service or because they have reached their 26th birthday are enlisted by the unit (or servicing CBPO/CRPO) having the position vacancy.

(3) Women applicants with or without prior service are enlisted by the unit (or servicing CBPO/CRPO) having the position vacancy.

(b) *Outside the United States and U.S. possessions and territories.* Any overseas Air Force installation (or servicing CBPO/CRPO capable of accomplishing the enlistment is authorized to enlist an applicant with prior service whose term of reserve enlistment expired while overseas to fill an MA position for which he qualifies and has been selected provided the period since his last discharge was either EAD or USAFR is less than 12 months. If the individual has been discharged for 12 months or more, authorization for enlistment and assignment must be obtained from ARPC.

§ 888b.6 Verifying applicant's identity and age.

(a) *Persons without prior service.* Verifying identity and age from the applicant's original birth certificate, delayed birth certificate, or an official signed statement from the State registrar of vital statistics or other designated government official. Copies are permitted provided they are duly signed and authenticated by the appropriate official as being true copies of the original.

(1) DD Form 372, "Application for Verification of Birth for Official U.S. Armed Forces Use Only," may be used when requesting information. Addresses of State officials are provided on the form. If a record of the applicant's birth is not available, advise him to obtain a delayed birth certificate according to instructions he obtains separately from the State concerned.

(2) The applicant's driver's license, selective service card, social security card, etc., may be used in conjunction with his birth certificate to confirm his identity. If his present name differs from that originally shown on his birth certificate, his identity can be established by a copy of the court order changing his name; or by an affidavit legally executed by the parents or legal guardian stating that he is the same person whose name appears on the birth certificate or document substantiating his date of birth; or by completing an AF Form 63, "Statement of Name For Use in Official Air Force Records," on which his identity is established and attested to by two witnesses whose signatures appear on the form. If he does not have natural parents, stepparents, or a legal guardian avail-

able, the witnesses may be reliable members of the community, such as school officials, ministers, close relative, or neighbors.

(b) *Person with prior service.* Verify identity and age from entries on his last DD Form 214. Part 887 of this chapter states how to apply for a replacement if the document has been lost or destroyed.

§ 888b.7 Consent of parents/guardians.

(a) An applicant under 18 years of age and any applicant who is still in high school (including those who withdraw during the current school year), regardless of age, must furnish a completed DD Form 373, "Consent Declaration of Parent or Legal Guardian" in duplicate. If either parent or the guardian objects, do not enlist the applicant. If after investigation the applicant is found to have neither a living parent nor legal guardian, the enlisting authority may waive parental consent.

(b) Upon receipt of parental/guardian consent for high school applicants, the enlisting authority notifies the responsible school official of the proposed enlistment, stating that the student will not be enlisted until his return comments are received. Furnish a self-addressed, franked envelope to expedite his reply. In the absence of a reply from the school official, the enlisting authority signs a statement indicating that notification was given but return comment was not received.

§ 888b.8 Medical examination.

Each applicant eligible in other respects must undergo a medical examination to determine if physically qualified for enlistment.

§ 888b.9 Police record check.

A police record check for years subsequent to 12 years of age is required for applicants without prior service and for applicants with prior service whose last discharge from EAD or Reserve status exceeds 90 days. Major commands may waive this requirement when difficulty is experienced in obtaining verification of an individual's status. Enlisting activities prepare DD Form 369, "Police Record Check" (AFR 125-36) and forward it to the chief of police, sheriff, or juvenile agency having jurisdiction over the area where the applicant resides, has resided, attended school, was employed, or where the offense was committed (verify from items 9, 13, and 15 of DD Form 398). This includes Canada and Mexico for U.S. citizens who lived in either country for 6 months or more. To facilitate their reply, provide a return addressed franked envelope.

§ 888b.10 Security investigation for certain applicants.

(a) See § 888b.18.

(b) Administrative instructions. (1) Before requesting security investigation, complete all processing except enlistment. The normal time required for the investigation is 60 to 120 days. More time may be needed if the applicant has resided for an extended time or has close

relatives currently residing in a Communist-oriented country. If applicant has received a preinduction examination, furnish the Selective Service board a written statement of qualifications and request a 6-month deferment from induction. If the board approves the deferment in writing, submit request for investigation. Inform the Selective Service board in writing when the deferred applicant does not enlist.

(2) Submit request for investigation as required by AFR 205-6.

(3) The following additional information is required on AF Form 1145, "Request for Personnel Security Investigation":

(i) *Item 1.* Indicate "AFR 205-6 and AFM 35-3, paragraph 6-11."

(ii) *Item 2.* Type "None."

(iii) *Remarks section.* Indicate that the request is for a preenlistment security investigation and give the reason. Example: "Applicant for enlistment in NPS program as a ResAF requires preenlistment security investigation according to AFM 35-3, paragraph 6-11."

(iv) *Window envelop area.* For all applicants included in § 888b.18 type the address of the OSI District Office serving the enlisting activity. For all other aliens, type "Director, DOD NAC Center, Post Office Box 4, Fort Holabird, MD 21219."

(4) Upon receipt of favorable results of the investigation, enlist qualified applicants.

§ 888b.11 Verifying prior service.

Prior service claimed by an applicant is verified according to § 888b.19 before his enlistment if:

(a) He is unable to show his last report of separation.

(b) Essential entries on the report of separation are not readable, or

(c) There is reasonable belief that his report of separation has been altered by other than official direction.

§ 888b.12 Applicants enlisted by agency other than unit of assignment.

Advise the applicant that the sponsoring agency (unit requesting his enlistment) will contact him and provide pertinent instructions and information about his status. The enlistee should also be informed that if the unit of assignment does not contact him within 30 days from the date of enlistment, he should visit or write to (designation of unit, street addresses of unit, city, State, and ZIP code). If he writes, an information copy of the letter should also be forwarded to ARPC. The letter should include his name, Social Security account number, correct home address, date and place of enlistment, and any other information concerned applicable.

§ 888b.13 Administering oath of enlistment.

Arrange for the oath of enlistment to be administered in a dignified manner

in appropriate surroundings. Display the flag of the United States prominently near the person administering the oath.

§ 888b.14 Age qualifications.

Rule	A If applicant has--	B And age at enlistment is--	C Then maximum prior service requirement is--
1	No prior service.	17 but less than 35.	None.
2	Prior service (note).	Up to and including 35.	
3		36 but under 38.	1 year.
4		38 but under 41.	2 years.
5		41 but under 58.	2 years plus number of years applicant is over age 40.

NOTE: Major commands may waive the age requirement for an applicant without sufficient prior service who possesses a technical skill required by the USAFR provided the applicant is less than 58 years old at the time of enlistment.

§ 888b.15 Mental requirements.

Rule	A	B
	If applicant has--	Then qualifying score on ACT is--(note 2)
1	No prior service.	The minimum aptitude index shown in AFM 35-1 for the career field subdivision for which considered.
2	Prior service.	25 or higher on general, plus 25 or higher on either administrative or mechanical; or equivalent or higher on the AQE, or AOB, if taken.

NOTE: 1. The following are exempt from the mental requirements:

(a) An individual who has been accepted for enrollment in the professional officer course or college scholarship program, AF ROTC and whose enlistment is required by Part 888d of this chapter.

(b) An applicant who is enlisting as an ART.

(c) An individual whose enlistment is required by Parts 901b and 902 of this Title.

(d) A former RegAF or AFR member last discharged in grade E-5 or higher with a five-skill level or higher who enlists within 90 days of his last discharge. If test results are of record, qualifying or otherwise, scores must be entered on DD Form 4. If results are not of record, the ACT must be administered and scores attained must be entered on I D Form 4.

2. See AFM 35-8, Chapter 11, for retest provisions.

3. See AFM 35-8, Chapter 11, for retest provisions.

4. See AFM 35-8, Chapter 11, for retest provisions.

5. See AFM 35-8, Chapter 11, for retest provisions.

§ 888b.16 Applicants ineligible to enlist—waivers may not be requested.

Rule	Conditions indicated by "X" are disqualifying for enlistment of applicant. These rules apply to both male and female unless otherwise indicated	Non prior service	Prior service
1	Male under 26 years of age and subject to induction under the Military Selective Service Act of 1967, unless enlisting under Part 888c or under Parts 888d, 901b, 907, or AFR's 63-14 or 63-27.	X	X
2	Unable to speak, read, write, and understand the English language sufficiently to insure that applicant can satisfactorily absorb required training.	X	X
3	Habitually intoxicated or under the influence of alcohol or drugs.	X	X
4	Questionable moral character, history of antisocial behavior, alcoholism, sexual perversion, having frequent difficulties with law enforcement agencies, history of psychotic disorders.	X	X
5	Civil and criminal charges filed or pending against applicant by civil authorities (note).	X	X
6	Under restraint imposed by any civil court.	X	X
7	Conscientious objector or person with convictions which preclude unrestricted assignment.	X	X
8	Engaged in disloyal or subversive activities or enlistment not clearly consistent with interests of national security under AFR 35-62.	X	X
9	Refuses to complete or sign DD Form 98, Armed Forces security questionnaire; AF Forms 2030, USAF drug abuse certificate, and 2031, drug abuse circumstances (when individual evaluation is requested on AF Form 2030).	X	X
10	Member of the U.S. Public Health Service or Environmental Science Services Administration.	X	X
11	Does not possess a social security account number.	X	
12	Applicant, 17 but less than 18 years of age or at time of application is still in high school regardless of age (includes those who withdrew in current school year) whose parent(s) or guardian will not consent to their enlistment.	X	
13	Male applicants not registered with Selective Service System and who have attained 18th but not passed 20th birthday.	X	
14	Male applicants separated from active service longer than 30 days, are 18 but not over 26 years of age and have not registered with Selective Service System.		X
15	Male Selective Service registrant classified as 1-O, 1-AO, 1-W, or IV-For under orders for induction.	X	
16	Male applicant currently a cadet of the U.S. Military Academy, U.S. Air Force Academy, U.S. Coast Guard Academy, or midshipman of the U.S. Naval Academy.	X	
17	Separated from U.S. Armed Forces other than Air Force with time lost under 10 U.S.C. 972.		X
18	Separated from last period of service for unsuitability, unfitness, disloyalty, or not recommended for reenlistment, or under any other pertinent regulations.		X
19	Separated with discharge or conditions that are a bar to enlistment.		X
20	Separated from any of the Armed Forces for physical disability with or without severance pay.		X

21	Receiving retirement or retainer pay from any of the Armed Forces or having received severance pay because of permanent physical disability.	.....	X
22	Separated with other than an honorable discharge certificate or with entry other than "Honorable" on DD Form 214.	.....	X
23	Application for retirement pending or retired persons.	.....	X
24	Former officers separated or released from EAD for cause by the Secretary of the Air Force or in lieu of such action (including cases initiated under AFR's 35-62, 35-66, 36-2, or 36-3).	.....	X
25	Former officers separated because of failure of selection for promotion during their 3-year probationary period.	.....	X
26	Former officers eligible for retirement in officer status under any provision of law (does not include former AF officers with prior enlisted service in the RegAF or as a Reserve of the Air Force or those covered by AFR 36-12, paragraph 9c(2)).	.....	X
27	Former regular and reserve officers discharged with severance pay.	.....	X
28	Reserve commissioned officers and warrant officers separated for age who do not possess sufficient service for retirement.	.....	X
29	Applicants credited with 30 years of satisfactory service for retirement purposes.	.....	X
30	Applicant who is 58 years or older (not applicable to persons under consideration as ART's).	.....	X
31	Applicant who cannot attain 20 good years for retirement prior to reaching maximum age or length of service.	X	X
32	Applicant who is credited with 20 or more good years for retirement and is within 1 year of reaching maximum service.	.....	X

NOTE: For applicants with prior service, consider only offenses which occurred after date of last separation.

§ 888b.17 Applicants ineligible to enlist—waivers may be requested.

Rule	Conditions indicated by "X" are disqualifying for enlistment unless waived or excepted. These rules apply to male and female unless otherwise noted.	Non-prior Service	Prior Service
1	Has moral disqualification listed in §§ 888b.20, 888b.21, 888b.22, or 888b.23 unless specific authority to enlist is obtained under proper rules, or has been involved with narcotics, marijuana, or dangerous drugs listed in AFR 39-19 unless specific authority to enlist is granted.	X	X
2	Discharged for hardship or dependency unless proof is presented that the condition(s) no longer exists.	.....	X
3	Separated and claims prior honorable service but lacks written evidence of such service, unless verified.	.....	X
4	Former reserve officer of any of the U.S. Armed Forces, except when specifically authorized, or unless otherwise authorized by ARPC.	.....	X
5	Former Reserve member discharged under AFR 45-43, para 13b, because of an erroneous enlistment (note).	.....	X
6	Former RegAF airmen separated with reenlistment eligibility codes RE 4, 15, or 20, without approval of major command.	.....	X
7	Discharged under provisions of AFM 35-4, Chapter 9, unless proof is presented that EPTS disability no longer exists.	.....	X
8	Separated from the U.S. Air Force and charged with time lost under 10 U.S.C. 972.	.....	X

NOTE: When requesting waiver include a copy of DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," for each period of prior service. The unit commander must include a recommendation based on a personal interview with the applicant and any statement the applicant desires to make regarding the reasons for his separation. Even when a waiver is approved by the major command, the applicant is not eligible for voluntary recall to EAD under AFR 45-21.

§ 888b.18 Preenlistment security investigations.

Rule	A If applicant has—(note 1).	B In countries (within effective period) listed in AFR 205-6 Attachment 3, and he is—	C Then before enlistment, he requires a—
1	Parent, spouse, child, brother, or sister residing.	A U.S. citizen (note 2).	BI.
2	Lived		
3	Traveled	A U.S. citizen (note 2).	BI if he traveled more than 90 days.
4		An alien (note 2).	BL.

NOTES: 1. Travel or presence under sponsorship of U.S. Government requires no investigation; a valid U.S. passport alone is not considered as sponsorship.

2. Aliens not included in this section require a preenlistment NAC.

§ 888b.19 How to verify prior service.

Rule	A If branch of service is—	B And status of applicant is—(note 1)	C Then write to—(note 2)
1	Air Force.....	A reserve member not on EAD.	Air Reserve Personnel Center, 3800 York St., Denver, CO 80825.
2	Army.....	An officer separated before July 1, 1917.	National Archives and Record Service, National Archives Bldg., Washington, D.C. 20408.
3		An enlisted member separated before Nov. 1, 1912.	
4		A person separated on or after Jan. 1, 1960.	
5		A Reserve member.	
6		Army National Guard.....		A person whose period of AD or ACDUTRA in the U.S. Army ended after Dec. 31, 1959.
7		A member not on AD in the U.S. Army.	The adjutant general of the appropriate State.
8		A person discharged from the NG (excludes periods of active duty and ACDUTRA in U.S. Army).	
9	Coast Guard.....	An enlisted member separated less than 6 months.	Commandant, U.S. Coast Guard, Washington, D.C. 20226.
10		An officer separated less than 3 months.	
11		A member of the Reserve.	
12		An officer completely separated before Jan. 1, 1929.	
13	Marine Corps.....	An officer in Reserves.	Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, D.C. 20380.
14		An enlisted member in organized Active Reserve.	
15		A person completely separated less than 4 months.	
16	Navy.....	An officer separated less than 1 year.	Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20370.
17		An enlisted member separated less than 4 months.	
18		An Active and Inactive reservist with 18 or more months remaining in 1st term of enlistment.	
19	All branches.....	A person not listed above.	National Personnel Records Center (Military Personnel Records), 9700 Page Blvd., St. Louis, MO 63132.

Notes: 1. Acceptable reports of separation:

- (a) Persons last discharged from a regular component of any of the U.S. Armed Forces, on or after January 1, 1951, must possess the original DD Form 214.
- (b) A discharge certificate or report of separation is acceptable, if discharged before January 1, 1951, provided the specific reason is indicated either by an actual statement or reference to a regulation or other authority. If specific reason is not included, other official documentary evidence, stating reasons, is acceptable.
- (c) DD Form 214 is required from members without prior service released from their initial ACDUTRA tour after July 1, 1956. DA Form 87 or other similar certificate for U.S. Army Reserve members, and official release order for U.S. Marine Corps Reserve members released before July 1, 1956, is acceptable.

2. Enlisting activities asking for verification of prior service must request that a reproduced copy of the DD Form 214 or other official statement of service (whichever is available) be furnished. The request must contain the following data which must be provided by the applicant:

- (a) Exact name under which applicant served.
- (b) Branch of service.
- (c) Service number(s) and social security account number.
- (d) Date and place of birth.
- (e) Type of discharge claimed.
- (f) Date of discharge.
- (g) Other pertinent data which might be helpful to the searching agency.

§ 888b.20 Uniform guide list of typical minor traffic offenses.

This list is a guide; consider as minor the offenses of a similar nature and traffic offenses treated as minor by local law enforcement agencies.

- (a) Following too closely.
- (b) Improper backing; backing into intersection or highway; backing on expressway; backing over crosswalk.

- (c) Improper blowing of horn.
- (d) Improper parking: Restricted area, fire hydrant, double parking.
- (e) Improper passing: Passing on right, in no passing zone; passing parked school bus; pedestrian in crosswalk (when not treated as reckless driving).
- (f) Improper turn.
- (g) Invalid or unofficial inspection sticker; failure to display inspection sticker.

- (h) Leaving key in ignition.
- (i) License plates improperly displayed or not displayed.
- (j) Operating overloaded vehicle.
- (k) Racing, dragging, contest for speed (when not treated as reckless driving).
- (l) Speeding (when not treated as reckless driving).
- (m) Spinning wheels; improper start; zigzagging or weaving in traffic (when not treated as reckless driving).
- (n) Blocking or retarding traffic.
- (o) Careless driving.
- (p) Crossing yellow line; driving left of center.
- (q) Disobeying traffic lights, signs, or signals.
- (r) Driving on shoulder.
- (s) Driving uninsured vehicle.
- (t) Driving with blocked vision.
- (u) Driving with expired plates or without plates.
- (v) Driving without license or with suspended or revoked license.
- (w) Driving without registration or with improper registration.
- (x) Driving wrong way on one-way street.
- (y) Failure to comply with officer's directives.
- (z) Failure to have vehicle under control.
- (aa) Failure to keep to right or in line.
- (ab) Failure to signal.
- (ac) Failure to stop for or yield to pedestrian.
- (ad) Failure to submit report following accident.
- (ae) Failure to yield right-of-way.
- (af) Faulty equipment (defective exhaust, horn, lights, mirror, muffler, signal device, steering device, tailpipe, or windshield wipers).

§ 888b.21 Uniform guide list of typical minor nontraffic offenses.

This list is a guide; consider offenses of a similar nature as minor. In doubtful cases, apply the following rule: If the maximum confinement under local law is 4 months or less, treat the offense as minor.

- (a) Abusive language under circumstances to provoke breach of peace.
- (b) Carrying concealed weapon (other than firearm); possession of brass knuckles.
- (c) Curfew violation.
- (d) Damaging road signs.
- (e) Discharging firearm through carelessness.
- (f) Discharging firearm within municipal limits.
- (g) Disobeying summons.
- (h) Disorderly conduct; creating disturbance; boisterous conduct.
- (i) Disturbing peace.
- (j) Drinking liquor on train (other than club car).
- (k) Drunk in public; drunk and disorderly.
- (l) Dumping refuse near highway.
- (m) Fighting; participating in affray.
- (n) Fornication.
- (o) Illegal betting or gambling; operating illegal handbook, raffle, lottery, punch board; matching cockfight.

(p) Juvenile noncriminal misconduct: Beyond parental control, incorrigible, runaway, truant, or wayward.

(q) Killing domestic animal.

(r) Liquor: Unlawful manufacture, sale, or possession, or consumption in public place.

(s) Loitering.

(t) Malignant mischief: Painting water tower, throwing water-filled balloons, throwing rocks on highway, throwing missiles at athletic contests, or throwing objects at vehicle.

(u) Nuisance, committing.

(v) Poaching.

(w) Possession of cigarettes by minor.

(x) Possession of indecent publications or pictures.

(y) Purchase, possession, or consumption of alcoholic beverages by minor.

(z) Removing property under lien.

(aa) Removing property from public grounds.

(ab) Robbing orchard.

(ac) Shooting from highway.

(ad) Shooting on public road.

(ae) Simple assault.

(af) Throwing glass or other material in road.

(ag) Trespass to property.

(ah) Unlawful assembly.

(ai) Using or wearing unlawful emblem.

(aj) Vagrancy.

(ak) Vandalism: Injuring or defacing public property or property of another; shooting out streetlights.

(al) Violation of fireworks law.

(am) Violation of fish and game laws.

§ 888b.22 Uniform guide list of typical other (nonminor) misdemeanors.

This list is a guide; consider offenses of seriousness as nonminor misdemeanors. In doubtful cases, apply the following rule: If the maximum confinement under local law exceeds 4 months but does not exceed 1 year, treat the offense as a nonminor misdemeanor.

(a) Adultery.

(b) Assault consummated by battery.

(c) Bigamy.

(d) Breaking and entering vehicle.

(e) Check, worthless, making or uttering, with intent to defraud or deceive (\$100 or less).

(f) Conspiring to commit misdemeanor.

(g) Contributing to delinquency of minor.

(h) Desecration of grave.

(i) Driving while drugged or intoxicated.

(j) Failure to stop and render aid after accident.

(k) Indecent exposure.

(l) Indecent, insulting or obscene language communicated to a female directly or by telephone.

(m) Leaving dead animal.

(n) Leaving scene of accident (hit and run).

(o) Looting.

(p) Negligent homicide.

(q) Petty larceny (value \$100 or less); stealing hub caps; shoplifting.

(r) Reckless driving.

(s) Resisting arrest.

(t) Selling or leasing weapons to minor.

(u) Slander.

(v) Stolen property, knowingly receiving (value \$100 or less).

(w) Suffrage rights, interference with.

(x) Unlawful carrying of firearms; carrying concealed firearm.

(y) Unlawful entry.

(z) Unlawful use of long-distance telephone lines.

(aa) Use of telephone to abuse, annoy, harass, threaten, or torment another.

(bb) Using boat without owner's consent.

(cc) Willfully discharging firearm so as to endanger life; shooting in public place.

(dd) Wrongful appropriation of motor vehicle; joyriding; driving motor vehicle without owner's consent (if intent is to permanently deprive owner of vehicle, consider as grand larceny).

§ 888b.23 Uniform guide list of typical felonies.

This list is a guide; consider offenses of comparable seriousness as felonies. In doubtful cases, apply the following rule: If maximum confinement under local law exceeds 1 year, treat the offense as a felony.

(a) Aggravated assault; assault with dangerous weapon; assault intentionally inflicting great bodily harm; assault with intention to commit felony.

(b) Arson.

(c) Attempt to commit felony.

(d) Breaking and entering with intent to commit felony.

(e) Bribery.

(f) Burglary.

(g) Carnal knowledge of female under 16.

(h) Cattle rustling.

(i) Check, worthless, making or uttering, with intent to defraud or deceive (over \$100).

(j) Conspiring to commit felony.

(k) Criminal libel.

(l) Extortion.

(m) Forgery; knowingly uttering or passing forged instrument.

(n) Graft.

(o) Grand larceny; embezzlement (value over \$100).

(p) Housebreaking.

(q) Indecent acts or liberties with child under 16.

(r) Indecent assault.

(s) Kidnaping; abduction.

(t) Mail matter: Abstracting, destroying, obstructing, opening, secreting, stealing, or taking.

(u) Mails: Depositing obscene or indecent matter.

(v) Maiming; disfiguring.

(w) Manslaughter.

(x) Misprison of felony.

(y) Murder.

(z) Narcotics or habit forming drugs; wrongful possession, use, or sale.

(aa) Pandering.

(ab) Perjury; subornation of perjury.

(ac) Public record: Altering, concealing, destroying, mutilating, obliterating, or removing.

(ad) Rape.

(ae) Riot.

(af) Robbery.

(ag) Seditious; soliciting to commit sedition.

(ah) Sodomy.

(ai) Stolen property, knowingly receiving (value over \$100).

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

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PART 888c—ACTIVE DUTY SERVICE COMMITMENTS

Part 888c, Subchapter I, Chapter VII of Title 32 of the Code of Federal Regulations is retitled as set forth above and revised to read as follows:

Sec.	Purpose.
888c.0	Statutory authority.
888c.2	Definitions.
888c.4	Why the Air Force has active duty service commitments.
888c.6	Who incurs active duty service commitments.
888c.8	How to compute active duty service commitments and active duty service commitment dates.
888c.10	Active duty service commitment date record entries and source documents.
888c.12	Miscellaneous instructions.
888c.14	Active duty service commitment from accepting regular Air Force commission.
888c.16	Active duty service commitment for ResAF officers entering extended active duty/attaining career reserve status.
888c.18	Active duty service commitments for flying training.
888c.20	Air Force Institute of Technology, fellowship, scholarship, grant, and operation bootstrap active duty service commitments.
888c.22	Active duty service commitments for technical training.
888c.24	Active duty service commitments for service schools and other miscellaneous education or training.
888c.26	Permanent change of station and promotion active duty service commitments.
888c.28	Physician training active duty service commitments.
888c.30	Active duty service commitments for accepting continuation pay.
888c.32	Dentist training active duty service commitments.
888c.34	Veterinary, nurse, biomedical sciences, and medical service corps officer training active duty service commitments.
888c.36	Active duty service commitments after elimination from training.

AUTHORITY: 10 U.S.C. 8012.

§ 888c.0 Purpose.

(a) This part establishes active duty service commitments (ADSC) for all officers.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888c.2 Statutory authority.

10 U.S.C. 8012(f) authorizes the Secretary of the Air Force to prescribe regulations to carry out his functions, powers, and duties. This part, wherein career and certain noncareer officers receive and must serve all ADSCs, is issued under that authority.

§ 888c.4 Definitions.

(a) *Active duty (AD)*. Full-time duty in the active military service of the United States. (Does not include active duty for training.)

(b) *Active duty service commitment (ADSC)*. A period of AD that an officer is required to serve before becoming eligible for voluntary separation.

(c) *ADSCD and reasons for ADSC*. The year, month, and day the ADSC will expire, and the basis for the commitment, such as AFIT, etc.

(d) *Career officer*. (1) A regular officer.

(2) A reserve of the Air Force (ResAF) officer currently serving in career reserve status (CRS).

(e) *Date of separation (DOS)*. A date established according to law or policy for the termination of active duty.

(f) *Extended active duty (EAD)*. A tour of active duty (normally for more than 90 days) performed by a member of the Air Reserve Forces. Strength accountability for persons on extended active duty changes from the Air Reserve Forces to the active forces.

(g) *Noncareer officer*. (1) A temporary officer.

(2) A ResAF officer who entered on AD for a specified period of duty. (Does not include the 20-year active service career for reserve officers program.)

(3) A ResAF officer who has canceled CRS or established a DOS under AFR 36-12.

(4) A ResAF officer with a DOS involuntarily established by law or policy. (Does not include the 20-year active service career for reserve officers program.)

(5) A ResAF officer who remains on AD beyond the period prescribed in his EAD orders pursuant to AFR 36-94.

(h) *Officer*. An Air Force commissioned or warrant officer.

(i) *Separation*. (1) Termination of AD by release, resignation, or discharge (AFR 36-12).

(2) Service retirement (AFM 35-7).

(3) Disability retirement or discharge (AFM 35-4).

(4) Termination of AD by expiration of specified period of time contract (AFR 36-12 and 36-94).

(j) *Specified period of time contract (SPTC)*. A signed statement in which a noncareer officer or an appointee from civilian or airman status agrees to remain on AD in commissioned officer status for a specified period of time (AFR 36-94).

§ 888c.6 Why the Air Force has active duty service commitments.

In order for the Air Force to effectively manage its resources, accomplish its assigned mission, maintain an experienced and well-qualified officer force and still

operate within a limited budget, it is essential that it be assured of a reasonable return following the expenditure of public funds. The ADSC has been devised to satisfy that requirement. The need for this program has been noted by inclusion of a specific objective in the USAF personnel plan (Topline).

(a) The expenditure of public funds starts at the precommissioning phase, such as the USAF Academy, AFROTC, and other commissioning program. It continues when an officer enters active duty and as he proceeds into expensive training or education programs that serve to qualify him for his particular utilization field. During his training, he is not performing the normal duties of his grade or specialty; consequently, he is obliged to provide the Air Force a reasonable period of productive utilization or assignment or return to his regular duties. Once trained, the officer must then be reassigned at considerable cost to duties and locations where he is most needed, whether in the continental United States or in an overseas area.

(b) There are other ADSC's that are not directly related to the investment of public funds. They are incurred as a result of promotions to certain grades, acceptance of regular or career reserve status, or interservice transfers. These ADSC's have been developed to assure a reasonable degree of stability in the officer force, particularly for those officers who accept promotions or career status.

(c) For the career-minded officer, periods of service under an ADSC are not highly significant, except as they may affect his date of retirement. For an officer who intends to leave the Air Force before retirement, additional service as a result of ADSC's takes on a higher degree of importance since it may preclude his separation, if he is a career officer, until he has fulfilled all of his ADSC's. Therefore, each officer must thoroughly understand the system used by the Air Force to insure that sufficient numbers of qualified officers are available to fulfill the Air Force mission.

§ 888c.8 Who incurs active duty service commitments.

Generally, any time an officer completes a period of formal education or training, a permanent change of station, accepts a promotion to a certain grade, or accepts career status, he incurs an ADSC and is required to remain on active duty for a period of time equal to the ADSC.

(a) An officer is obligated to accept any duty assignment directed by the appropriate assignment authority (see AFM 36-11). A career officer who has not submitted a request for separation is considered to be serving in a career status voluntarily. If selected for reassignment, he may not apply for separation, except under the conditions specified in AFM 36-11, paragraph 1-12, July 30, 1970, until his ADSC for the PCS and associated training, if any, has been computed.

(b) A noncareer officer or any other officer who possesses a DOS established by voluntary request, law, or policy con-

tinues to incur ADSC's, but is not required to serve beyond the DOS, except under extraordinary circumstances. Later election of continued service, such as CRS, withdrawal of separation request, regular Air Force appointment, etc., will result in a requirement that he serve the balance of the outstanding ADSC.

(c) An officer serving on an SPTC incurs ADSC's, but is not required to remain on AD to fulfill the ADSC's unless he signs another SPTC, accepts CRS or a regular Air Force appointment. Fulfillment of the ADSC before his established DOS does not serve to make him eligible for early separation as the SPTC is a separate agreement.

§ 888c.10 How to compute active duty service commitments and active duty service commitment dates.

Once an event has occurred that requires an officer to incur an ADSC, compute the ADSC and ADSCD using the rules in §§ 888c.16 through 888c.38 according to the following instructions:

(a) Find the rule containing the event or condition that has occurred.

(b) Determine whether there are other conditions in the same rule that must be considered. Such additional conditions may be specific on or after dates entered training and or the period of training. When the rules for a specific training program change while an officer is in training, compute the ADSC on the basis of the rules in effect at the time he entered training.

(c) Determine the ADSC applicable to that rule in terms of a fixed period, such as 2, 3, or 4 years, or by a numerical factor, such as 6 times the length of the training period. When the ADSC must be computed on the basis of the length of the training period (other than flying training), compute it by the steps shown below. If the ADSC computed is less than 61 days, no fulfillment is required. If it is 61 or more days but less than 181 days, a 6-month ADSC applies.

(1) *Step 1*. Determine the length of training by counting the number of calendar weeks spent by the student at the training facility. Count any remaining fractions of a week as an additional week.

(2) *Step 2*. Multiply the total length of training by the factor (that is, 3 times or 6 times the number of calendar weeks) to obtain the total length of the ADSC in calendar weeks.

(3) *Step 3*. Convert the total number of weeks of the ADSC to a specific ADSCD by converting weeks to complete years (52 weeks equal 1 year; 104 weeks equal 2 years; etc.). Convert any remaining period of less than 52 weeks to a specific date by counting on a calendar the actual number of weeks remaining. (Do not attempt to convert weeks to months at any point in the computation. To do so would give an erroneous ADSCD as the months vary in length.)

(d) When a newly incurred ADSC is to be served consecutively, it will be added to the unfulfilled portion of the existing one. Exceptions: The new ADSC

will be served concurrently with, not added to, an existing ADSC incurred by promotion, the 1-year ADSC for acceptance, while on AD, of CRS or a regular Air Force appointment, voluntary entry on AD of prior service officers or interservice transferees. Medical, dental, or veterinary officers may fulfill any ADSC received from training under §§ 888c.30, 888c.34, and 888c.36, concurrently with an ADSC incurred by accepting regular or career reserve status.

(e) Insure that the supporting documents listed for the particular rule have been reviewed and substantiate the condition which has occurred.

(f) Consider the additional information or exceptions to the rules contained in the notes to the particular table when determining the ADSC.

(g) Prior ADSC's that exceed the requirements of this part are reduced to comply with them. Prior ADSC that are less than the requirements of this part are not to be increased to comply with them. Exception: ADSC's that are announced as effective on a specific date will be determined according to that date. (See § 888c.20, rules 1 and 2, for examples of this exception.)

§ 888c.12 Active duty service commitment dates record entries and source documents.

(a) The ADSCD and reason for ADSC (ADE AC-803-II, AFM 300-4) are entered in the PDS-0 according to AFM 30-3, volumes III and VI. To assure that officers are fully aware of any ADSC they incur, the ADSCD and any change thereto, and the ADSC reason will be announced on AF Form 2095, Assignment/Personnel Action. The AF Form 2095 will contain in the remarks section a specific reference to the supporting documents (see tables) that were used to determine the ADSCD. Exception: An AF Form 2095 is not required in the following instances:

(1) The special order announcing the promotion is the source document for the ADSC incurred by promotion.

(2) The continuation agreement pay signed by the Medical Corps officer is the source document for that ADSC (see AFR 36-8).

(3) The AF Form 1227, Request for Tuition Assistance, indicating the date of course completion/withdrawal is the source document for the ADSC incurred for tuition assistance.

(b) Record the ADSCD and reason for ADSC, even though the date exceeds the established DOS. The ADSCD and reason will remain in the PDS-O even

though the date has expired, as this information is used for historical and analytical purposes.

(c) When there are multiple ADSCD's, record the date that extends for the longest period.

(d) The ADSCD and reason for ADSC will be reviewed by a personnel technician or skilled specialist with the officer, and verified against the source documents, at time of incoming records review and at the time the officer applies for separation or retirement. Any cases of disputed ADSCD's will be forwarded, with supporting documentation, through major command channels to AFMPC/DPMROC1, Randolph Air Force Base, Tex. 78148, for resolution.

(e) Consolidated Base Personnel Office (CBPO) chiefs must establish internal procedures to insure that all documents in support of an ADSC are routed to and coordinated with CBPO-DPMCA for determination of the correct ADSCD and reason for ADSC, and entry in PDS-O.

§ 888c.14 Miscellaneous instructions.

(a) Under certain conditions, AFMPC/DPMROC1 may establish an ADSC on an individual basis to cover a unique situation. The officer must acknowledge the ADSC in writing. Miscellaneous ADSC's are handled by separate corre-

spondence between the major command and AFMPC/DPMROC1.

(b) Officers entering EAD as judge advocates and those on active duty (except officers who obtain a legal education pursuant to AFR 36-7) who request and obtain designation as a judge advocate incur an ADSC of 4 years effective on the date of such designation. The supporting document for this ADSC is the order designating the officer a judge advocate. Officers who obtain a legal education in an excess leave status (AFR 36-7) incur an ADSC as specified in § 888c.26. The ADSC for all aforementioned officers runs consecutively to any existing ADSC.

(c) Waivers of ADSC's are not authorized under this part. They may be granted only when specifically authorized in the directive governing the separation of an officer. The existence of an outstanding ADSC does not preclude an officer from requesting separation before fulfillment of the ADSC. Requests for separation to be effective in advance of fulfillment of the ADSC may be approved when fully documented and justified as being in the best interest of the Air Force.

§ 888c.16 Active duty service commitments for accepting regular Air Force commission.

Rule	A If officer is—	B And his class or appointment program was—	C Then his ADSC is— (note 1)	D And supporting document(s) is/are—
1	USAFA graduate (note 2), USNA graduate, or USMA graduate.	class of 1967	4 years.	AF Form 133, oath of office (military personnel), or special orders for active duty.
2		class of 1968 or later	5 years.	
3	Appointed from AFROTC; civilian or non-EAD Reserve dentists.	Fiscal year 1967 Regular AF appointment program or any preceding program.	4 years.	
4		Fiscal year 1968 Regular AF appointment program or a later one.	5 years.	
5	Appointed to Regular AF on AD.	Fiscal year 1967 Regular AF appointment program or any preceding program.	4 years on current tour, including 1 year of service after acceptance (note 3).	
6		Fiscal year 1968 Regular AF appointment program or later one.	5 years on current tour, including 1 year after acceptance (note 3).	
7	An interservice transfer.		4 years.	

- Notes: 1. These ADSC's are effective from the date of entry on AD.
 2. ADSC duration is incorporated within statements of understanding executed as cadets at USAFA.
 3. The 1-year ADSC is served concurrently with any existing ADSC.

§ 888c-20 Active duty service commitment for flying training.

Rule	A	B	C	D	E	F
	If training is—	And was entered—	For a period of—	Then ADSC is—	And is served concurrently with existing ADSC effective—	And supporting documents are—
1	UPT, UNT, or UHT (note 1).	Before Jan. 1, 1970.	Less than 4 weeks.	4 years.	Date officer is awarded aeronautical rating.	Special orders awarding aeronautical rating.
2	Formal combat or specialized command by MAJ COM or established AF school (notes 3, 4, 5, and 7)	On/after Jan. 1, 1970.	4 or more weeks, but less than 8 weeks.	5 years (note 2).	Date officer completes training.	Any official document indicating date training was completed, such as, certificate of training, special orders, or training report.
3			8 or more weeks, but less than 12 weeks.	1 year.		
4			12 or more weeks.	2 years.		
5				3 years.		
6				4 years.		

NOTES: 1. UHT graduates of Air Force Helicopter Training who subsequently attended the T-38 phase of UFT for the purpose of qualifying for fixed-wing pilot duty do not incur any ADSC as a result of this special training. UHT graduates of Army Helicopter Training who subsequently attend fixed-wing conversion training will incur a 2-year ADSC on completion of fixed-wing training.

2. If an officer executed an agreement indicating a 4-year ADSC, he will incur that ADSC even though he entered training on or after January 1, 1970. An officer who entered UPT before January 1, 1970, was subsequently eliminated and entered UNT on or after January 1, 1970 will incur a 4-year ADSC on completion of UNT.

3. Compute the ADSC based on each individual course length listed in AFM 50-5 at the time of entry into training. If the course length is not listed, use the course length announced by the MAJCOM conducting the source. An officer who receives aircrew qualification or upgrade training as a result of local unit training (while available for other military duties), not of the formal school nature identified above, does not incur an ADSC.

4. An additional ADSC is not incurred for this training if it is entered within the first year after award of an aeronautical rating.

5. When an officer is required to undergo requalification or special crew qualification training in an aircraft in which he previously received formal training, he will incur an ADSC for that training only if it upgrades his crew qualification. Exception: An officer who attends B-52/KC-135 CCTS for a second time upon returning from SEA does not incur an additional ADSC.

6. If an officer is reassigned to duties in an aircraft other than the one in which he incurred his last ADSC, HQ USAF would normally support an application for separation requesting a waiver of that ADSC.

§ 888c-18 Active duty service commitments for ResAF officers entering extended active duty/attaining career reserve status.

Rule	A	B	C	D
	If officer enters EAD—	And—	Then his ADSC is (note 1)—	And supporting documents are EAD orders and—
1	From AFROTC (note 2).....	Has prior service.....	4 years.....	AF Form 1056, AFROTC, category agreement.
2	From SMSO (note 2).....	Has no prior service (note 4).....	2 years.....	AF Form 56, application for training, leading to a commission in the USAF.
3	From another armed service.....	Has prior service.....	4 years.....	AF Form 24, application for appointment as ResAF or USAF without component.
4	As a line officer (AFR 45-26).....	Has no prior service (note 5).....	2 years.....	AF Form 125, application for EAD with the USAF.
5	As a physician, dentist.....	Has prior service.....	4 years.....	AF Form 24 or 125.
6	As a physician, dentist, or veterinarian.....	Has no prior service (note 4).....	2 years.....	AF Form 24.
7	As a Medical Service or Biomedical Sciences Corps officer other than dietitian, optometrist, occupational or physical therapist.....	Has prior service.....	4 years.....	AF Form 24 or 125.
8	As a chaplain.....	Has no prior service (note 5).....	3 years.....	AF Form 24.
9	As a Biomedical Sciences Corps (dietitian, optometrist, occupational or physical therapist).....	Has prior service.....	4 years.....	AF Form 24 or 125.
10	As a judge advocate.....	Has no prior service (note 5).....	2 years.....	AF Form 24.
11	As a nurse.....	Has prior service.....	4 years.....	AF Form 24 or 125.
12	As a chaplain.....	Has no prior service (note 5).....	3 years.....	AF Form 24 or 125.
13	As a nurse.....	Has prior service.....	3 years.....	AF Form 24 or 125.
14	As a physician, dentist, or veterinarian.....	Has no prior service (note 5).....	2 years.....	AF Form 125, application for CRS.
15	As a physician, dentist, or veterinarian.....	Subsequently attains CRS.....	3 years (including 1 year in CRS) (notes 3 and 4).....	AF Form 125, application for CRS.
16	As other than a physician, dentist, or veterinarian.....	Subsequently attains CRS.....	4 years (including 1 year in CRS) (note 3).....	

NOTES: 1. These ADSC's are effective from the date of entry on EAD.

2. AFROTC/SMSO graduates who subsequently enter undergraduate pilot training, undergraduate helicopter training, or undergraduate navigator training incur a 5-year ADSC on award of an aeronautical rating according to § 888c.20.

3. The 1-year ADSC is served concurrently with any existing ADSC and is effective from the date CRS is approved by HQ USAF.

4. Officers commissioned through AFROTC incur a 4-year ADSC rather than a 2-year ADSC. 5. Officers who have qualified for a commission through AFROTC, AECR, or BCP have a 4-year ADSC.

7. All training received in the type aircraft, flying training course(s), or for the duty assignment(s) listed below will result in a 1-year ADSC, regardless of the length of training. The 1-year ADSC will be considered satisfied on completion of a tour in SEA, if such occurs before 1 year:

(s) ALO/FAC; (b) USAF Special Fighter Training Course (F-105), Course/111506G; (c) A-1; (d) A-26; (e) C-7A; (g) C-123; (h) O-1; (i) O-2; (j) OV-10; (k) SOF Training Course, T-38 Pilot #111103Z; (l) U-6; (m) U-10; (n) A-37; (o) AC-119G/K; (p) EC-121R; (q) QU32B.

§ 888c-22 Air Force Institute of Technology, fellowship, scholarship, grant, and Operation Bootstrap active duty service commitment.

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is—	E And is served—	F And supporting documents are—
1	AFIT professional education or training with industry, including USAFA special masters program but not special short courses.	On or after Oct. 1, 1964, but before Feb. 13, 1964.		3 times length of training period.	Concurrently with existing ADSC, effective on date officer departs training facility.	DD Form 1351-2, travel voucher or subvoucher, AF Form 475, training report, or any official document indicating date of arrival and departure from training facility.
2		On or after Feb. 13, 1964, but before July 1, 1971.			Concurrently to existing ADSC.	
3		On/after July 1, 1971.		The period of ADSC for commission plus length of training or 3 times length of training period, whichever is longer.	Concurrently with existing ADSC, effective on date officer departs training facility.	
4	AFIT special short courses.		Less than 20 weeks.	6 times length of training period.		
5			20 or more weeks, but less than 12 months.	3 years.		
6			12 or more months, but less than 24 months.	4 years.....		

Rule	A If training is—	B And was entered—	C For a period of—	D Then ADSC is—	E And is served—	F And supporting documents are—
7			24 or more months.	4 years, plus 2 months for each additional fraction of a month.		
8	AFIT follow-on for Warren Minuteman education program.			3 years.....	Concurrently with existing ADSC, effective on date officer completes course.	Any official document indicating date course completed (such as transcript or certificate of training).
9	AFIT follow-on for Minuteman education program.		1 to 3 academic quarters.			
10			4 or more academic quarters.	3 times length of training period.		
11	Fellowship, scholarship, or grant (AFR 33-35).	Before Jan. 1, 1969.		The period of ADSC for commission plus length of training, or 3 times length of training period, whichever is longer.	Concurrently with existing ADSC, effective on date officer departs training facility.	DD Form 1351-2, travel voucher or subvoucher, AF Form 475, training report, or any official document indicating date of arrival or departure from the training facility.
12		On or after Jan. 1, 1969.				
13	Operation Bootstrap with post-ship assistance (AFM 31B-1).			3 years.....	Concurrently with existing ADSC, effective on date course terminates.	AF Form 1221, request for tuition assistance.
14	Operation Bootstrap TDY program (AFM 31B-1).				Concurrently with existing ADSC, effective on date officer departs training facility.	Any official document indicating date of arrival and departure from training facility.
15	The White House Fellows program.			3 times length of training period.		

§ 888c-24 Active duty service commitment for technical training.

Rule	A If training is--	B And was entered--	C For a period of--	D Then ADSC is--	E And is served--	F And supporting documents are--
1	Technical training including AFR 80-9, weather officer courses, education or professional training requiring absence from duty not specifically shown in other portions of this part.		Less than 20 weeks.	6 times length of training period.	Concurrently with existing ADSC, effective on date officer departs training facility.	DD Form 1351-2, or any official document indicating date of arrival and departure from the training base.
2			30 or more weeks, but less than 12 months.	3 years.....		
3			12 or more months, but less than 34 months.	4 years.....		
4			34 or more months.	4 years plus 2 months for each additional fraction of month.		
5	ATC missile course (Titan).	On or after Feb. 29, 1968.		3 years.....		
6	ATC missile course (Minuteman).	On or after Feb. 29, 1968 but before Sept. 1, 1970.				
7		On or after Sept. 1, 1970.		3 years from completion of SLC O RT.		DD Form 1351-2, or any official document indicating date of departure from the O RT training base.

§ 888c-26 Active duty service commitment for service schools and other miscellaneous education or training.

Rule	A If training is--	B And was entered--	C Then ADSC is--	D And is served--	E And supporting documents are--
1	National War College, Air War College, Industrial College of the Armed Forces, Armed Forces Staff College, Command and Staff College, or completion of training at comparable schools of other forces or nations.		3 years.	Concurrently with existing ADSC, effective on date officer departs training facility.	DD Form 1351-2, or any official document indicating date of departure from the training facility.
2	Squadron Officer School, Academic Instructor School (AUI), or comparable schools of other forces or nations.		1 year.		
3	With Manned Spacecraft Center (NASA), Houston, Tex. (note 1).		2 years after termination of tour.		
4	Off-duty proficiency education and training program conducted by MAJCOM.	On or after Apr. 3, 1964.	1 year.	Concurrently with existing ADSC, effective on date officer commences course consecutively to existing ADSC.	Any official document indicating date course was completed.
5	Legal education in an across leave status (A.F.R. 36-7).	On or after Jan. 1, 1961, but before Sept. 1, 1968.	6 months for each school year (note 2).		DD Form 1351-2, AF Form 475, training report, or any official document indicating period of actual time spent in training.
6		On or after Jan. 1, 1968.	1 month for each month of school year (note 2).		
7		On or after Nov. 1, 1972.	4 years (note 2).		
8	With the US/FRG scientific and engineering exchange program (note 3).	On or after Jan. 1, 1968.	3 times the length of training.	Concurrently with existing ADSC, effective on date officer completes program.	

Notes: 1. Formalized by USAF/NASA Memoranda of Agreement, July 15, 1965 and October 5, 1967.
 2. The period of legal education cannot be used to satisfy previously incurred ADSC.
 3. Officer selected by Air Force Systems Command for this program must acknowledge the ADSC before departure from his home station.

§ 888c-28 Permanent change of station and promotion active duty service commitment.

Rule	A If officer is—	B And—	C Then his ADSC is (note 1)—	D Effective from—	E And supporting documents are—
1	Reassigned PCS from OS to OS (COT) without travel in Conus.		1 year.	Date departed last duty station.	DD Form 1353-2.
2	Reassigned PCS from Conus to OS or from OS to OS (COT) with travel through the Conus.	Is serving an accompanied tour because his dependents accompanied or joined him.	Equal to the prescribed tour (note 2).	Date departed the Conus.	
3		Is serving an overseas tour other than in rule 2 above.	1 year.		
4	Reassigned PCS from OS to OS (COT) without travel in Conus.	Is serving an accompanied tour because his dependents accompanied or joined him.	Equal to the prescribed tour (note 2).	Date of arrival at new OS station.	
5		Is serving an overseas tour other than in rule 4 above.	1 year.		
6	Promoted to the AD grade of major, lieutenant colonel, or colonel (note 3).		2 years.	Date of promotion.	Special orders announcing promotion.

Notes: 1. ADSC's for PCS or promotion are served concurrently with any existing ADSC's. Extensions of overseas tours do not serve to increase the ADSC's. Curtailments of overseas tours serve to decrease ADSC's accordingly.

2. The ADSC for overseas tour lengths of 48 months is 3 years.

3. Officers serving in a fixed tour of duty according to AFB 45-23 do not incur ADSC's for promotions. MC officers (physicians) promoted to temporary major, lieutenant colonel, or colonel do not incur ADSC's for promotion.

§ 888c-30 Physician training active duty service commitment.

Rule	A If training is (note 1)—	B And is conducted at a—	C For a period of (note 2)—	D And was completed—	E Then ADSC is—	F And is served—	G And supporting documents are—
1	Education leading to doctor of medicine or doctor of osteopathy degree.				3 months for each month, or fraction of month, sponsored in medical school (note 3).	Concurrently with existing ADSC, effective date officer receives his degree.	Evidence of graduation and the awarding of the degree from his school. AF Form 473.
2	Senior medical student program.				3 years after completion of internship or 4th year of training following receipt of MD or DO degree (note 4).	Concurrently with existing ADSC.	Part, or any portion, of the medical record of training following receipt of MD or DO degree (note 4).

Rule	A If training is (note 1)—	B And is conducted at a—	C For a period of (note 2)—	D And was completed—	E Then ADSC is—	F And is served—	G And supporting documents are—
3	Internship.	Military facility.		On or before June 30, 1970.	None (note 5).		
4		Civilian hospital or institution.		On or before July 1, 1970.	1 year in addition to any remaining ADSC (obligation pursuant to the Military Selective Service Act).	Concurrently to existing ADSC.	
5		Military facility (note 10).		On or before June 30, 1970.	None, except for any remaining ADSC (obligation pursuant to the Military Selective Service Act (note 5)).	Concurrently with existing ADSC, except for the 48 year incurrence rule 7, note 1.	
6	Residency, fellowship, subspecialty and postgraduate education and training (notes 6, 7, 8, and 9).	Military facility (note 10).	Any length.	On or before June 30, 1970.	1 year, or 50 percent of ADSC remaining July 1, 1970, computed on the basis of 1 month for each month of training, whichever is greater (note 11).		
7			1 year or less.	On or after July 1, 1970.	1 year.		
8			More than 1 year.		2 years (note 12).		
9		Civilian hospital or institution (note 10).	Any length.	On or before June 30, 1970.	1 year, or 50 percent of ADSC remaining on July 1, 1970, computed on the basis of 2 years for 1st year of training and 1 month for month thereafter, whichever is greater (note 11).		
10			1 year or less.	On or after July 1, 1970.	2 years.		
11			More than 1 year.		An amount equal to the period of training, but not less than 2 nor more than 3 years.		

Notes: 1. Attendance at a nonmedical training program results in ADSC as prescribed in § 888c-24 or elsewhere in this part.

2. ADSC is not incurred for a course of less than 10 weeks.

3. Do not include in computations periods of duty performed at military locations during breaks in medical school.

4. An obligation under the Military Selective Service Act of 1967 may be served concurrently during the first and second year.

5. A physician who has no obligation under the Military Selective Service Act of 1967, as amended, will be required to serve on active duty only for the period of internship.

6. Officer will continue to fulfill ADSC incurred under rule 1 during his residency.
7. The first and second year ADSC incurred under rule 2 may be fulfilled during residency training; however, the third year ADSC is suspended during residency training and is added to the ADSC incurred for training under rules 6 through 11.
8. Fellowship or subspecialty training entered directly from a residency program or within 6 months of the original program for purposes of certification will be considered a continuation of that program.
9. Aerospace Medicine Residency, Phase I, Academic Year, in a civilian institution incurs a 2-year ADSC, and Phase II and Phase III incur a 1-year ADSC each. The maximum ADSC for this residency program is 3 years. Note 12 does not apply.
10. Required training in a civilian institution entered during a period of a military residency is considered continuation of the military program.
11. If officer has an ADSC of 1 year or less on July 1, 1970, his ADSC will not be adjusted under this rule.
12. The ADSC will be reduced by the amount of time (up to 1 year) he served as a Medical Corps officer before entering residency or similar training, unless that time was served as a student or intern or was fulfilling commitment for military-sponsored professional training. This reduction applies to the initial Air Force-sponsored residency or similar training only.

§ 888c.32 Active duty service commitment for accepting continuation pay.

Rule	A If the officer is (note 1)—	B Then the ADSC is—	C And supporting document is—
1	Not in a training status and has no ADSC for training.	1 year from effective date of agreement as defined in AFR 36-8.	Continuation pay agreement signed by the officer.
2	In a training status as specified in § 888c.30.	Computed by adding 1 year to the anticipated ADSC that will be incurred upon completion of the current period of training (note 2).	
3	Not in a training status, but has an ADSC for training.	Computed by adding 1 year to the ADSC incurred for training (note 2).	

NOTES: 1. A medical officer who is selected to receive and elects to accept continuation pay under AFR 36-8 incurs an ADSC according to this section. Any questions regarding computation of the ADSC herein should be referred to AFMPC/SGPSCC, Randolph Air Force Base, Tex. 78148.

2. The 1-year ADSC is added only to an ADSC incurred for training, and not to any other ADSC.

§ 888c.34 Dentist training active duty service commitment.

Rule	A If training is—	B And is conducted at a—	C For a period of—	D Then ADSC is—	E And is served—	F And the supporting documents are—
1	Education leading to a DDS degree.			3 months for each month, or fraction thereof, sponsored in dental school (note 1).	Concurrently with existing ADSC, effective date receives his degree.	Evidence of graduation and the awarding of the degree from his school, AF Form 475, or any official document indicating period of training and date completed.
2	Internship	Military facility.		None		
3	Residency, fellowship, and postgraduate education and training (notes 2 and 3).	Civilian hospital or institution.	Any length.	1 year for 1st year, plus 1 month for each additional month, or fraction of month.	Concurrently with existing ADSC.	
4			10 through 52 weeks.	2 years		
5			More than 52 weeks.	2 years, plus 1 month for each additional or fraction of month.		

NOTES: 1. Do not include in computations periods of duty performed at military locations during breaks in dental school.

2. Fulfillment of ADSC incurred under rule 1 above will continue during residency, fellowship, or postgraduate education and training.

3. Required training in a civilian institution, entered during a military residency, is a continuation of that military program.

§ 888c.36 Veterinary, nurse, biomedical sciences, and Medical Services Corps officer training active duty service commitment.

Rule	A If training is (note 1)—	B And is conducted at a—	C For a period of—	D Then ADSC is—	E And is served—	F And supporting documents are—
1	Education leading to DVM degree.			3 months for each month, or fraction of month sponsored in veterinary school (note 2).	Concurrently with existing ADSC effective date officer receives his degree.	Evidence of graduation and the awarding of the degree from his school, AF Form 475, or any official document indicating period of training and date completed.
2	Internship	Military facility.		None (note 3).		
3	Undergraduate, graduate, post-graduate, or professional education and training (notes 3 and 4).	Military or civilian institution.	More than 10 weeks (note 5).	3 times length of training period, but not less than 1 year (notes 6 and 7).	Concurrently with existing ADSC (note 8).	
4	Residency (notes 3 and 4).	Civilian institution.		3 times length of training period, but not less than 1 year (note 7).		
5		Military facility.	1 year or less.	1 year		
6			More than 1 year.	1 year, plus 1 month for each additional month, or fraction thereof, in training.		

Notes: 1. Attendance at technical medical training programs resulting in ADSC as prescribed in § 888c.34. ADSC's for nonmedical training programs will be computed based on the appropriate section.

2. Do not include in computation periods of duty performed at military locations during breaks in veterinary school.

3. An individual appointed and placed on EAD as an officer in the Medical Service and entered directly into a professional education, internship, or residency program will be required to serve a minimum of 9 years following completion of training except for Nurse Corps and Biomedical Sciences Corp. (distitan, occupational and physical therapist only) personnel (see Part 905 (§§ 905.16 and 905.18) of this chapter).

4. Fulfillment of ADSC incurred under rule 1 above continues during later periods of graduate, residency, or professional education and training.

5. ADSC is not incurred for training of 10 weeks or less; however, an officer normally will not be considered for training unless he has 1 year of assured retainability following training.

6. Exception: Officers sponsored at the Ph. D. level in clinical psychology will be required to serve 3 years following internship, or 2 months for each month of academic training, whichever is greater.

7. Use procedures in § 888c.10(c) to compute ADSC based on the length of training period.

8. For those who entered training before July 1, 1971, the ADSC is served consecutively to existing ADSC; for those who entered training on or after July 1, 1971, the ADSC is served concurrently with existing ADSC.

§ 888c.38 Active duty service commitment after elimination from training.

Rule	A If elimination is from—	B Conducted at a—	C And termination point was—	D Then ADSC is (notes 1 and 2)—	E And supporting documents are—
1	A medical, dental, or veterinary residency.	Civilian hospital or institution.	Before completing 1 year.	2 years.	Those required for training, as appropriate, and/or any official document reflecting date eliminated or withdrawn from the training or education programs.
2			After completing 1 year.	2 years, plus 1 month for each additional month, not to exceed (NTE) 3 years.	
3		Military facility.	Before completing 1 year.	1 year.	
4			After completing 1 year.	1 year, plus 1 month for each additional month, NTE 2 years.	
5	Medical postgraduate professional education.	Civilian hospital or institution.	Before 50 percent completed.	Equal to uncompleted portion, NTE 8 years.	
6			50 percent or more completed.	Equal to completed portion, NTE 8 years.	
7		Military facility.	Before 50 percent completed.	Equal to uncompleted portion, NTE 2 years.	
8			50 percent or more completed.	Equal to completed portion, NTE 2 years.	
9	Medical education leading to MD, DDE, or DVM degree.		Before completing 1 year.	3 years.	
10			After completing 1 year.	3 years, plus 3 months for each additional month of school.	
11	Legal education in excess leave status.		Before completing course (note 1).	1 month for each month of school.	
12	All other courses or programs (notes 4 and 5).		Less than 10 weeks.	1 year.	
13			10 or more weeks.	2 years.	

Notes: 1. These ADSC's are served concurrently with any existing ADSC, and are effective on the date the officer is eliminated or withdrawn from training.

2. In no event will the ADSC incurred as a result of elimination from training exceed the ADSC which would have been incurred from completing the training.

3. An officer who fails to meet legal licensing requirements incurs an ADSC of 1 month for each month of school.

4. An officer eliminated from flying training because of physical disqualification begins fulfilling his ADSC on the date he is placed on "duty not involving flying" (DNIF) status.

5. An officer eliminated from AFIT professional education or training, with industrial education, scholarship, fellowship, or grant program, incurs an ADSC from § 888c.32 based on the length of training received, rather than an ADSC under this section.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-4485 Filed 3-12-73;8:45 am]

PART 888f—SPECIFIED PERIOD OF TIME CONTRACT (SPTC)

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended by adding a new Part 888f to read as follows:

Sec.	
888f.1	Purpose.
888f.2	Definitions.
888f.3	Policy on SPTCs.
888f.4	Application procedures.
888f.5	SPTC record entries.
888f.6	SPTC application procedures.
888f.7	SPTC format.

AUTHORITY: 10 U.S.C. 8012.

§ 888f.1 Purpose.

(a) This part tells how a noncareer officer may voluntarily extend his period of active duty beyond his established date of separation.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 888f.2 Definitions.

(a) *Active duty (AD)*. For this part, active duty is full-time duty in active military service of the United States. (Does not include a tour of AD for training.)

(b) *Date of separation (DOS)*. A date established according to law or policy for the termination of a tour of AD.

(c) *Noncareer officers*. (1) A temporary officer appointed in the Air Force without specification of component who does not hold a Reserve or Regular appointment.

(2) A Reserve officer who voluntarily or involuntarily entered AD for a specified period of time less than that prescribed by the 20-Year Active Service Career for Reserve Officers Program.

(3) A Reserve officer who has canceled his Career Reserve status.

(d) *Specified period of time contract (SPTC)*. A signed statement in which a noncareer officer agrees to remain on AD for a specified period.

§ 888f.3 Policy of SPTC's.

(a) The SPTC is a short-term instrument whereby a noncareer officer may remain on AD beyond his established DOS to satisfy a one-time requirement.

Career officers (Regular and Career Reserve) are ineligible to apply for an SPTC. SPTC's will not be used to extend a DOS involuntarily established as a result of law or policy. It is not intended that an SPTC be used to prolong the service of an individual who is not qualified to serve as a career officer. Since projected losses of noncareer officers have an impact on accession rates and other programed actions, such officers should not be encouraged to remain on active duty beyond their established DOS except in career status or as provided in paragraph (b) of this section.

(b) Eligible officers may apply for SPTC's within the following limitations:

(1) Judge advocates, chaplains, and officers of the Medical Service who do not have sufficient retainability to serve a prescribed tour may apply at the time they are selected for overseas assignment for an SPTC of the period necessary to meet the retainability requirement.

(2) Any noncareer officer may apply for an SPTC upon his selection for promotion to the grade of major, lieutenant colonel, or colonel to gain sufficient retainability to serve the active duty service commitment associated with his promotion.

(3) Noncareer officers who are ineligible for Career Reserve status under AFR 36-14 or for retention under subparagraph (b) (1) and (2) of this section, may apply for an SPTC if they believe their retention on active duty would be in the best interest of the Air Force. SPTC's submitted under this provision will be considered on their individual merits. They will not be approved unless it is sustained that the officer's service beyond his established DOS is clearly in the best interest of the Air Force. SPTC's under these circumstances must normally be submitted no earlier than 12 months nor later than 6 months before the established DOS and are generally limited to not more than 6 months' duration. (Exceptions: Officers with hardship reasons or those who require retainability to be considered or processed for Regular appointment may apply up to date of separation provided travel incident to separation has not been performed.)

(c) Once approved, the SPTC may not be withdrawn by the applicant. Approval of the SPTC does not preclude earlier separation when required by law or policy. The applicant is obligated to serve on AD for the period of the SPTC even when it exceeds an ADSC which he has incurred or may incur under Part 888c of this chapter.

(d) Once disapproved, the officer may not apply again for an SPTC unless he includes additional justification which

was not previously submitted or considered.

§ 888f.4 Application procedures.

Section 888f.6 contains the rules for applying for SPTC's, processing procedures, and the designated approval/disapproval authority for each application.

(a) The SPTC will be submitted in the format shown in § 888f.7 in original and sufficient copies to meet the requirements of § 888f.6. Modification of the format for the purpose of adding conditional statements is not authorized. The first indorsement must include the recommendation of the officer's immediate commander or his designated representative.

(b) The CBPO/DPMQS will suspense a copy of the application and insure that the officer does not perform travel incident to separation or is not released from AD before receipt of final action by the designated authority. Separation orders, if published, will be revoked at the time the application is submitted. When final action is not received before the DOS, the CBPO will input a G format, PTI 430 (not eligible to separate), indicating an estimated DOS of not more than 30 days beyond the current DOS.

(c) The major command must provide specific comments and justification in support of its recommendation on all applications. Applications which are submitted to satisfy manning shortages must include comments by the major command of actions taken to remedy the situation. The major command will suspense a copy of the application and insure that the officer is not separated before final action is taken by the designated authority.

§ 888f.5 SPTC record entries.

(a) Upon approval of the application, the designated authority (§ 888f.6, Column C) will enter the new DOS in PDS-O and forward the SPTC to AFMPC/DPMDRR for file in the officer's Master Personnel Record Group.

(b) Upon disapproval of the application, the designated authority will inform the applicant's major command by indorsement thereto, or by separate letter or message. A copy of the application and all related correspondence will be forwarded by the disapproval authority to AFMPC/DPMDRR for file in the officer's Master Personnel Record Group.

(c) Major commands will expedite all PDS-O transactions and correspondence to the officer's CBPO.

(d) Upon receipt of approval action through PDS-O or disapproval correspondence, the CBPO/DPMQS will inform the officer of the final action taken on his application.

§ 888f.6 SPTC application procedures.

Rule	A If officer is—	B Then he submits SPTC through immediate commander to CBPO/DPMQ8 who forwards—	C The approving/disapproving authority, which is—
1	Line of the Air Force.	To MAJCOM/DP (information cycle to numbered AF or comparable level) for recommendation and indorsement to.	AFMPC/DPMROC1 Randolph Air Force Base, Tex. 78148.
2	Judge advocate.	Through SJA of major subordinate command to major command/HC for recommendation and indorsement to.	HQ USAF/JAEC, Washington, D.C. 20330.
3	Chaplain.	Through HC of major subordinate command to major command/HC for recommendation and indorsement to.	HQ USAF/HCP, Washington, D.C. 20330 (note 1).
4	In the medical service and is attending basic orientation course (note 2).	To designated authority in Column C.	HQ School of Health Care Science, Sheppard Air Force Base, Tex. 76311.
5	In the medical service and is attending primary aerospace medical course (note 2).		HQ Aerospace Medicine Division, Brooks Air Force Base, Tex. 78235.
6	In the medical service other than in rule 4 or 5.	To major command/SG for recommendation and indorsement to.	AFMPC/SGC, Randolph Air Force Base, Tex. 78148.

NOTES: 1. Ecclesiastical indorsement from the applicant's religious agency is required and must be received in HQ USAF/HCP before action is completed on the SPTC.

2. Applies only to officers on initial tour of active duty. A copy of approved/disapproved SPTC correspondence will be forwarded to AFMPC/SGC. AFMPC/SGC will insure the new DOS is entered in PDS-O.

§ 888f.7 SPTC format.

From: (Organization identification).
Subject: Specified Period of Time Contract.
To: Immediate Commander, CBPO/DPMQ8, in turn.

1. In accordance with AFR 36-94, I agree to remain on active duty until _____ (day) (month) _____, unless relieved sooner under appropriate Air Force directives. My established DOS (year) is now _____ (day) (month) (year).

2. I desire to remain on active duty for the following reason: (Include full details and justification to assure that the approving authority has all the facts upon which to base a decision.)

3. I understand and agree to the following:

a. This SPTC is subject to approval or disapproval by the designated authority in AFR 36-94. My established DOS may be extended until final action on this SPTC is taken by the designated authority.

b. I may not withdraw this SPTC after it has been approved by the designated authority and I accept the obligation to serve on active duty for the period of this SPTC, even though such period may exceed an ADSC incurred under AFR 36-51.

c. When required by law or policy, I may be involuntarily separated prior to the expiration of this SPTC.

Name, grade, SSAN. _____ (Signature)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division,
Office of The Judge Advocate General.

[FR Doc. 73-4496 Filed 3-12-73; 8:45 am]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS
PART 901a—APPOINTMENT TO THE U.S. AIR FORCE ACADEMY
PART 901b—DISENROLLMENT OF U.S. AIR FORCE ACADEMY CADETS

Subchapter K of Chapter VII of Title 32 of the Code of Federal Regulations is amended by replacing Part 901 with Parts 901a and 901b to read as follows:

Sec. **Subpart A—Overall Provisions**
901a.0 Purpose.
901a.1 Appointment vacancies.
901a.2 Source of nominations.

Sec.
901a.3 Basic eligibility requirements.
901a.4 Medical requirements to qualify for admission.
901a.5 Academic examination requirements.
901a.6 Physical aptitude examination requirement.
Subpart B—Nomination Requirements and Procedures
901a.7 Notice of nomination.
901a.8 Congressional, District of Columbia, and U.S. possessions.
901a.9 Regular (competitive).
901a.10 Reserve (competitive).
901a.11 Presidential (competitive).
901a.12 Vice Presidential.

Sec.

901a.13 Sons of deceased or disabled veterans (competitive).
901a.14 Honor military and honor naval schools—college or university AFROTC—high school AFJROTC (competitive).
901a.15 Sons of Congressional Medal of Honor recipients.
901a.16 Citizens of the American Republic and the Philippines.
901a.17 Notification of change of address or station assignment.

Subpart C—Obligations of Cadet Appointment

901a.18 Obligations of cadet appointment.

AUTHORITY: 10 U.S.C. 903 and 10 U.S.C. 8012, except as otherwise noted.

Subpart A—Overall Provisions

§ 901a.0 Purpose.

(a) This part explains the methods of application, requirements and procedures for appointment to the Air Force Academy.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 901a.1 Appointment vacancies.

Appointment vacancies are authorized by law to specific nominating authorities.

§ 901a.2 Sources of nomination.

(a) U.S. Senators and Representatives.
(b) Resident Commissioner of Puerto Rico; Governor of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Governor of Guam; Governor of the Virgin Islands; and the Delegate to the House of Representatives from the District of Columbia (Public Law 91-405).

(c) Air Force enlisted Regular competitive category.

(d) Air Force enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Sons of deceased or disabled veterans competitive category.

(h) Honor military and honor naval schools, Air Force Reserve Officer Training Corps (AFROTC), and Air Force Junior Reserve Officer Training Corps (AFJROTC) competitive category.

(i) Sons of Congressional Medal of Honor recipients.

(j) Citizens of the American Republics and the Philippines—(Designated—To receive instructions—10 U.S.C. 9344 and 9345).

§ 901a.3 Basic eligibility requirements.

Each applicant: (a) *Age*. Must be at least 17 and not have passed his 22d birthday on July 1 of the year in which he enters the Academy. Appointees are required to legally substantiate their date of birth.

(b) *Citizenship*. Must be a male citizen of the United States. If an applicant is a citizen by naturalization, the following certificate is required, authenticated by a notary public or other persons authorized by law to administer oaths:

I certify that I have examined the certificate of (naturalization) (citizenship) of (candidate's first, middle and last name) and the following information was extracted therefrom:

Court name and location; certificate number; date of certificate; full name; place of birth; date of birth; and signature, notary public.

Address certificate to Associate Director of Admissions, U.S. Air Force Academy, Colorado 80840. Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances, as stated in 18 U.S.C. 1426(H).

(c) *Domicile*. If nominated by an authority designated in § 901a.2(a) or § 901a.2(b), he must be domiciled within the constituency of such authority.

(d) *Moral character*. Must be of highest moral character. Commanders will furnish information to USAFA/RRS, USAF Academy, Colorado 80840 on any military applicant or nominee whose official records indicate questionable background as follows:

(1) He is or has been a conscientious objector. In this case, an affidavit expressing his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full or unqualified military service to his country is required.

(2) Any facts which give reason to believe that his appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (MCM, 1968, revised edition, paragraph 128b, page 26-1) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance and drug abuse (AFR 39-10 will be consulted when information on drug experimentation or use becomes known).

(6) Any behavior, activity, or associations tending to show that he is of questionable moral character or reputation.

(e) *Marital status*. Must never have been married. Cadets are not permitted to marry until after graduation.

§ 901a.4 Medical requirements to qualify for admission.

Each candidate must meet the physical requirements outlined in AFM 160-1 and AFR 160-13.

§ 901a.5 Academic examination requirements.

Each candidate must take either the College Entrance Examination Board tests (CEEB) or the American College Testing Program tests (ACT).

(a) *College Entrance Examination Board*. (1) If a candidate elects to use the CEEB tests, he must take the following tests:

(i) *Scholastic aptitude test*. (a) Verbal.

(b) *Mathematics*.

(i) *Achievement tests*. (a) English composition.

(b) Level I (standard) Mathematics or Level II (intensive) Mathematics. (Select one—Level I recommended for candidates without advanced high school mathematics.)

(2) *Makeup examination*. A makeup administration of College Entrance Examination Board tests is held by examining centers at a time to be determined by USAFA/RRS. If, for some valid reason, a candidate is unable to take the tests on the regular testing dates, he may request authorization from USAFA/RRS to take them on the special makeup date. Supplies and instructions are furnished by the College Entrance Examination Board.

(b) *American College Testing Program tests*. If a candidate elects to use the ACT tests, he must take the complete battery of tests: English, mathematics, social sciences and natural sciences.

§ 901a.6 Physical aptitude examination requirements.

Each Air Force Academy candidate must take a physical aptitude examination consisting of four exercises designed to measure coordination, strength, endurance, speed, and agility. A list of test items is included in the USAFA Catalog. A candidate will usually be scheduled to take the physical aptitude examination at the same time he takes the qualifying medical examination.

Subpart B—Nomination Requirements and Procedures

§ 901a.7 Notice of nomination.

The Associate Director of Admissions, USAFA/RRS, notifies military applicants of their eligibility or ineligibility for nomination and provides admissions processing instructions. After an applicant is notified that he has been nominated, he will address all correspondence and send all required documents to USAFA/RRS, USAF Academy, Colorado 80840.

§ 901a.8 Congressional, District of Columbia, and U.S. possessions.

(a) A U.S. citizen domiciled in one of the 50 States may apply directly to the U.S. Senators of his State and the Representative of his congressional district. Persons domiciled in the District of Columbia apply to the Delegate to the House of Representatives from the District of Columbia. Persons domiciled in Puerto Rico apply to the Resident Commissioner. Such persons who are natives of Puerto Rico also may apply to the Governor. Sons of civilians residing in the Panama Canal Zone, or sons of civilian employees of the U.S. Government and the Panama Canal Company residing in the Republic of Panama, apply to the Governor of the Panama Canal Zone. Residents of American Samoa, Guam, and the Virgin Islands apply to their respective Governors.

(b) Congressional nominations are submitted by the nominating authorities between May 1 and January 31 for the class entering the following July. Send applications to the nominating authority

before or early in the nominating period. Address all inquiries concerning status of applications to the nominating authority.

(c) The nominating authority forwards DD Form 1870, "Nomination for Appointment" (used by HQ USAF and Congressmen), for each nominee through HQ USAF/DPPAB, Washington, D.C. 20330, to USAFA/RRS, USAF Academy, Colorado 80840.

§ 901.9 Regular (competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following July.

(a) Any enlisted member of the Regular component of the Air Force may apply for nomination. Selectees must be in active enlisted status when appointed as cadets.

(b) A Reserve commissioned officer on extended active duty may apply for vacancies in the Regular military category. If selected, he must have his commissioned officer status terminated and be enlisted before appointment as an Air Force cadet. If a cadet in this category is separated without prejudice and under honorable conditions from the Air Force Academy, he may apply for reappointment as a commissioned officer.

(c) A regular category applicant arranges to have his high school transcript submitted to the Associate Director of Admissions, USAFA/RRS, and completes in triplicate AF Form 1786, "Application for Appointment to the U.S. Air Force Academy Under Quota Allotted to Enlisted Men of the Regular and Reserve Components to the Air Force," and submits it to his immediate commander who:

(1) Determines if the applicant meets the basic eligibility requirements. If disqualified, the application is returned and the applicant is informed of the reason.

(2) Records on AF Form 1786 the scores achieved on the Airman Classification Test (ACT) and the date of the examination. ACT scores recorded on AF Form 7, "Airman Military Record," may be used. If no score is available, the immediate commander arranges for administration of the test. Do not use the Airman Qualifying Examination scores unless applying for USAF Academy Preparatory School.

(3) Forwards by first indorsement the original and one copy of AF Form 1786 to USAFA/RRS, USAF Academy, Colorado 80840. The indorsement must include a complete comprehensive statement on the applicant's character, ability and background, plus the following statement: "Statements contained in this application regarding component, length of service, and date of birth have been verified from official records."

§ 901.10 Reserve (competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following July.

(a) Any enlisted member of the Air Force Reserve or the Air National Guard of the United States (ANGUS) may apply for nomination.

(b) A Reserve commissioned officer who satisfactorily completes 1 year of service in an active Reserve assignment by July 1 of the year in which he seeks admission may apply for vacancies in the Reserve military category. If selected, he must have his commissioned officer status terminated and be enlisted in the Air Force Reserve before appointment as an Air Force Cadet. If a cadet in this category is separated without prejudice and under honorable conditions from the Air Force Academy, he may apply for reappointment as a commissioned Reserve officer.

(c) A Reserve category applicant arranges to have his high school transcript submitted to the Associate Director of Admissions, USAFA/RRS, completes AF Form 1786, and submits it to his organization commander. The organization commander processes the application. A Reserve applicant is not placed on active duty to be processed for nomination or appointment to the Air Force Academy.

§ 901a.11 Presidential (competitive).

(a) The son of a Regular or Reserve member of the Armed Forces of the United States is eligible for nomination if:

(1) His parent is on active duty and has completed 8 years of continuous active duty service (other than for training) by July 1 of the year that the candidate would enter the USAF Academy; or

(2) His parent was retired with pay or was granted retired or retainer pay (sons of Reservists retired while not on active duty status are ineligible); or

(3) His parent died after retiring with pay or after being granted retired or retainer pay (sons of deceased Reservists who were retired while not on active duty status are ineligible); or

(4) He does not meet the eligibility requirements for the Sons of Deceased or Disabled Veterans (SODDV) appointment category. (By law, a person eligible for appointment consideration under the SODDV category may not be a candidate in the Presidential category.) An adopted son is eligible if adoption proceedings were initiated before his 15th birthday.

(5) An eligible individual may apply to USAFA/RRS, USAF Academy, Colorado 80840, requesting nomination. The nominating period opens on May 1 and closes December 15. Applicants must not write directly to the President of the United States, since these applications are processed by the Air Force Academy.

§ 901a.12 Vice Presidential.

(a) Any individual who meets the basic eligibility requirements of § 901a.3 may apply for a nomination to the Vice President, U.S. Senate, Washington, D.C. 20510. The Vice President may submit nominations to the Academy between May 1 and September 1 for the class entering the following July.

(b) It is important to submit a request for nomination before or early in the nominating period. Address all inquiries

concerning status of application to the nominating authority.

§ 901a.13 Sons of deceased or disabled veterans (competitive).

(a) The son of a deceased or disabled member of the Armed Forces of the United States is eligible for nomination if:

(1) His parent was killed in action or died of wounds or injuries received or diseases contracted in active service, or preexisting injury or disease aggravated by active service.

(b) An individual eligible for a nomination in this category may submit a written request to USAFA/RRS, USAF Academy, Colorado 80840. The nominating period opens on May 1 and closes on December 15.

§ 901a.14 Honor military and honor naval schools—college or university AFROTC—high school AFJROTC (competitive).

(a) Honor military and honor naval schools. (1) Three honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to such schools. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is a prospective honor graduate or an honor graduate and meets the basic eligibility requirements listed in § 901a.3.

(2) Use forms provided by the Academy to submit nominations to USAFA/RRS, USAF Academy, Colorado 80840. Make nominations no later than January 31 for the class entering the following July. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category applies to the administrative authority of his school.

(b) College or university AFROTC and high school AFJROTC. (1) Three students from each college or university AFROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit. The college or university student applies for nomination to the professor of aerospace studies, who must certify that the applicant meets the basic eligibility requirements listed in § 901a.3, and will have completed satisfactorily 1 year of scholastic work at the time the class for which he is applying enters the Academy. The professor of aerospace studies uses the form provided by the Academy to recommend for nomination the three best qualified applicants to the president of the educational institution in which the AFROTC unit is established. The president of the institution submits the nominations to USAFA/RRS, USAF Academy, Colorado 80840, by January 31 of the year in which the applicant desires appointment.

(2) Three students from each high school AFJROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit. The high school student applies for nomination to the aerospace

education instructor, who must certify that the applicant meets the basic eligibility requirements listed in § 901a.3, and, by the end of the school year, will have successfully completed the prescribed AFJROTC program. The aerospace education instructor uses the forms provided by the Academy to recommend for nomination the three best qualified applicants to the principal of the high school in which the AFJROTC unit is established. The principal of the high school submits the nominations to USAFA/RRS, USAF Academy, Colorado 80840, by January 31 of the year in which the applicant desires appointment.

§ 901a.15 Sons of Congressional Medal of Honor recipients.

(a) The son of any Congressional Medal of Honor recipient who served in any branch of the Armed Forces may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he is admitted to the Academy.

(b) An applicant must write to USAFA/RRS, USAF Academy, Colorado 80840, requesting a nomination in this category. The nominating period opens on May 1 and closes on January 31.

§ 901a.16 Citizens of the American Republics and the Philippines.

(a) These persons may apply for designation to receive instruction at the Air Force Academy. The Academy is authorized to provide instruction to as many as 20 persons at any one time from the American Republics. However, not more than three students from one republic may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic must apply to the government of his own country. A Filipino applies to the President of the Republic of the Philippines.

(b) The application should contain complete particulars about his background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates and must be able to read, write, and speak English proficiently.

§ 901a.17 Notification of change of address or station assignment.

Each applicant or nominee is personally responsible for notifying USAFA/RRS, USAF Academy, Colorado 80840, of every change of address or station assignment. Notifications must include complete name, grade, social security account number, and new organization or unit to which assigned. Reassignment of military personnel to any duty station must not be delayed pending action by USAFA/RRS.

Subpart C—Obligations of Cadet Appointment

§ 901a.18 Obligations of cadet appointment.

Upon admission each cadet will be required to take the following Oath of Allegiance:

I, _____ (name), having been appointed an Air Force Cadet in the U.S. Air Force, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

(a) A cadet who enters the Air Force Academy directly from civilian status and takes an oath of allegiance as a cadet assumes a military service obligation of 6 years.

(b) Each cadet will be required to sign an agreement, with the consent of his parents or guardian if he is a minor, that he will fulfill these obligations:

(1) Complete the Academy course of instruction, unless he is disenrolled from the Academy by competent authority.

(2) Accept an appointment and serve as a commissioned officer in a Regular component of one of the armed services for 5 years.

(3) If authorized to resign from the Regular component before the sixth anniversary of his graduation, serve as a commissioned officer in the Reserve component until the sixth anniversary.

(4) If disenrolled from the Academy before graduation, he will be subject to the separation policies which apply to all service academies. Application of these policies will be governed by the Department of Defense requirements for the Active and Reserve components and the national manpower needs of selective service. (See Part 901b of this chapter.)

Part 901b is to read as follows:

Subpart A—Overall Provisions

- Sec. 901b.0 Purpose.
- 901b.1 Authority for disenrollment and discharge or transfer.
- 901b.2 Definitions.
- 901b.3 Types of separation/discharge.
- 901b.4 Discharge/separation documents.
- 901b.5 Processing of disenrolled cadet with no prior service.
- 901b.6 Separation processing for prior-service cadets.
- 901b.7 Grade awarded.
- 901b.8 Boards and committees involved in evaluating and disenrolling cadets.
- Subpart B—Resignation**
- 901b.9 Policy on accepting resignations.
- 901b.10 Resignation.
- 901b.11 Resignation tendered by cadet.
- 901b.12 Resignation instead of action under Subpart E of this part.
- 901b.13 Resignation for good of the service.
- Subpart C—Disenrollment of Deficient Cadets**
- 901b.14 Disenrollment for deficiency.
- 901b.15 Willful or nonwillful determination of the deficiency.
- 901b.16 Deficiency in conduct.
- 901b.17 Deficiency in aptitude.
- 901b.18 Deficiency in studies.

Subpart D—Serious Offenses Under Uniform Code of Military Justice (UCMJ)

- 901b.19 Disposition of serious cases.
- Subpart E—Disenrollment for Misconduct or Conduct Incompatible With Exemplary Standards of Personal Conduct, Character, and Integrity**
- Sec.
- 901b.20 Disposition of misconduct cases.
- 901b.21 Notice to cadet of board action.
- 901b.22 When board action is considered appropriate.
- 901b.23 Character of separation discharge.

Subpart F—Disposition of Cadets for Medical Reasons

- 901b.24 Disposition of cadets found medically disqualified.

Subpart G—Procedures

- 901b.25 Nonadversary proceedings.
- 901b.26 Board action.
- 901b.27 Request for assignment.

AUTHORITY: 10 U.S.C. 516, 651, 8012, 9342, 9349, 9351, 9352, and 9353.

Subpart A—Overall Provisions

§ 901b.0 Purpose.

(a) This part explains the procedures for separation or discharge of those Air Force Academy cadets disenrolled before being commissioned.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 901b.1 Authority for disenrollment and discharge or transfer.

(a) Disenrollment or discharge authority for cadets of the U.S. Air Force Academy is not specifically set forth in the statutes. However, 10 U.S.C. 9351 provides that a cadet who is reported as deficient in conduct or studies and recommended to be discharged from the Academy may not, unless recommended by the Academy Board, be returned or reappointed to the Academy; 10 U.S.C. 9353 confers authority upon the Secretary of the Air Force to determine conditions upon which cadets will be graduated from the Academy; and 10 U.S.C. 9342 provides that "all cadets are appointed by the President." Accordingly, involuntary separation/discharges other than for medical reasons are effected by order of the Secretary of the Air Force, acting for the President, upon recommendation of the Academy Board. The Academy Board will evaluate cases reported to it by the Commandant (deficiency in conduct and deficiency in aptitude for commissioned service), by the Dean (deficiency in academics) or by a board of officers convened pursuant to Part 866.

(b) Title 10 U.S.C. 516, 651, 9348b, and Department of Defense directives and instructions provide the policy guidance: The secretaries of the military departments will develop procedures covering the separation of cadets or mid-

shipmen or graduates of the service academies consistent with the following:

(1) *General.* (i) A cadet entering a service academy directly from a civilian status assumes a military service obligation for 6 years. A cadet failing to fulfill his agreement (which includes completing the course of instruction and accepting a commission) may be transferred to the respective Reserve component in an appropriate enlisted status and may be ordered to active duty for a period of time not to exceed 4 years.

(ii) A cadet who enters a service academy from the Regular or Reserve component of any military service and fails to fulfill his agreement will revert to his former status for the completion of any prior service obligation upon separation from cadet status. However, completion or partial completion of service obligation acquired by prior enlistment in no way exempts a separated cadet from being transferred to a Reserve component and ordered to active duty.

(iii) A cadet separated from a service academy because of demonstrated unsuitability, unfitness, or physical disqualification for military service will be discharged as prescribed in current regulations.

(iv) A cadet tendering a resignation will be required to state a specific reason for his action. However, prior to final determination, each case will be considered under the criteria established by the service to determine if the circumstances fall within "demonstrated unfitness or unsuitability for military service."

(2) *Criteria.* The following specific policies apply except for cadets reverted to former enlisted status:

(i) *Fourth and third classmen (first and second years).* Any fourth or third classman who is separated, or whose resignation is accepted will be discharged as prescribed in current regulations. (A resignation tendered by a fourth or third classman will be accepted if it is in the best interests of the service.)

(ii) *Second and first classmen (third and fourth years).* (a) A second classman separated before the commencement of the second class academic year will be discharged.

(b) With the commencement of the second class academic year, a second or first classman separated before completing the course of instruction, except for physical disqualifications, unfitness, or unsuitability will normally be transferred to the Reserve component in an enlisted status and ordered to active duty. The period of active duty is normally 2 years for a cadet separated after the commencement of the second class academic year and 3 years if separation occurs after the commencement of the first class academic year.

(c) If separation occurs as a result of deficiencies that are not considered will-

ful, the active duty provision may be waived.

(d) Any first classman who completes the course of instruction and declines to accept an appointment as a commissioned officer will be transferred to the Reserve component in an enlisted status and ordered to active duty for 4 years.

(3) *Agreements.* The agreement statements signed by all entering fourth classmen will contain the active duty and discharge provisions of this subpart.

(4) *Change in status notification.* When a cadet is separated from a service academy, the Selective Service System will be notified of his change in status.

§ 901b.2 Definitions.

(a) *Academic probation.* The academic status of a cadet who at any progress or grade report fails to achieve a satisfactory academic standing as determined by the appropriate class committee.

(b) *Aptitude for commissioned service.* The personality, capacity, and inclination (either natural or acquired) to adapt to military relationships, customs, and responsibilities that have become traditional and necessary in the military service; and the strength of character and willingness to accept those limitations on freedom of individual action that the traditional structure and legal status of military service imposes upon its members.

(c) *Aptitude probation.* The status of a cadet who has serious deficiencies in aptitude for commissioned service as determined by the Commandant of Cadets.

(d) *Conduct.* The measurement of a cadet's inclination to abide by necessary directives and restrictions. The Commandant will operate a conduct evaluation system to determine each cadet's conduct status. This system will assess corrective measures for minor offenses not warranting punitive action under the Uniform Code of Military Justice.

(e) *Conduct probation.* The status of a cadet whose conduct has raised serious doubts concerning his qualification to remain a cadet, as determined by the Commandant of Cadets.

(f) *Discharge.* A complete severance from all military status—active or otherwise.

(g) *Disenrollment.* Termination of cadet status. Disenrollment does not in itself terminate other military obligations.

(h) *Fraudulent entry.* A deliberate, material misrepresentation, omission, or concealment of a fact requested or required to be stated by the individual as part of his application to a nominating authority or any document provided to the Director of Admissions which, if truly stated, might have resulted in his non-selection for admission to the Air Force Academy.

(i) *Misconduct.* The commission of an act triable by city, State, Federal, or military jurisdiction.

(j) *Resignation.* As used herein, refers to resignation from cadet status. If a resignation is accepted, the cadet status

is terminated, and he will either be discharged or transferred as provided in § 901b.1(b).

(k) *Separation.* Refers to disenrollment and transfer to another component of the military service.

(l) *Willful deficiency.* As used herein, refers to intentional acts of commission or omission on the part of the cadet resulting in a report by the Commandant's Board or a class committee that the cadet is deficient in conduct, aptitude, or studies.

(m) *Beginning of academic year.* "Call to quarters" of the evening of the day preceding the first day of the fall academic semester.

§ 901b.3 Types of separation/discharge.

A separation or discharge will be one of the following:

(a) *Honorable.* When it is determined that the record of the cadet concerned warrants the highest type of separation or discharge.

(b) *Under honorable conditions.* When it is determined that the record of the cadet concerned is not sufficiently meritorious to warrant an honorable separation or discharge, but is not of such nature that a separation or discharge under other than honorable conditions is warranted. Normally, a cadet will be separated or discharged under honorable conditions when the reason for separation involves moral or professional dereliction within the control of the individual which is not triable by court-martial, or if triable, probably would not result in dismissal.

(c) *Under other than honorable conditions.* When it is determined that the record of the cadet concerned does not warrant other than the least desirable administrative separation or discharge. Normally, a cadet will be separated or discharged under other than honorable conditions when the reason for separation or discharge involves moral or professional dereliction within the control of the individual which, if triable, probably would result in dismissal.

§ 901b.4 Discharge/separation documents.

Each cadet whose separation is effected under this part will be furnished appropriate separation documents unless the Secretary of the Air Force directs that a separation document not be issued.

(a) *Discharge certificates.* Three types of discharge certificates are authorized for issuance to cadets:

Type of discharge	Type of certificate
Honorable	DD Form 256AF, "Honorable Discharge."
Under honorable conditions.	DD Form 257AF, "General Discharge."
Under other than honorable conditions.	DD Form 794AF, "Discharge."

(b) *DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge."* This document will be issued to each cadet disenrolled and discharged and to each cadet disenrolled and transferred.

§ 901b.5 Processing of disenrolled cadets with no prior service.

(a) If a cadet is disenrolled before beginning the second class academic year, he will be discharged. The appropriate Selective Service board is notified of the cadet's disenrollment by means of DD Form 44, "Record of Military Status of Registrant." Include in item 12, "Remarks," "Cadet is eligible for service under appropriate Selective Service directives. Cadet has no prior active military service."

(b) If a cadet is disenrolled after beginning the second class academic year for other than physical disqualifications, unfitness, or unsuitability for military service and the active-duty provisions has not been waived, he is administered the Airman Classification Test (ACT) and the Apprentice Knowledge Test (AKT) in a selected specialty to provide a standard basis for the award of an Air Force Specialty Code (AFSC) in the bypass specialty category.

(1) If the cadet passes successfully the AKT, an AFSC at the three level may be awarded, the cadet transferred to the Air Force Reserve, and ordered to duty in the awarded specialty for a period of time specified in § 901b.1(b).

(2) If the cadet does not achieve a qualifying score on the AKT, he may be awarded an AFSC at the one level, receive either a directed duty assignment (DDA) to an operational squadron or an assignment to a technical training school, be transferred to the Air Force Reserve in an enlisted status and ordered to active duty for a period of time specified in § 901b.1(b). Orders are issued by the United States Air Force Academy.

§ 901b.6 Separation processing for prior-service cadets.

(a) A cadet who was a member of a Regular or Reserve component of the Armed Forces of the United States on entry into the Academy and who is disenrolled for other than physical disqualifications, unfitness, or unsuitability for military service before beginning the second class academic year, he will revert to his former status for the completion of any prior service obligation. Exception: If his initial enlistment has expired (or is within 180 days of expiration), he will be reassigned to the Reserve component (not on extended active duty) of the same armed service in which he served as an enlisted man. If a cadet's prior service was not with the Air Force and he is disenrolled for physical disqualifications, unfitness, or unsuitability report this fact to the appropriate service with a request for instructions.

(b) A cadet in this category who has begun his second class academic year is processed the same as a nonprior service cadet. If his prior service was not with the Air Force, request the pertinent service secretary to separate the cadet from his former status so that he may be processed under this part. If such separation is denied, he will revert to his former status to complete any prior service obligation.

§ 901b.7 Grade awarded.

Former cadets ordered to active duty upon disenrollment may be awarded in the separation order the grades shown below (unless entitled to a higher grade);

- (a) Second Classmen—E-3.
 (b) First Classmen—E-4. (Must qualify at the five-skill level AFSC not later than 1 year after award of three-skill level AFSC.)

§ 901b.8 Boards and committees involved in evaluating and disenrolling cadets.

Various boards and committees, operating from the cadet unit level to the Secretary of the Air Force level, evaluate and counsel cadets on potential deficiencies, minimum standards, rehabilitation, and when necessary, disenrollment from the cadet wing and discharge or transfer. Pertinent boards and committees are:

(a) *The Academy Board.* This board performs certain statutory functions (10 U.S.C. 9351) and has other responsibilities stated in AFR 53-30, which also defines its composition and authority.

(b) *The Commandant's Board.* This is a board appointed by the Commandant of Cadets. The Commandant's Board makes findings and recommends to the Commandant the disposition of cadets considered for alleged deficiency in conduct and deficiency in aptitude for commissioned service. If the Commandant concurs with the findings and recommendations of the Commandant's Board, for disenrollment, he will indorse a record of its proceedings to the Academy Board for evaluation and disposition. In addition to the Commandant's Board, the Commandant may appoint other boards and committees to assist in evaluating cadets whose conduct or aptitude for commissioned service may be in question.

(c) *The class committees.* The class committees for the first, second, third, and fourth classes are subcommittees of the Academy Board. The appropriate class committee evaluates cadets whose academic achievement is questionable and makes recommendations to the Academy Board pertinent to the disposition of cadets found deficient in studies.

(d) *Boards of officers appointed under Part 866 of this chapter.* These boards will hear cases and make recommendations as prescribed herein.

Subpart B—Resignation**§ 901b.9 Policy on accepting resignations.**

The right of a cadet to resign from the Air Force Academy is subject to certain restrictions. 10 U.S.C. 9348 requires each entering cadet who is a citizen or national of the United States to sign an agreement that he will complete the course of instruction at the Academy. The acceptance of a resignation is a discretionary executive act. A resignation from the Academy may entail a period of active military service.

§ 901b.10 Resignation.

Each resignation will contain a complete statement of the reasons for which submitted and, when appropriate, have attached documentary evidence to substantiate the reasons given. The Academy Superintendent will forward, with his recommendation, the resignation submitted under this subpart to the Secretary of the Air Force.

(a) If a cadet has had prior service, the Superintendent will normally recommend to the Secretary of the Air Force that a fourth or third classman be discharged or transferred to the cadet's prior military component.

(b) If a cadet resigns voluntarily after he commences the second class academic year (third year) and before the beginning of his first class academic year (fourth year), the Superintendent will normally recommend that he be called to active duty for 2 years.

(c) If a cadet resigns voluntarily after the beginning of his first class academic year, the Superintendent will normally recommend that he be called to active duty for 3 years.

§ 901b.11 Resignation tendered by cadet.

A cadet may tender a resignation for any reason listed below unless he is officially notified that action to separate him under Subpart C, D, or E, of this part has been initiated. If his resignation is accepted, he will be discharged honorably or transferred to the Air Force Reserve in an appropriate grade and ordered to active duty under § 901b.10. The Superintendent's Resignation Review Committee will evaluate each resignation tendered under this Subpart B.

- (a) Academics.
 (b) Environmental adjustment.
 (c) Change of career goals.
 (d) Personal reasons.
 (e) Marriage.
 (f) Breach of cadet honor code. When the cadet has been notified officially that he may resign voluntarily under this section.

(g) *Hardship.* The current provisions for evaluating airman hardship cases will be generally followed (documentation requirements, etc.).

(1) If the substantiated conditions are such that the cadet's temporary assistance will eliminate the problem, he will be considered for administrative turnback to a subsequent class.

(2) If the conditions are permanent, the cadet will be considered for separation or discharge as appropriate.

(3) If separation/discharge is considered appropriate, the Superintendent will forward the case, with documents substantiating the hardship, to the Secretary of the Air Force with his recommendation.

§ 901b.12 Resignation instead of action under Subpart E of this part.

A cadet who receives official notification that action has been initiated under Subpart E of this part may tender his resignation under this section with the understanding that, if accepted, he will

be discharged under honorable conditions or transferred unless the Secretary of the Air Force directs that the cadet be honorably discharged or transferred, or discharged under other than honorable conditions.

§ 901b.13 Resignation for good of the service.

A resignation tendered under this section will be with the understanding that the cadet will be discharged under other than honorable conditions unless the Secretary of the Air Force determines that he is entitled to be honorably discharged, discharged under honorable conditions, or retained in the Air Force and transferred.

(a) A cadet whose conduct has rendered him triable by city, State, Federal, or military jurisdiction may tender his resignation for the good of the service under this section, whether or not court-martial charges have been preferred.

(b) A cadet whose conduct has rendered him subject to discharge may tender his resignation for the good of the service under this section.

Subpart C—Disenrollment of Deficient Cadets**§ 901b.14 Disenrollment for deficiency.**

A cadet will be disenrolled under this subpart if he is reported deficient in conduct, aptitude, or studies under the procedures stated in §§ 901b.16, 901b.17, or § 901b.18 and is recommended for disenrollment by the Academy Board. A cadet so recommended for disenrollment may not be returned or reappointed to the Academy unless recommended by the Academy Board (10 U.S.C. 9351). If the Academy Board recommends disenrollment, the Superintendent will forward the case to the Secretary of the Air Force, together with his recommendation on whether active duty for a second or first class cadet should be waived. A cadet disenrolled under this subpart and discharged will receive an honorable discharge.

§ 901b.15 Willful or nonwillful determination of the deficiency.

The willful (intentional) aspects of any deficiency resulting in disenrollment under this subpart will be evaluated by the board or committee initially recommending disenrollment, and the findings will be reported to the Academy Board. A statement will be included in the findings of the board or committee that, in the best judgment of a majority of the voting members, the deficiency resulting in the recommendation for disenrollment was either willful or nonwillful. If the Academy Board recommends disenrollment, the Superintendent, in forwarding the Academy Board's recommendation to the Secretary of the Air Force will consider the willfulness or nonwillfulness of the deficiency in recommending whether active duty for a second or first class cadet should be waived.

§ 901b.16 Deficiency in conduct.

Under the Commandant of Cadets, the cadet disciplinary system identifies, counsels, and attempts to rehabilitate

those cadets who, by acts of omission or commission, indicate questionable qualification for continuing in cadet status and eventual commissioned service. The excessive demerit system, the Commandant's Disciplinary Board, and conduct probation are examples of identification and rehabilitation procedures available to the Commandant in administering the conduct system.

(a) If the Commandant determines that a cadet's pattern of conduct (for example, as evidenced by excessive demerits) is such that he should be required to show cause for retention, but not of such serious nature as to require processing under Subpart D or E of this part, the cadet will be given the opportunity to appear before the Commandant's Board. If he declines to avail himself of the opportunity to show cause for retention, he will (after consultation with legal counsel) furnish the recorder of the Commandant's Board a statement that he understands that, without evidence to the contrary, the Commandant's Board will consider the evidence against him as a prima facie case.

(b) If the commandant concurs in the findings and recommendations of the commandant's Board, he will send its report to the Academy Board for its recommendation concerning disenrollment.

(c) During basic cadet training (BCT), the commandant, based on acts of omission or commission by a basic cadet (absence without leave, gross contempt for authority, etc.) may, after documenting the case fully, report it directly to the Academy Board with a recommendation for disenrollment because of deficiency in conduct.

§ 901b.17 Deficiency in aptitude.

A cadet who has indicated potential deficiencies in aptitude for commissioned service will normally be placed on aptitude probation. During the period of the probation, the cadet will receive counseling and guidance as directed by the commandant to help him overcome his deficiencies.

(a) If after a period of aptitude probation, a cadet is considered deficient, he will be given the opportunity to appear before the commandant's Board to show cause for retention as a member of the cadet wing. If he declines to avail himself of the opportunity to show cause for retention, he will (after consultation with legal counsel) furnish the recorder of the commandant's Board a statement that he understands that, without evidence to the contrary, the commandant's Board will consider the evidence against him as a prima facie case and will send its findings and recommendations to the commandant of cadets with a recommendation for disenrollment.

(b) If the commandant concurs, he will send the case proceedings to the Academy Board for its recommendation concerning disenrollment.

§ 901b.18 Deficiency in studies.

A cadet deficient in studies will be considered by the appropriate class committee. If that committee determines

that the cadet should be disenrolled because of failure to meet minimum Academy academic standards at the end of any semester, it will report the deficiency and send its recommendation to the Academy Board. If upon review of the case the Academy Board concurs, it will recommend disenrollment.

Subpart D—Serious Offenses Under Uniform Code of Military Justice (UCMJ)

§ 901b.19 Disposition of serious cases.

Evidence of serious offenses under the UCMJ (offense(s)) for which dismissal of a cadet would likely be adjudged if tried by court-martial will be immediately reported to the commandant of cadets and the superintendent and, unless directed otherwise by the superintendent, the commandant will conduct an investigation under UCMJ, chapter VII. Upon completion of the investigation, the commandant will forward the report of investigation to the Superintendent with his recommendations. He may recommend that:

(a) No further action be taken because evidence of an offense is insufficient.

(b) The matter be referred to the commandant's disciplinary board because the nature of the offense(s) does not warrant consideration for dismissal.

(c) The case be referred for trial by court-martial.

(d) The case be referred to a board of officers as provided for in § 901b.21.

Subpart E—Disenrollment for Misconduct or Conduct Incompatible With Exemplary Standards of Personal Conduct, Character, and Integrity

§ 901b.20 Disposition of misconduct cases.

When information is received indicating that a cadet has conducted himself in a manner which, if the information is confirmed, would make his qualifications for continuation as a cadet doubtful, but the conduct would not warrant trial by court-martial, the Commandant will cause the case to be investigated. If, in the opinion of the Commandant, the investigation discloses evidence indicating the cadet is disqualified for continued cadet status, he will forward the case to the Superintendent recommending referral to a board of officers.

§ 901b.21 Notice to cadet of board action.

If the Superintendent determines that referral of the case to a board of officers convened pursuant to Part 866 of this chapter is appropriate, the cadet will be furnished notification.

(a) If the cadet does not waive a board, the case will be referred to a board of officers composed of not less than three nor more than five commissioned Air Force officer members, at least one of whom will be serving in the grade of colonel. A field grade judge advocate will be appointed as a legal advisor to the board (without vote), and a commissioned officer will be appointed as a recorder (without vote). The board will make findings of facts which will be

sent to the Academy Board for its review and determination of whether the cadet remains qualified as a candidate for graduation from the Academy. If the Academy Board recommends disenrollment from the cadet wing, the case will be returned to the board of officers to hear evidence bearing on the character of discharge or separation and make recommendations thereon. The cadet will be afforded an opportunity to appear before the board with counsel and present such statements or evidence as he may desire. Thereafter, the superintendent will forward the record, together with his recommendations on the type of discharge, to the Secretary of the Air Force.

(b) If the cadet waives a hearing before a board of officers on the facts, the case will be presented to the Academy Board for its determination as provided in paragraph (a) of this section. The cadet may submit a written statement to the Academy Board for its consideration even though he has waived a hearing by a board of officers. If the Academy Board recommends disenrollment, the case will be referred to a board of officers to hear evidence bearing on the character of discharge as in paragraph (a) of this section.

§ 901b.22 When board action is considered appropriate.

Action under § 901b.21 is appropriate if substantial evidence indicates that any of the circumstances of this section or similar circumstances exist:

(a) Conduct incompatible with exemplary standards of personal conduct, character, and integrity. This is evidenced by the existence of one or more of the following or similar circumstances:

(1) Advocacy of political or ethical beliefs which would preclude fulfillment of the commissioning oath.

(2) Breach of the Cadet Honor Code.

(3) Repeated and dishonorable failure to meet financial obligations.

(4) Use or possession of narcotics or dangerous drugs; or excessive or illegal use of alcoholic beverages.

(5) Willful failure to meet minimum standards of academic or military proficiency.

(6) Repeated failure to meet required formations or other military duties, either willfully or through gross indifference.

(7) Loss, destruction, or waste of Government property under circumstances indicating a gross disregard for public property.

(8) Repeated commission of minor offenses not warranting trial by court-martial.

(9) Indecent and lewd acts and acts of sexual perversion including transvestism.

(b) Conviction by a civil court of any offense for which confinement for more than 1 year is an authorized punishment in the table of maximum punishments in the MCM 1969 (revised edition).

(c) Information received indicates that the retention of a cadet may not be consistent with the interests of national security. The facts and circumstances

will be reported to the local office of special investigation (OSI) and an investigation by that office will be requested. On receipt of the report of investigation, action will be taken as outlined in AFR 35-62.

(d) Conduct prescribed in AFR 36-2.

(e) Hazing. If the cadet requests in writing a trial by general court-martial, he may not be separated except under sentence of such court (10 U.S.C. 9352).

(f) Court - adjudicated paternity claims, when the cadet has not tendered a resignation. A cadet referred under this paragraph will, if recommended for disenrollment, normally be recommended for an honorable discharge/separation.

(g) Fraudulent entry.

§ 901b.23 Character of separation/discharge.

A cadet whose disenrollment is approved as a result of action under this subpart will be separated or discharged under honorable conditions unless the Secretary of the Air Force determines that he is entitled to an honorable separation or discharge or that he should be discharged under other than honorable conditions.

Subpart F—Disposition of Cadets for Medical Reasons

§ 901b.24 Disposition of cadets found medically disqualified.

(a) If the cadet is found by a Cadet Medical Evaluation Board (CMEB) not qualified for initial commission under AFM 160-1 and is not retainable in the Air Force Academy under the commission with waiver criteria and has no other military status then, upon approval of the CMEB findings by the Secretary of the Air Force, the cadet will be discharged.

(b) If the cadet who has no other military status is found by a CMEB not qualified for initial commission, but is commissionable with waiver elects to disenroll, then upon approval of board findings by the Secretary of the Air Force, the cadet will be processed in accordance with the administrative procedures of § 901b.5. If the cadet has had prior service in a component of the armed forces and is determined to be qualified medically for worldwide duty, then upon approval of the CMEB findings by the Secretary of the Air Force, he will be separated in accordance with the administrative procedures of § 901b.6.

(c) If the cadet found by a CMEB not qualified medically for initial commission (including commission with medical waiver) is also found deficient for worldwide duty, he will normally be discharged medically, regardless of any former Air Force status. If the cadet found deficient medically for commission (including commission with medical waiver) has status with another military department, his case will be sent, after approval of the CMEB finding by the Secretary of the Air Force, to the military service concerned for disposition.

(d) If the cadet found by a CMEB not qualified medically for initial commission (including commission with medical waiver) has status with an Air

Force component and is determined to be qualified medically for worldwide duty then, upon approval of the CMEB findings by the Secretary of the Air Force, he will revert to his prior Air Force component.

(e) The U.S. Air Force Academy will effect final discharge/reassignment processing.

Subpart G—Procedures

§ 901b.25 Nonadversary proceedings.

Disenrollment for conduct and aptitude authorized in §§ 901b.16 and 901b.17 are informal, nonadversary proceedings. In such cases a cadet will be apprised of the specific allegations against him and given an opportunity, after consultation with legal counsel, to submit matters in his defense. However since the Government is not represented by legal counsel at the disenrollment proceedings, the cadet will not be entitled to legal representation at such proceedings. In instances involving deficiencies in studies (§ 901b.18), the case will be reported by the appropriate class committee directly to the Academy Board for disposition without preliminary notice or hearings. The cadet in these cases is not entitled to appear personally or through counsel before the Academy Board.

§ 901b.26 Board action.

If a cadet is recommended for separation for any reason other than those specified in § 901b.16, § 901b.17, § 901b.18, or § 901b.24, and has not tendered a resignation, the case will be referred to a board of officers appointed by the Superintendent convened pursuant to Part 866 of this chapter, to hear evidence and make findings in fact. If requested, the cadet concerned will be granted a personal hearing before such board, either with or without counsel, as desired by the cadet.

§ 901b.27 Request for assignment.

Assignment requests of disenrolled cadets reverting to Air Force enlisted status with concurrent call to extended active duty will be submitted to USAFMPC/DPMRAA.

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc. 73-4487 Filed 3-12-73; 8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, AND NUTS), DEPARTMENT OF AGRICULTURE

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Subpart—Rules and Regulations

REAPPORTIONMENT OF COMMITTEE MEMBERSHIP

Preamble—This reapportions the Oregon-California Potato Committee mem-

bers among districts to provide more equitable representation by shifting one producer member from District No. 1, where production has declined, to District No. 2 where production is much larger.

Notice of rule making was published in the February 14, 1973, FEDERAL REGISTER (38 FR 4407), regarding the proposed reapportionment of committee membership to be effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). They regulate the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than March 1, 1973. None was filed.

Statement of consideration. This marketing order program provides that upon recommendation of the committee the Secretary may reapportion committee membership among the various districts. After carefully considering the criteria in § 947.32(b), the committee at its January 3, 1973, meeting voted 13 to 1 to recommend reapportioning representation by shifting one producer-member and his alternate from District No. 1 to District No. 2.

Production in District No. 1 has declined from nearly 2 million hundredweight a decade ago to only about 771,000 hundredweight in 1972, yet it still has three producer-members while District No. 2 with 2 million hundredweight has only two members. With this change, representation will be more nearly in proportion to production.

Findings. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that a new § 947.160 should be added to the rules and regulations reapportioning the committee membership as follows:

§ 947.160 Reapportionment of committee membership.

(a) Pursuant to § 947.32(b), the membership of the Oregon-California Potato Committee shall be apportioned among the districts so as to provide the following representation: (1) Producer membership—two members from each of Districts No. 1 and No. 4; three members from District No. 2; and one member from each of Districts No. 3 and No. 5; (2) handler membership—one member from each of Districts No. 1, No. 2, No. 3, No. 4, and No. 5. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date of this action beyond the

date specified (5 U.S.C. 553) in that (1) it is necessary that the reapportionment be made effective prior to the selection of the new membership on the committee for the term of office to begin on June 1, 1973, (2) information regarding this proposal was made available to producers and handlers in the production area, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of February 14, 1973 (38 FR 4407).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 8, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-4798 Filed 3-12-73; 8:45 am]

[Amdt. 1]

PART 980—VEGETABLES: IMPORT REGULATIONS

Onions; Minimum Grades and Sizes

This amendment will require imported onions to meet minimum grade and size regulations similar to those in effect for the South Texas Onion Marketing Order, as required by Federal law.

Notice of rule making regarding a proposed amendment to § 980.111 Onion import regulation (37 FR 13701), was published in the February 12, 1973, issue of the FEDERAL REGISTER (38 FR 4261). This regulation is effective under section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1).

The notice afforded interested persons an opportunity to file written data, views, or arguments in regard thereto not later than February 20, 1973. None was filed.

Under section 8e-1 of the act (7 U.S.C. 608e-1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.111 (37 FR 13701), became effective July 17, 1972, and sets forth similar grade, size, quality, and maturity requirements as

those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958), regulating the shipments of onions grown in designated counties in Idaho and Eastern Oregon. Grade, size, quality, and maturity requirements become effective for the period March 12 through May 13, 1973, under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. Imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 19 and the changes will be necessary to bring import regulations into line with domestic regulations covering these South Texas onions.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions comply with the grade, size, quality, and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties of South Texas. This regulation is subject to further amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e-1 of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the February 12, 1973, FEDERAL REGISTER (38 FR 4261), and such notice is determined to be reasonable.

Regulation, as amended. Section 980.111, Onion import regulation (37 FR 13701), is hereby amended to read as follows:

§ 980.111 Onion import regulation.

Pursuant to section 608e-1 of the act (7 U.S.C. 608e-1) and except as otherwise provided herein, during the period beginning March 19, 1973, and continuing through May 13, 1973, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements. (1) Grade. Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerance for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tol-

erances in U.S. Grade Standards shall apply to in-grade lots.

(2) Size. White onions—1 inch minimum diameter; all other varieties of onions—1¼ inches minimum diameter.

(b) Condition. Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity. Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine. Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service. The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(f) Inspection and official inspection certificates. (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e-1 (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points...	W. T. McNabb, Post Office Box 310, Austin, TX 78707 (Phone 512-385-6385 or 8386).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone 602-287-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, CA 90021 (Phone 213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, Post Office Box 5425, Pawna Substation, 1428 South King St., Honolulu, HI 96814 (Phone 808-914-3071).	1 day.
All Puerto Rico points.	Daniel H. Hancock, Post Office Box 10163, San Juan, P.R. 00908 (Phone 800-783-2250 or 4116).	2 days.
New York City...	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans.....	Pascal J. Lamarea, 6027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone 504-527-6741 or 6742).	1 day.
All other points...	D. S. Matheson, Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C. 20250 (Phone 302-447-5870).	3 days.

pickled onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195-51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955-51.3970 of this title), or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830-51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 2, 1973, to become effective March 19, 1973.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-4708 Filed 3-12-73; 8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Bagging and Bale Tie Specifications, Amdt. 1]

PART 1427—COTTON

Subpart—Bagging and Bale Tie Specifications

MODIFICATIONS OF SPECIFICATIONS

On September 6, 1972, notice of proposed rule making regarding the specifications for bagging and bale ties used in wrapping ELS cotton pledged for Commodity Credit Corporation loans was published in the FEDERAL REGISTER (37 FR 18039) and on September 16, 1972, notice of proposed rule making regarding specifications used in wrapping upland cotton pledged for Commodity Credit Corporation loans was published in the FEDERAL REGISTER (37 FR 18923). Five recommendations were filed by interested persons. Most replies recommended retention of the current specifications and adoption of specifications for other materials when recommended by the Joint Industry Bale Packaging Committee. Department officials have reviewed the specifications and the following amendment has been deemed necessary in order to make the specifications consistent for all bales packaged in used jute material and to correct the error regarding moisture content in bagging manufactured from cotton material. The bagging and bale tie specifications, published at 37 FR 3742 are hereby amended for the 1973 and subsequent crops of cotton as follows:

Paragraph (d) (2) of § 1427.1903 is amended to allow each one-half pattern of salvage jute bagging used to wrap gin standard density and gin universal density bales to be composed of not more than three pieces of used bag cloth of the same construction and weight and to have not more than two crosswise sewn seams. Paragraphs (e) and (f) of § 1427.1903 and paragraph (e) of § 1427-1904 are amended to show the correct percent moisture content for cotton bagging. The amended subparagraph and paragraphs read as follows:

§ 1427.1903 Specifications for bagging.

(d) *Salvage jute (burlap) bagging used to wrap gin standard density and gin universal density bales.* * * *

(2) Each one-half pattern must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be made with strong thread with not larger than 7/8-inch stitching.

(e) *Cotton bagging used to wrap flat bales.* Cotton bagging may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. Each one-half pattern of cotton bagging must not be less than 108 inches or more than 112 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging and must weigh not less than 2½ pounds per pattern at 8.5 percent moisture content (not moisture regain).

(f) *Cotton bagging used to wrap gin standard density or gin universal density bales.* Each one-half pattern of cotton bagging used to wrap gin standard density or gin universal density bales must not be less than 100 inches or more than 104 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging, and

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) Reconditioning prior to importation. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section comply with those applicable to grade, size, quality, and maturity being made effective for onions grown in South Texas.

(i) Definitions. For the purpose of this section, "Onions" means all (except red) varieties of *Allium cepa* marketed dry, except dehydrated, canned, and frozen onions, onion sets, green onions, and

must weigh not less than 2¼ pounds per pattern (two panels) at 8.5 percent moisture content (not moisture regain).

§ 1427.1904 Test methods.

(e) *Weight of bagging.* The weight of bagging will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-quarter pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight of jute bagging will be calculated on the basis of 13.75 percent moisture content (not moisture regain) and the weight of cotton bagging will be calculated on the basis of 8.5 percent moisture content (not moisture regain).

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b), (c); 7 U.S.C. 1441, 1444, 1421)

Effective date. June 1, 1973.

Signed at Washington, D.C., on March 7, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 73-4799 Filed 3-12-73; 8:45 am]

[Rev. 3, Amdt. 11]

PART 1475—EMERGENCY FEED PROGRAM

Livestock Feed Program

Recent changes in the Livestock Feed Program are reflected in this Amendment 11 to the program regulations. Such changes clarify and update gross and net feed allowances as they pertain to feed grain equivalents as well as paragraphs pertaining to feeding of grains being made available. They also provide for approved handlers to advance feed grain from their private stocks for subsequent replacement by Commodity Credit Corporation; for redemption of dealer's certificate in cash; and for excluding the feeding of roughage allocated from end of prescribed period to the end of the feeding period.

The regulations issued by CCC published by 29 FR 13475, 30 FR 2854, 6909, 31 FR 13532, 32 FR 14372, 34 FR 14206, 36 FR 9497, 37 FR 7149, 13635, 37 FR 18181, and 37 FR 22875, which contain specific requirements for the Livestock Feed Program are further amended to change §§ 1475.205(d)(2), 1475.205(d)(3), 1475.210 leading paragraph, 1475.211(e)(3), 1475.212, and 1475.214(a).

Because these changes are urgently needed in emergency areas, it is hereby determined that compliance with the notice of proposed rule making procedures is impracticable and contrary to the public interest with respect to this amendment. The changes are as follows:

§ 1475.205 Application and approval.

(d) * * *

(2) Except for oats, the feed grain gross allowance for the authorized period shall not exceed 10 pounds per day per

animal unit (or whatever lesser quantity is established by the State committee or county committee) times the number of days in the authorized period. In the case of oats, the feed grain gross allowance shall not exceed 12 pounds per day per animal unit: *Provided, however,* That allowances of oats in excess of 10 pounds shall be used only when specifically authorized by DASCO.

(3) The net approved quantity for the approved period shall be the smaller of: (i) The gross allowance less the total quantity of feed or feed equivalent (considering kind and quality of hay, silage, pasture, and range) determined by the approving officials to be available to the owner for feeding his eligible livestock during the authorized period, or (ii) the quantity the approving officials determine to be adequate for the authorized period after taking into account the kind and quality of feed or feed grain equivalent (including feed grain, hay, silage, pasture, and range) determined to be available for feeding his eligible livestock during the authorized period. Total roughage can be allocated for feeding throughout the entire feeding period. Notwithstanding the foregoing in paragraph (d)(3)(i) and (ii) of this section, in situations where the approving officials determine that there has been a substantial loss of the owner's livestock feed normally produced and used for his livestock, and that the existing feed resources of the owner are not adequate in kind and quality for the types and needs of eligible livestock being fed, assistance up to the amount of the loss, but not in excess of the maximum daily feed allowance, may be approved.

§ 1475.210 Sales of other CCC-owned grain.

CCC shall designate the delivery point and kind of CCC-owned grain to be sold under this program. Approved handlers are authorized to advance feed grain from their private stocks for subsequent replacement by CCC from such stocks of feed grain as KCCO determines are available for use in the area. The value of the stocks advanced and the value of the stocks made available to replace such stocks shall be determined by CCC.

§ 1475.211 Sales of grain advanced by dealers.

(e) * * *

(3) A dealer's certificate will be accepted at face value if presented to a commodity office or other office designated by a commodity office or DASCO and applied to the purchase of a feed grain, in accordance with these regulations, under a contract which specifies a "date of sale" not more than 90 days after the effective date of the certificate. If the specified date of sale is after such 90th day, the face value shall be reduced by one twenty-fifth of 1 percent for each day beginning on the 91st day after the effective date of the certificate to, but not including, the date of sale specified in the CCC contract to which it is applied. The certificates may be transferred by endorsement to any other per-

son. CCC reserves the right to determine the time and place of delivery and the class, grade, and quality of feed grain to be delivered in redemption of dealer's certificates. Feed grain delivered under a dealer's certificate shall be sold at the applicable current market price determined by CCC. Overdeliveries of the quantity of grain requested shall be adjusted at the applicable market price. A dealer's certificate may also be redeemed in cash at KCCO when requested by the dealer and provided the option is available at the time the certificate is presented.

§ 1475.212 Disposition of grain and adjustment of sales price.

(a) *Feed for livestock.* A total quantity of feed equal in feed grain equivalents to the total quantity which was originally on hand and, also, including that purchased under the LFP must be fed to the owner's eligible livestock within the prescribed period, except, roughage allocated from end of prescribed period to the end of the feeding period.

(b) *Grace period.* Notwithstanding the provisions of paragraph (a) of this section, the owner shall have a grace period of 30 days after the prescribed period for feeding the required quantities of feed grain to his livestock.

(c) *Adjustments.* Except as provided in § 1475.214, if the owner does not feed the grain as provided in paragraphs (a) and (b) of this section to his eligible livestock he may satisfy his obligation to CCC under this program as follows:

(1) If there is a current Livestock Feed Program in the area he may, with prior approval of the county committee, sell the grain to another owner with an unfiled net approved quantity on his application at not more than the price at which the grain was purchased, or

(2) If he agrees to use the feed on hand for feed purposes only, or dispose of the feed only for such use, he may pay to CCC the difference between the price paid for such feed grain and the market price thereof, as determined by CCC, on the date of the delivery order, warrant, or other delivery authorization, as the case may be, for the last acquisition of such feed grain under the program.

(3) Notwithstanding the provisions of paragraphs (a) and (b) of this section, if CCC determined that the quantity of feed which should have been fed to the owner's eligible livestock was actually fed by the owner to ineligible livestock within the prescribed and grace periods, the owner shall be deemed to have acquired the kind and quantity of feed grain specified in paragraph (d) of this section for feeding to such livestock and shall pay CCC, on demand, the balance due under § 1475.208(b) for such feed grain.

(d) *Kind of feed grain involved in price adjustments.* The kind and quantity of feed grain on which the price adjustments specified in this section shall be based, shall be the kind and quality acquired from CCC which was not fed to eligible livestock, except that:

(1) If the feed involved was feed otherwise available to the owner for feeding his eligible livestock, the price adjustment shall be based on the kind of feed grain last acquired under the program and on a quantity of such feed grain equal in feed grain equivalents to the feed involved, as determined by CCC, or

(2) If the feed involved was processed feed acquired from an approved dealer, the price adjustment shall be based on the kind of feed grain for which payment was made to CCC and on a quantity equal to the quantity of such feed grain in the processed feed involved.

(e) *Reporting livestock changes.* If the owner suffers losses among or disposes of any of his eligible livestock or transfers any of his eligible livestock outside the emergency area, he shall report the fact promptly to the county office from which feed grain was purchased under the program. If the owner fails to feed the quantities of feed to his eligible livestock as specified in this section, he shall report the fact promptly to the applicable county office.

§ 1475.214 Violations.

(a) *Disposal of grain to others.* If the owner has failed to feed the quantities of feed required by § 1475.212(a) to his eligible livestock, he shall not dispose of feed grain acquired under the program (including any processed feed containing any feed grain acquired under the program) to any other person except as permitted in §§ 1475.210(f) and 1475.212(c). If the feed grain acquired from CCC is disposed of to any other person, except as permitted in the regulations of this subpart, or if a delivery order or warrant is used for obtaining other than feed grain, the owner shall be subject to such civil penalties and to such criminal liabilities as are provided by applicable Federal statutes.

(Secs. 1-4 of 73 Stat. 574, as amended; secs. 407 and 421 of 63 Stat. 1055, as amended; sec. 4 and 5 of 62 Stat. 1070, as amended; 7 U.S.C. 1427 note and 1433; 15 U.S.C. 714 b and c)

Effective date: March 13, 1973.

Signed at Washington, D.C., on March 7, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-4800 Filed 3-12-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.2]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

On pages 28076 and 28077 of the FEDERAL REGISTER of December 20, 1972, there

was published a notice of proposed rule making to provide policies and procedures to assist builders, who are unable to do so, to obtain construction financing from commercial sources. Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall become effective on March 13, 1973.

Dated: February 14, 1973.

ARTHUR C. HARMAN, JR.,
Acting Associate Administrator,
Farmers Home Administration.

As amended, the new § 1822.19 reads as follows:

§ 1822.19 Construction financing for section 502 rural housing loans.

(a) *Scope.* The policy of the Farmers Home Administration (FHA) is to encourage the construction or repair of buildings so that section 502 Rural Housing (RH) loans can be closed after the buildings are completed. This section sets forth policies and procedures to assist builders, who are otherwise unable to do so, to obtain construction financing from commercial sources.

(b) *Purpose.* The purpose of construction financing is to reduce the interest cost to the borrower and FHA on funds that would otherwise be deposited in a supervised bank account, reduce the administrative costs of supervised bank accounts, and eliminate the need for borrowers to make loan repayments during the construction period.

(c) *Procedures.* (1) This section is applicable to cases in which:

(i) A conditional commitment has been or will be issued and a loan approved and funds obligated for the applicant in accordance with instructions on conditional commitments involving packaging of applications issued by the national office of the FHA and available at all FHA offices; or

(ii) The applicant owns a building site and will contract for the construction or improvement of the building or buildings. In such a case the applicant will retain ownership of his site and not convey title to the builder, and the lender providing the construction financing will not take a mortgage on the site owned by the applicant or otherwise require the applicant to secure the construction loan; or

(iii) The RH loan is not being made in participation with an FO or an individual SW loan.

(2) *Loan docket.* Loan docket forms will be prepared in accordance with § 1822.12. If the applicant owns the building site he will be required to obtain and submit to the County Supervisor preliminary title evidence to assure that he has a satisfactory title or leasehold interest in the property before he executes Form FHA 424-6, "Construction Contract," and

before FHA executes Form FHA 444-16, "Notice of Loan Approval."

(3) *Notice of loan approval.* When the obligated copy of the Form FHA 440-3, "Record of Actions," is received from the Finance Office, the County Supervisor will complete and sign an original and one copy of Form FHA 444-16.

(i) The original of Form FHA 444-16 will be given to the builder and a copy will be retained in the loan docket.

(ii) The builder may present Form FHA 444-16 and a copy of Forms FHA 444-11, "Conditional Commitment," FHA 440-34, "Option to Purchase Real Property," or FHA 424-6, as appropriate, to a commercial lender of his choice to obtain the construction financing he needs.

(4) *Inspections.* FHA will as a minimum make the inspections specified in Form FHA 444-16 and send copies of Form FHA 424-12, "Inspection Report," to the builder, and if requested, to the commercial lender.

(5) *Construction advances.* The lender is responsible for determining the amount that he will advance to the builder under the construction financing arrangement, and for determining any measures necessary to protect his interest.

(6) *Loan closing.* When construction is completed, the necessary title clearance will be obtained and the County Supervisor will order the loan check and arrange for loan closing as soon as possible, usually within 30 days after satisfactory completion of construction.

(d) *Forms.* All forms listed in these requirements will be available at all FHA offices.

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; orders of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529)

[FR Doc.73-4759 Filed 3-12-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Procedures for Access to Service Records

This order revises the regulations of the Immigration and Naturalization Service pertaining to the procedures for making and acting upon requests of members of the public for access to Service records under the Freedom of Information Act (5 U.S.C. 552). The Service regulations are amended in conformity with the Department of Justice regulations, 28 CFR Part 16, Subpart A, published in the FEDERAL REGISTER on February 14, 1973 (38 FR 4391).

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, the following amendments to Part 103 of Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. In § 103.7(b), subparagraph (2) is amended to read as follows:

§ 103.7 Fees.

(b) Amounts of fees.

(2) For the filing of each Form N-585 or Form I-550, and for the services expended in searching for or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and, except as otherwise provided in § 103.10 (a) (2) and in paragraph (c) of this section, shall be assessed against the person who requests that records be made available:

Requests. Each Form N-585 or Form I-550 shall be accompanied by a payment of \$3.00

(This charge shall be retained whether or not an identified record is located. However, when additional fees in connection with the request are chargeable under this section, the above-described payment shall be applied against them, and only so much of such fee as exceeds \$3 shall be collected.)

Clerical searches. For each one-quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record 1.25

Monitoring inspection. For each one-quarter hour spent in monitoring the requester's inspection of records 1.25

Copies of documents. (Maximum of 10 copies will be supplied.) Per page .10

Certification. For certification of true copies, each 1.00

Attestation. For attestation under seal 3.00

Nonroutine, nonclerical searches. Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one-quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record 3.75

When records must be screened or obtained from a computer. The Service shall conform its charges with the policies of the Department of Justice, stated in subparagraphs (7) and (8) of 28 CFR 16.9(b), concerning charges for examination and related tasks in screening records and charges for services involving computerized records.

Notice of anticipated fees in excess of \$25.00. Where it is anticipated that the fees chargeable under this section will amount to more than \$25.00, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Service personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester.

Dispatch of such a notice or request shall toll the running of the period for response by the Service until a reply is received from the requester.

2. Section 103.10 is amended to read as follows:

§ 103.10 Requests for records.

(a) *Place and manner of requesting records.*—(1) *Place.* Records shall be made available in the Central Office, each regional office, any district office, and the following offices: Agana, Guam; Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Houston, Tex.; Memphis, Tenn.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; San Diego, Calif.; Spokane, Wash.; additionally, in particular cases, a district director may designate any other Service office.

(2) *Manner of requesting records.* Requests for records may be made in person or by mail. Each request made under this section pertaining to the availability of a record shall include or consist of Form N-585 or Form I-550, shall be accompanied by a fee of \$3 as provided in § 103.7(b) (2), and shall describe the record with sufficient specificity with respect to names, dates, subject matter, and location to permit it to be identified and located. A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be identifiable if it can reasonably be determined which particular records come within the request, and the records can be searched for, collected, and produced without unduly burdening or interfering with Service operations because of the staff time consumed or the resulting disruption of files. A fee shall not be required when the request is made by Federal or State government agencies, including political subdivisions and municipalities. A single filing fee shall be charged for a request for a search relating to one individual even though information concerning him is in more than one record and in more than one place.

(b) *Authority to grant and deny requests.*—(1) *Grants.* The Associate Commissioner, Management, may grant any type of request. The head of any office specified in paragraph (a) (1) of this section may grant the following types of requests:

(i) Requests for information and records which officers and employees of the Service prior to the enactment of 5 U.S.C. 552 customarily furnished to the public in the regular performance of their duties;

(ii) Requests for records of proceedings in deportation hearings, unless members of the public have been excluded from the hearings by direction of the special inquiry officer pursuant to § 242.16(a) of this chapter;

(iii) Requests for records of proceedings in naturalization examinations and hearings;

(iv) Requests for records of proceedings in any other proceedings before the

Service which were open to the public; and

(v) Requests for records of proceedings in administrative fine cases.

(2) *Denials.* The Commissioner has sole authority to deny a request.

(3) *Authority to state that a record cannot be located or does not exist.* The head of any office specified in paragraph (a) (1) of this section has authority to notify a requester that a record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of.

(4) *Authority to certify records.* Whenever authorized under 5 U.S.C. 552 or any other law to furnish information from records to persons entitled thereto, the following officials have authority to make certifications, as follows:

(i) The Associate Commissioner, Management—copies of files, documents, and records in the custody of the Central Office.

(ii) A regional commissioner or district director—copies of files, documents, and records in the custody of his office.

(iii) The Chief, Records Administration and Information Branch, Central Office—the nonexistence of an official record in the records of the Service.

(c) *Prompt response.* Ordinarily a request shall be decided within 30 working days following receipt, or sooner if practicable. If additional time is required, the office processing the request shall acknowledge receipt of the request within the 30-day period stating the reason for the delay and giving an indication of the date on which it is expected that a determination as to disclosure will be forthcoming. An extended deadline will be considered reasonable in all cases if it does not exceed 10 additional working days. If a longer extended deadline is designated, the notice of extension shall state the special circumstances which warrant it and shall be approved by the Commissioner. If the request is not responded to or acknowledged within the 30-day period, or if it is not responded to within an extended deadline, or if the requester considers an extended deadline of more than 10 additional working days unreasonable, the requester may petition the Deputy Attorney General to take appropriate measures to assure prompt action on the request. In order for a requester to treat a failure by the Service to respond as a denial and to file an appeal with the Attorney General, he must have filed a petition with the Deputy Attorney General complaining of the delay, and must have allowed time for action on such petition as prescribed in 28 CFR 16.5(c) (1).

(d) *Disposition of requests.* When a requested record is available, appropriate notification, including notice of any applicable additional fees, shall be furnished the requester. A reply denying a request shall be in writing signed by the Commissioner and shall include: (1) A reference to the specific exemption under the Freedom of Information Act authorizing the withholding of the record, and such further explanation, if any, as is deemed appropriate; and (2) a statement that the denial may be ap-

pealed within 30 days to the Attorney General as prescribed by 28 CFR 16.7, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated.

(e) *Copies of responses to Deputy Attorney General.* A copy of each notification to a requester of an extended deadline, of a grant (other than in any of the five types of requests enumerated in paragraph (b) (1) of this section), of a denial, or of inability to locate a requested record shall be furnished to the Deputy Attorney General.

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.7(b) (2) and 103.10 are made to conform to the revised regulations of the Department of Justice (28 CFR Part 16, Subpart A), pertaining to access to Department records under the Freedom of Information Act, which was published in the FEDERAL REGISTER on February 14, 1973 (38 FR 4391), effective March 1, 1973.

Effective date. This order shall become effective on March 13, 1973.

Dated: March 8, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration
and Naturalization.

[FR Doc. 73-4804 Filed 3-12-73; 8:45 am]

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM
SUBCHAPTER A—BOARD OF GOVERNORS OF
THE FEDERAL RESERVE SYSTEM
PART 262—RULES OF PROCEDURE
Revision of Rules

The Board of Governors of the Federal Reserve System has revised its rules of procedure in order to bring them into conformity with current practice and to make them more informative to the public.

1. Effective March 1, 1973, Part 262 is revised to read as follows:

- Sec. 262.1 Basis and scope.
- 262.2 Procedure for regulations.
- 262.3 Applications.
- 262.4 Adjudication with formal hearing.
- 262.5 Appearance and practice.
- 262.6 Forms.

AUTHORITY: 5 U.S.C. 552.

§ 262.1 Basis and scope.

This part is issued pursuant to section 553 of Title 5 of the United States Code, which requires that every agency shall publish in the FEDERAL REGISTER statements of the general course and method by which its functions are channeled and determined, rules of procedure, and descriptions of forms available or places at which forms may be obtained.

§ 262.2 Procedure for regulations.

(a) *Notice.* Notices of proposed regulations of the Board of Governors of

the Federal Reserve System (the "Board") or amendments thereto are published in the FEDERAL REGISTER, except as specified in paragraph (e) of this section or otherwise excepted by law. Such notices include a statement of the terms of the proposed regulations or amendments and a description of the subjects and issues involved; but the giving of such notices does not necessarily indicate the Board's final approval of any feature of any such proposal. The notices also include a reference to the authority for the proposed regulations or amendments and a statement of the time, place, and nature of public participation.

(b) *Public participation.* The usual method of public submission of data, views, or arguments is in writing. It is ordinarily preferable that they be sent to the Secretary of the Board, Washington, D.C. 20551, with copies to the appropriate Federal Reserve Bank. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in the appendix to the Board's rules of organization. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of this chapter regarding availability of information.

(c) *Preparation of draft and action by Board.* In the light of consideration of all relevant matter presented or ascertained, the appropriate division of the Board's staff, in collaboration with other divisions, prepares drafts of proposed regulations or amendments, and the staff submits them to the Board. The Board takes such action as it deems appropriate in the public interest. Any other documents that may be necessary to carry out any decision by the Board in the matter are usually prepared by the Legal Division, in collaboration with the other divisions of the staff.

(d) *Effective dates.* Any substantive regulation or amendment thereto issued by the Board is published not less than 30 days prior to the effective date thereof, except as specified in paragraph (e) of this section or as otherwise excepted by law.

(e) *Exceptions as to notice or effective date.* In certain situations, notice and public participation with respect to proposed regulations may be impracticable, unnecessary, contrary to the public interest, or otherwise not required in the public interest, or there may be reason and good cause in the public interest why the effective date should not be deferred for 30 days. The reason or reasons in such cases usually are that such notice, public participation, or deferment of effective date would prevent the action from becoming effective as promptly as necessary in the public interest, would permit speculators or others to reap unfair profits or to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, would provoke other consequences contrary to the public interest, would unreasonably interfere with

the Board's necessary functions with respect to management or personnel, would not aid the persons affected, or would otherwise serve no useful purpose. The following may be mentioned as some examples of situations in which advance notice or deferred effective date, or both, will ordinarily be omitted in the public interest: The review and determination of discount rates established by Federal Reserve Banks, and changes in general requirements regarding reserves of member banks, maximum interest rates on time and savings deposits, or credit for purchasing or carrying securities.

§ 262.3 Applications.

(a) *Forms.* Any application, request, or petition (hereafter referred to as "application") for the approval, authority, determination, or permission of the Board with respect to any action for which such approval, authority, determination, or permission is required by law or regulation of the Board (including actions authorized to be taken by a Federal Reserve Bank or others on behalf of the Board pursuant to authority delegated under Part 265 of this chapter) shall be submitted in accordance with the pertinent form, if any, prescribed by the Board. Copies of any such form and details regarding information to be included therein may be obtained from any Federal Reserve Bank. Any application for which no form is prescribed should be signed by the person making the application or by his duly authorized agent, should state the facts involved, the action requested, and the applicant's interest in the matter, and should indicate the reasons why the application should be granted. Applications for access to, or copying of, records of the Board should be submitted as provided in § 261.4(d) of this chapter.

(b) *Filing of applications.* Any application should be sent to the Federal Reserve Bank of the district in which the applicant is located, except as otherwise specified on application forms, and that Bank will forward it to the Board when appropriate.

(c) *Analysis by staff.* In every case, the Reserve Bank makes such investigation as may be necessary, and, except when acting pursuant to delegated authority, reports the relevant facts, with its recommendation, to the Board. In the light of consideration of all relevant matter presented or ascertained, the Board's staff prepares and submits to the Board comments on the subject.

(d) *Action on applications.* The Board takes such action as it deems appropriate in the public interest. Such documents as may be necessary to carry out any decision by the Board are prepared by the Board's staff. With respect to actions taken by a Federal Reserve Bank on behalf of the Board under delegated authority, statements and necessary documents are prepared by the staff of such Federal Reserve Bank.

(e) *Notice of action.* Prompt notice is given to the applicant of the granting or denial in whole or in part of any application. In the case of a denial, except in affirming a prior denial or where

the denial is self-explanatory, such notice is accompanied by a simple statement of the grounds for such action.

(f) *Action at Board's initiative.* When the Board, without receiving an application, takes action with respect to any matter as to which opportunity for hearing is not required by statute or Board regulation, similar procedure is followed, including investigations, reports, and recommendations by the Board's staff and by the Reserve Banks, where appropriate.

(g) *General procedures for bank holding company and merger applications.* In addition to procedures applicable under other provisions of this part, the following procedures are applicable in connection with the Board's consideration of applications under sections 3 and 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 and 1843), hereafter referred to as "section 3 applications" or "section 4 applications," and of applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823), hereafter called "merger applications." Except as otherwise indicated, the following procedures apply to all such applications.

(1) The Board issues each week a list that identifies section 3 and section 4 and merger applications received and acted upon during the preceding week by the Board or the Reserve Banks pursuant to delegated authority. Notice of receipt of all section 3 applications and of section 4(c) (8) applications acted on by the Board is published in the FEDERAL REGISTER.

(2) If a hearing is required by law or if the Board determines that a formal hearing for the purpose of taking evidence is desirable, the Board issues an order for such a hearing, and notice thereof is published in the FEDERAL REGISTER. Any such formal hearing is conducted by an administrative law judge in accordance with the Board's rules of practice for formal hearings (Part 263 of this chapter) except that, unless otherwise ordered by the Board, such a hearing is public.

(3) In any case in which a formal hearing is not ordered by the Board, the Board may afford the applicant and other properly interested persons (including Governmental agencies) an opportunity to present views orally before the Board or its designated representative. Unless otherwise ordered by the Board, any such oral presentation is public and notice of such public proceeding is published in the FEDERAL REGISTER.

(4) Each action taken by the Board on an application is embodied in an order that indicates the votes of members of the Board. The order either contains reasons for the Board's action (i.e., an expanded order) or is accompanied by a statement of the reasons for the Board's action. Both the order and any accompanying statement are released to the press. Each such order is published in the FEDERAL REGISTER. Each order accompanied by a statement and any order

of general interest, together with a list of other orders, are published in the Federal Reserve Bulletin. Action by a Reserve Bank under delegated authority as provided for under Part 265 of this chapter is reflected in a letter of notification to the applicant.

(5) After action by the Board on an application, the Board will not grant any request for reconsideration of its action unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate.

(6) Unless the Board shall otherwise direct, each section 3 and section 4 and merger application is made available for inspection by the public except for portions thereof as to which the Board determines that nondisclosure is warranted under section 552(b) of Title 5 of the United States Code.

(h) *Special procedures for certain applications.* The following types of applications require procedures exclusive of, or in addition to, those described in (g) (1)-(6) above.

(1) Special rules pertaining to section 3 and merger applications follow: (i) Each order of the Board and each letter of notification by a Reserve Bank acting pursuant to delegated authority approving a section 3 application includes, pursuant to the Act approved July 1, 1966 (12 U.S.C. 1849(b)), a requirement that the transaction approved shall not be consummated before the 30th calendar day following the date of such order. (ii) Each order of the Board approving a merger application includes, pursuant to the Act approved February 21, 1966 (12 U.S.C. 1828(c) (1) (6)), a requirement that the transaction approved shall not be consummated before the 30th calendar day following the date of such order, except as the Board may otherwise determine pursuant to emergency situations as to which the Act permits consummation at earlier dates. (iii) Each order or each letter of notification approving an application also includes, as a condition of approval, a requirement that the transaction approved shall be consummated within 3 months and, in the case of acquisition by a holding company of stock of a newly organized bank, a requirement that such bank shall be opened for business within 6 months, but such periods may be extended for good cause by the Board (or by the appropriate Federal Reserve Bank where authority to grant such extensions is delegated to the Reserve Bank).

(2) For special rules governing procedures for section 4(c) (8) applications, refer to § 225.4(a) (c) of this chapter.

(3) For special rules governing procedures for section 4(c) (9) applications, refer to § 225.4(g) of this chapter.

(4) For special rules governing procedures for section 4(c) (12) applications, refer to § 225.4(d) of this chapter.

(5) For special rules governing procedures for section 4(c) (13) applications, refer to § 225.4(f) of this chapter.

§ 262.4 Adjudication with formal hearing.

In connection with adjudication with respect to which a formal hearing is required by law or is ordered by the Board, the procedure is set forth in Part 263 of this chapter, entitled "Rules of Practice for Formal Hearings."

§ 262.5 Appearance and practice.

Appearance and practice before the Board in all matters are governed by § 263.3 of this chapter.

§ 262.6 Forms.

Necessary forms to be used in connection with applications and other matters are available at the Federal Reserve Banks. A list of all such forms, which is reviewed and revised periodically, may be obtained from any Federal Reserve Bank.

(a) This action is taken pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

(b) The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.
[FR Doc.73-4807 Filed 3-12-73; 8:45 am]

Title 15—Commerce and Foreign Trade CHAPTER III—BUREAU OF EAST-WEST TRADE, DEPARTMENT OF COMMERCE SUBCHAPTER B—EXPORT REGULATIONS [13th Gen. Rev. of the Exports Regs. Amdt. 52]

PART 377—SHORT SUPPLY CONTROLS Elimination of Weekly Coal Export Reports

The Department of Commerce has been monitoring the exports of certain types of coal and coke by requiring exporters of these commodities to file weekly reports of their shipment on Form IA-1094, Report of Exports. This report is no longer necessary and is therefore eliminated.

Accordingly, Supplement No. 2 to Part 377 is revised to delete all Schedule B numbers listed therein and the related commodity descriptions. In lieu thereof, the following is substituted: "(At present, no commodities are subject to this weekly reporting requirement.)"
(50 U.S.C. App. 2402(2) (B), 2403(b), and 22 U.S.C. 287C)

Effective date: March 5, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.
[FR Doc.73-4782 Filed 3-12-73; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5365]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Rule Concerning Use of a Japanese Prospectus in Japan

On June 23, 1970, the Commission published guidelines concerning the applicability of the Federal securities laws to the offer and sale outside the United States of shares of registered open-end investment companies.¹ These guidelines stated, among other things, that investment company shares offered and sold to foreign nationals outside the United States should be registered under the Securities Act of 1933 and offered by a prospectus which does not differ materially from the prospectus used in the United States.

In recent months, the Minister of Finance of Japan has issued an ordinance (Ministerial Ordinance No. 78) to permit registered open-end investment companies to offer and sell in Japan shares there registered. Pursuant to this ordinance, the Ministry of Finance requires that such shares be registered under the Securities Act of 1933 but that any offer or sale in Japan be made exclusively pursuant to the Japanese prospectus. In this regard, questions have arisen as to whether the prospectus required by Japanese law is materially different from the 1933 Act prospectus, and thus whether the issuer is in compliance with section 10(a) of the 1933 Act.

To clarify this situation, in the light of the rather elaborate Japanese requirements, the Commission today announced, under its authority in section 10(b) of the 1933 Act, the adoption of Rule 434C (17 CFR 230.434C). The rule would be applicable to industrial issuers as well as investment companies.

Commission action: Pursuant to authority in the provisions of sections 10(b) and 19(a) of the Securities Act of 1933, as amended, the Commission hereby adopts § 230.434C of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 230.434C. Use of Japanese prospectus in Japan.

(a) A prospectus required by the laws of Japan to be used for the offer or sale in Japan of securities which are also registered under the Act shall be deemed to meet the requirements of section 10(a) of the Act when such offers or sales in Japan are to persons who are not nationals or residents of (including corporations, trusts, partnerships created or organized in) the United States provided that such Japanese prospectus contains substantially the information required in the prospectus filed as part of the registration statement under the Act notwithstanding that such Japanese

prospectus (1) contains certain additional information, and (2) differs in form from the U.S. prospectus.

(b) Three copies of an English translation of a Japanese prospectus described in paragraph (a) above shall be filed with the Commission within 20 days after its use. If such Japanese prospectus is amended, three copies of an English translation of such prospectus as last amended prior to the close of an issuer's fiscal year shall be filed with the Commission within 20 days after the close of such year.

The Commission finds that Rule 434C is a relaxation of the present regulation and should not impose burdens on issuers or others or sacrifice the protection of investors, and thus, further notice and rule making procedures pursuant to 5 U.S.C. 552 are unnecessary.

(Secs. 10(b), 19(a), 48 Stat. 81, 85, secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, 15 U.S.C. 77j(b), 77s(a))

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 7, 1973.

[FR Doc. 73-4747 Filed 3-12-73; 8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-308; Order 476]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report of Gas Supply for Certain Natural Gas Pipelines

MARCH 6, 1973.

In the proceeding in Docket No. R-239, the Commission proposed to require the filing of certain reservoir reserve estimate, contractual, and deliverability data as a part of the then-proposed Form 15. These data were to be submitted on electric accounting punch cards, electric data magnetic tape, or paper tape. By order issued March 31, 1964 (Order No. 279, 31 FPC 750), the Commission prescribed Form No. 15 which did not include the aforementioned data to be filed in automatic data processing (ADP) media. The then-prescribed report was designated as the first phase and further considerations with respect to such data were deferred as the second phase.

By order issued herein on February 16, 1967 (Order No. 337, 37 FPC 326), the Commission further deferred requiring the submission of Form No. 15 in ADP media and made certain minor revisions in section 260.7, Statements and Reports. By further order issued herein on April 27, 1970 (Order No. 339, 43 FPC 563), the Commission amended § 260.7 by requiring the filing of revised Form No. 15 and continued the instant proceeding for consideration of further revisions of § 260.7 with respect to the filing of the aforementioned reservoir data.

Following the issuance of the aforementioned Orders Nos. 337 and 339, it has become increasingly clear that it is necessary to have the second phase reservoir

data to determine the appropriate criteria for checking data filed in other proceedings and through the use of ADP methods to obtain instant checks on the deliverability status of each interstate natural gas pipeline company.

Accordingly, by notice of proposed rule making issued herein on September 29, 1971 (36 FR 19515), it was proposed to amend Form No. 15 by addition of new Schedules Nos. 4 and 5 for the collection of reservoir data and flow test data for nonassociated gas completions, respectively. Further it was proposed to revise the instructions with respect to Form No. 15 to optionally permit the filing of all schedules in ADP media. As stated, a magnetic tape prepared for the electronic computer, accompanied by a verified, attested electronic computer printout, would be the preferred form for filing the report. It is recognized that all companies required to file the report may not presently utilize computers in their operations, and therefore the filing of the report in ADP media will be optional. However, it is the Commission's intention to eventually require all companies to report such data in ADP form. In addition to amending paragraph (a) of § 260.7 as set out in said notice of October 31, 1972, it was further proposed to revise the Form No. 15 by adding new Schedules 4 and 5 in addition to permitting the filing of all schedules in ADP media.

Comments on this former proposal were received from 27 interstate pipeline companies, the Independent Natural Gas Association of America and the Associated Gas Distributors which represented 52 distributing companies. As a result of such comments, it was further proposed to revise Form No. 15 by substituting three schedules to replace the previously proposed five schedules and adding a fourth special schedule for gas not directly related to wells, reservoirs, and fields, all as set forth in Appendix A hereto.¹ It was further proposed that the newly proposed Schedule No. 4 replace Form No. 15-A. As a consequence companies which formerly filed Form 15-A under these regulations would thereafter file only Schedule No. 4 of the revised Form No. 15 and the table of contents and page No. 47, which is the Synopsis of Pipeline Company Gas Supply with Attestations, and such companies would not be required to file Schedules Nos. 1, 2, and 3 of the revised Form No. 15.

With respect to this latter notice, comments were received from the Independent Natural Gas Association of America, 19 interstate natural gas pipelines, the Associated Gas Distributors, and the Public Service Commission for the State of New York. Among the comments made were (a) the proposal to collect 1972 data in 1973 would impose a hardship stating that the preparation necessary and the conversion to the method proposed would require a delay in reporting and requested that 1973 data be collected in 1974; (b) that the collection of Phase

¹ Appendix A filed as part of the original document.

¹ Securities Act Release No. 5068 (35 FR 12103).

II data would be unduly burdensome; and (c) that further conferences be held.

Following appropriate notice, a further conference was held on January 10, 1973, which was attended by representatives of the pipeline industry, the distributor section of the industry, the general public and representatives from our staff and from the Office of Management and Budget. Following a work session off the record at which details of reporting were discussed, all parties were afforded the opportunity to enter further comments and suggestions on the record.

Following a full review of the record in this proceeding including the modified Form No. 15 as promulgated by the notices hereinbefore set forth, the written comments received and the oral record as made on January 10, 1973, it is clear that the data herein and hereby required to be filed and the form of reporting such data are such as to facilitate the Commission in carrying out its obligations under the Natural Gas Act. Further, although we are aware that the time factor may be somewhat burdensome to some persons who are required to complete the revised Form No. 15, the Commission's need for the data is so great at this time of energy shortage, we are hereinafter requiring the data for the calendar year 1972 be reported in 1973 as hereinafter provided.

The Commission finds:

In view of the foregoing and upon consideration of all the relevant matters presented in the comments received, it is necessary and appropriate in the administration of the Natural Gas Act that the use of Form No. 15, as modified herein, be prescribed for the reporting years 1972 and thereafter.

The Commission, acting under the authority of the Natural Gas Act, as amended, particularly sections 7, 10(a), 14(a), and 16 thereof (52 Stat. 825, 826, 828, 830; 56 Stat. 83; U.S.C. 717f, 717i(a), 717o), orders:

(A) Effective upon the issuance of this order, Part 260, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

1. In § 260.7, paragraph (a), (b), and (c) are revised to read as follows:

§ 260.7 Form 15, Annual report of gas supply for certain natural gas pipelines.

(a) A revised form of Annual Report of total Gas Supply, designated FPC Form No. 15, is prescribed for the reporting year 1972 and thereafter to be used by natural gas companies as provided by and in accordance with paragraphs (b) and (c) of this section.

(b) Each natural gas company, as defined by the Natural Gas Act, as amended (52 Stat. 821), subject to the requirements of § 260.7 (18 CFR 260.7) except (1) a company whose gas reserves, owned or controlled by producer contracts, at the end of any report year are less than 50 billion cubic feet of gas, or (2) a company purchasing its entire supply of natural gas from other companies subject to the provisions of this section and/or foreign suppliers, or (3)

a company which acts only as a transporter of gas for others, shall prepare and file with the Commission for the calendar year ending December 31, 1972, on or before December 31, 1973, and for years subsequent to 1972, on or before each April 1, thereafter, for each calendar year ending December 31, of the previous year all data as prescribed by Paragraph No. 1 of the General Instructions as set out on page 0001 of the Appendix A attached hereto.¹ Such companies having the exceptions hereinbefore stated shall file the schedules required by Paragraph No. 2 of such General Instructions.

(c) Also, in addition to the requirements of paragraph (b) (1) of this section for the reporting year 1972 only, each reporting natural gas company shall file on or before July 1, 1973, either (1) an abbreviated reserves report consisting of the newly revised FPC Form 15 (Appendix A)¹ "Synopsis of Pipeline Company Gas Supply" (page 0047) and lines 101 and 102 of Schedule No. 1 of Appendix A entitled "System Deliverability Summary," or (2) in lieu thereof, at the companies' option, shall file the 1972 data in the same Form 15 format as was used to report the 1971 data.

(B) FPC Form No. 15 as set out and provided for in the attachment hereto, is prescribed, effective for the reporting year 1972 and thereafter, for use in accordance with § 260.7 as revised by paragraph (A) hereof.

(C) In all other respects this proceeding is continued for such further action and orders with respect to Form No. 15 as may appear to be appropriate.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4730 Filed 3-12-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Bicyclohexylammonium Fumagillin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-252V) filed by Amdal Co., Division of Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064, proposing revised labeling regarding the safe and effective use of bicyclohexylammonium fumagillin for the prevention of nosema in honey bees. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic

¹ Appendix A filed as part of the original document.

Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.67 Bicyclohexylammonium fumagillin.

(a) *Specifications.* The drug is a soluble powder containing bicyclohexylammonium fumagillin and appropriate phosphate buffers.

(b) *Sponsor.* See code No. 003 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for the prevention of nosema in honey bees.

(2) It is administered usually in a 2:1 sugar sirup containing a concentration of from 75 to 100 milligrams of fumagillin activity per gallon of sugar sirup.

(3) Colonies used for package production should be fed medicated sirup as a principal food supply for a month prior to stocking nuclei or shaking packages for market.

(4) The medicated sirup should not be fed immediately before or during the honey flow.

Effective date. This order shall be effective on March 13, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 7, 1973.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.73-4721 Filed 3-12-73;8:45 am]

ROLITETRACYCLINE MONOGRAPHS Recodification and Technical Revisions

In a notice of proposed rule making published in the FEDERAL REGISTER of October 7, 1972 (37 FR 21344), and a correction of November 8, 1972 (37 FR 23730), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended by revising Parts 141, 141c, 146c, and 149g and by establishing a new Part 150d to provide for the recodification and technical revisions of the rolitetracycline monographs. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141, 141c, 146c, and 149g are amended and a new Part 150d is added as follows:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 141.111 [Amended]

1. In Part 141 in the table in § 141.111(a) by revising the entry in the

"Final concentrations—units or micrograms of antibiotic activity per milliliter" column for rolitetracycline to read "0.160, 0.200, 0.250, 0.312, 0.390 µg."

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS: TESTS AND METHODS OF ASSAY

§§ 141c.248, 141c.249, and 141c.250 [Revoked]

2. In Part 141c by revoking §§ 141c.248, 141c.249, and 141c.250.

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

§§ 146c.248, 146c.249, and 146c.250 [Revoked]

3. In Part 146c by revoking §§ 146c.248, 146c.249, and 146c.250.

PART 149q—ROLITETRACYCLINE

§§ 149q.1a, 149q.4, and 149q.5 [Revoked]

4. In Part 149q by revoking §§ 149q.1a, 149q.4, and 149q.5.

PART 150d—ROLITETRACYCLINE

5. By adding a new Part 150d consisting at this time of six sections, as follows:

- Sec.
- 150d.1 Sterile rolitetracycline.
- 150d.2 Sterile rolitetracycline nitrate.
- 150d.3-150d.10 [Reserved]
- 150d.11 Rolitetracycline for intravenous use.
- 150d.12 Rolitetracycline for intramuscular use.
- 150d.13 Rolitetracycline nitrate for intravenous use.
- 150d.14 Rolitetracycline nitrate for intramuscular use.

AUTHORITY: Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

- § 150d.1 Sterile rolitetracycline.
 - (a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile rolitetracycline is N-(1-pyrrolidinylmethyl) tetracycline. It is so purified and dried that:
 - (i) Its potency is not less than 900 micrograms per milligram on the anhydrous basis.
 - (ii) It is sterile.
 - (iii) It is nonpyrogenic.
 - (iv) It passes the safety test.
 - (v) It contains no histamine nor histaminelike substances.
 - (vi) Its moisture content is not more than 3.0 percent.
 - (vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 7 and not more than 9, and such solution is substantially clear.
 - (viii) It is crystalline.
 - (ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 100±4.4 percent of that of the rolitetracycline standard similarly treated.

- (x) It passes the identity test.
- (2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.
- (3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:
 - (i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.
 - (ii) Samples required:
 - (a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.
 - (b) For sterility testing: 20 packages, each containing approximately 300 milligrams.
 - (b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).
 - (2) *Sterility.* Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.
 - (3) *Pyrogens.* Proceed as directed in § 141.4 (b) of this subchapter, using a so-

- lution containing 5.0 milligrams of rolitetracycline per milliliter.
- (4) *Safety.* Proceed as directed in § 141.5 of this subchapter.
- (5) *Histamine.* Proceed as directed in § 141.7 of this subchapter.
- (6) *Moisture.* Proceed as directed in § 141.502 of this subchapter.
- (7) *pH.* Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.
- (8) *Crystallinity.* Proceed as directed in § 141.504 (a) of this subchapter.
- (9) *Absorptivity.* Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to separate 100-milliliter volumetric flasks. Add approximately 75 milliliters of distilled water and 5.0 milliliters of 5N NaOH to each flask, and then dilute to volume with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in (100-m) milligrams}}$$

where m = percent moisture in the sample.

(10) *Identity.* Place approximately 100 milligrams of the sample to be tested in a test tube, and 5 milliliters of 1N NaOH, and heat gently to boiling for about 15 seconds. (The musty, aminelike odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

- § 150d.2 Sterile rolitetracycline nitrate.
 - (a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile rolitetracycline nitrate is the nitrate salt of N-(pyrrolidinomethyl) tetracycline. It is so purified and dried that:
 - (i) It contains not less than 765 micrograms of rolitetracycline per milligram on an "as is" basis.
 - (ii) It is sterile.
 - (iii) It is nonpyrogenic.
 - (iv) It passes the safety test.
 - (v) It contains no histamine nor histaminelike substances.
 - (vi) Its moisture content is not more than 5.0 percent.
 - (vii) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 5.5.
 - (viii) It is crystalline.

(ix) When calculated on an anhydrous basis, its absorptivity at 380 nanometers is 89.2±4.0 percent of that of the rolitetracycline standard similarly treated and corrected for potency.

- (x) It gives a positive result to the identity tests for rolitetracycline nitrate.
- (2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.
- (3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:
 - (i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.
 - (ii) Samples required:
 - (a) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.
 - (b) For sterility testing: 20 packages, each containing approximately 300 milligrams.
 - (b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1 mil-

ligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety*. Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine*. Proceed as directed in § 141.7 of this subchapter.

(6) *Moisture*. Proceed as directed in § 141.502 of this subchapter.

(7) *pH*. Proceed as directed in § 141.503 of this subchapter, using an aqueous solution containing 10 milligrams per milliliter.

(8) *Crystallinity*. Proceed as directed in § 141.504(a) of this subchapter.

(9) *Absorptivity*. Determine the absorbance of the sample and standard solutions in the following manner: Dissolve an accurately weighed portion of approximately 40 milligrams each of the sample and standard in approximately 150 milliliters of distilled water and mix thoroughly. Dilute each to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of each of these solutions to representative 100-milliliter volumetric flasks. Add about 75 milliliters of distilled water and 5.0 milliliters of 5N NaOH to each and then dilute to volume with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbance of each solution at 380 nanometers, using a suitable spectrophotometer and distilled water as the blank. Determine the percent absorptivity of the sample relative to the absorptivity of the standard using the following calculations:

$$\text{Percent relative absorptivity} = \frac{\text{Absorbance of sample} \times \text{weight of standard in milligrams} \times \text{potency of standard in micrograms per milligram} \times 10}{\text{Absorbance of standard} \times \text{weight of sample in milligrams} \times 100}$$

where: m = percent moisture in the sample.

(10) *Identity*—(1) *Rolitetracycline*. Place approximately 100 milligrams of the sample to be used in a test tube, add 5 milliliters of 1N NaOH, and heat gently to boiling for about 15 seconds. (The musty, aminelike odor of pyrrolidine is detectable.) Allow to cool to room temperature. A deep burgundy-red color of the clear solution indicates the presence of rolitetracycline.

(2) *Nitrate identity*. Transfer approximately 1 gram of sample to a 250-milliliter beaker, add 100 milliliters of water, and acidify with 1 milliliter of acetic acid. Heat to boiling and, with constant stirring, add 10 milliliters of a 10-percent solution of nitron (1,4-diphenyl-3,5-endo-anilino-4,5-dihydro-1,2,4-triazole) $C_{12}H_{10}N_4$ in 1N acetic acid. Allow to cool. A heavy precipitate indicates the presence of nitrate.

§§ 150d.3—150d.10 [Reserved]

§ 150d.11 Rolitetracycline for intravenous use.

(a) *Requirements for certification*—(1) *Standard of identity, strength, quality, and purity*. Rolitetracycline for intravenous use is a dry mixture of rolitetracycline and one or more suitable buffer substances. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histaminelike substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling,

¹ Nitron is available from J. T. Baker Laboratory Chemicals, North Phillipsburg, N.J. 08865.

its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 150d.1(a)(1).

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:
(a) The rolitetracycline used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) Samples required:
(a) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:
(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution

with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e)(1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety*. Proceed as directed in § 141.5 of this subchapter.

(5) *Histamine*. Proceed as directed in § 141.7 of this subchapter.

(6) *Loss on drying*. Proceed as directed in § 141.501(b) of this subchapter.

(7) *pH*. Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.12 Rolitetracycline for intramuscular use.

(a) *Requirements for certification*—

(1) *Standards of identity, strength, quality, and purity*. Rolitetracycline for intramuscular use is a dry mixture of rolitetracycline and one or more suitable buffer substances and anesthetic agents. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 3.0 and not more than 4.5. The rolitetracycline used conforms to the standards prescribed by § 150d.1(a)(1).

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:
(a) The rolitetracycline used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, an identity.

(b) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:
(a) The rolitetracycline used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:
(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*. Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solu-

tion containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying*. Proceed as directed in § 141.501(b) of this subchapter.

(5) *pH*. Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.13 Rolitetracycline nitrate for intravenous use.

(a) *Requirements for certification—(1) Standard of identity, strength, quality, and purity*. Rolitetracycline nitrate for intravenous use is a dry mixture of rolitetracycline nitrate and one or more suitable buffer substances. Its potency is satisfactory if it contains not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine nor histaminelike substances. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 150d.2(a) (1).

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples*. In addition to complying with requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:
(a) The rolitetracycline nitrate used in making the batch for potency, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, safety, histamine, loss on drying, and pH.

(ii) Samples required:
(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:
(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency*. Proceed as directed in § 141.111 of this subchapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies

the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Safety*. Proceed as directed in § 141.5 of this chapter.

(5) *Histamine*. Proceed as directed in § 141.5 of this subchapter.

(6) *Loss on drying*. Proceed as directed in § 141.501(b) of this subchapter.

(7) *pH*. Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

§ 150d.14 Rolitetracycline nitrate for intramuscular use.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity*. Rolitetracycline nitrate for intramuscular use is a dry mixture of rolitetracycline nitrate, one or more suitable buffer substances, and lidocaine hydrochloride. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of rolitetracycline that it is represented to contain. It is sterile. It is nonpyrogenic. Its loss on drying is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 2.5 nor more than 4.0. The rolitetracycline nitrate used conforms to the standards prescribed by § 150d.2(a) (1).

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this subchapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this subchapter, each such request shall contain:

(i) Results of tests and assays on:
(a) The rolitetracycline nitrate used in making the batch for potency, safety, histamine, moisture, pH, crystallinity, absorptivity, and identity.

(b) The batch for potency, sterility, pyrogens, loss on drying, and pH.

(ii) Samples required:
(a) The rolitetracycline nitrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:
(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency*. Proceed as directed in § 141.111 of this subchapter, preparing the sample

for assay as follows: Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Add sufficient methyl alcohol to give a solution containing 1 milligram of rolitetracycline per milliliter (estimated). Further dilute an aliquot of this solution with 0.1M potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.25 microgram of rolitetracycline per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this subchapter, using the method described in paragraph (e) (1) of that section, except use diluting fluid D in lieu of diluting fluid A.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this subchapter, using a solution containing 5.0 milligrams of rolitetracycline per milliliter.

(4) *Loss on drying*. Proceed as directed in § 141.501(b) of this subchapter.

(5) *pH*. Proceed as directed in § 141.503 of this subchapter, using a solution prepared as directed in the labeling.

Effective date. This order shall become effective on April 12, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 7, 1973.

MARY A. McENIRY,
Assistant to the Director for
Regulatory Affairs, Bureau
of Drugs.

[FR Doc. 73-4726 Filed 3-12-73; 8:45 am]

PART 148f—GRAMICIDIN

Change in Identity Test

In a notice published in the FEDERAL REGISTER of October 7, 1972 (37 FR 21347), the Commissioner of Food and Drugs proposed to amend the antibiotic drug regulations to require that the gramicidin identity test be calculated on the anhydrous basis. Interested persons were invited to submit their comments in response to the notice of proposed rule making within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148f is amended in § 148f.1 by revising paragraphs (a) (1) (vi) and (b) (6) to read as follows:

§ 148f.1 Gramicidin.

(a) *Requirements for certification*. * * *

(1) * * *
(vi) When calculated on the anhydrous basis, the difference between the absorptivity value at the maximum occurring at 282 nanometers and the absorptivity

value at the minimum occurring at 247 nanometers is 100±4 percent of the difference obtained with the gramicidin working standard.

(b) *Tests and methods of assay.* . . .

(6) *Identity.* Accurately weigh about 20 milligrams of the sample and dilute in ethyl alcohol to give a concentration of 0.05 milligram (estimated) of gramicidin per milliliter. Prepare a solution of the gramicidin working standard to contain 0.05 milligram per milliliter in ethyl alcohol. Using a suitable recording spectrophotometer with 1-centimeter cells, record the ultraviolet absorbance spectrum of each solution from 220 nanometers to 320 nanometers. The ultraviolet absorbance spectrum of the sample solution should compare qualitatively to that of the working standard solution. Determine the absorptivities of each at the maximum occurring at 282 nanometers and at the minimum occurring at 247 nanometers (the exact position of the maximum and minimum of the gramicidin working standard should be determined for the particular instrument used).

Effective date. This order shall be effective on April 12, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 7, 1973.

MARY A. MCENIRY,
Assistant to the Director for
Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-4724 Filed 3-12-73; 8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. ATF-3]

PART 240—WINE

Materials Authorized for Treatment of Wine

This document amends 26 CFR Part 240, Wine, the primary purposes being to make it consistent with 21 CFR Part 121, GRAS and Food Additive Status, with respect to materials authorized for treatment of wine, and to provide for continuing consistency between these parts. The most significant changes consist of additions and deletions to the list of approved materials, changes in the authorized uses of certain materials, and the addition of provisions for removing from the list of approved materials those materials which are removed by the Commissioner of Food and Drugs from the GRAS listing.

On November 2, 1972, a notice of proposed rule making to amend 26 CFR Part 240, as described in the previous para-

graph, was published in the FEDERAL REGISTER (37 FR 23339). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. After consideration of all relevant matter presented and further study of the proposed amendments, the amendments to 26 CFR Part 240 are hereby adopted as published in the notice of proposed rule making subject to the following changes:

The entry for "ammonium phosphate (monobasic and dibasic)", has been deleted since this material is included within the term "phosphates" which is already on the list of approved materials; however, the uses (and limitations on the uses) of ammonium phosphate (monobasic and dibasic) and diammonium phosphate have been added to the existing "phosphates" entry; polyvinylpyrrolidone has been added to the list of authorized materials as a wine clarifier; and the uses of "granular cork" have been broadened so that it may be used to treat wines stored in tanks constructed of materials other than redwood or concrete. The preamble is changed by modifying items (b) through (f) thereof to read: "(b) adding polyvinylpyrrolidone to the list of approved materials; (c) deleting diammonium phosphate; (d) deleting glycine (amino acetic acid); (e) deleting diethyl pyrocarbonate; (f) combining the entries for the materials ammonium phosphate (monobasic and dibasic) and phosphates into the single entry phosphates;" and adding item (g) which will read "and (g) broadening the authorized use of granular cork."

The list of materials authorized for use in wine is changed to combine the entries for the materials "Ammonium phosphate (monobasic and dibasic)" and "Phosphates" into the single entry "Phosphates"; to add the material "Polyvinylpyrrolidone" and to broaden the authorized uses of "Granular cork". To accom-

plish this the list of materials as published in the notice of proposed rule making is further changed to read as set forth below.

In order to make 26 CFR Part 240, Wine, consistent with 21 CFR Part 121, GRAS and Food Additive Status, with respect to materials authorized for treatment of wine, and to provide for continuing consistency between these parts, the regulations in 26 CFR Part 240 are amended as follows:

Section 240.1051 is amended by: (a) Adding a sentence to the introductory paragraph to provide for removal from the list of materials authorized for treatment of wine, those materials which are removed by the Commissioner of Food and Drugs from the GRAS listing; (b) adding polyvinylpyrrolidone to the list of approved materials; (c) deleting diammonium phosphate; (d) deleting glycine (amino acetic acid); (e) deleting diethyl pyrocarbonate; (f) combining the entries for the materials ammonium phosphate (monobasic and dibasic) and phosphates into the single entry phosphates; and (g) broadening the authorized use of granular cork.

§ 240.1051 Materials authorized for treatment of wine.

The materials listed below are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine (including distilling material), within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to: *Provided*, That when any approved material on this list is removed from the Food and Drug Administration list of products generally recognized as safe, the Director may cancel its approval for use in the production, cellar treatment, or finishing of wine (including distilling material).

Materials	Use	Reference or limitation
Defoaming agents (polyoxyethylene-40-monostearate and silicon dioxide) (sorbic acid, carboxy methyl cellulose, dimethyl polysiloxane, polyoxyethylene (40) monostearate, and sorbitan monostearate). Eggs (Albumen or yolks)	Defoaming agent	Defoaming agents which are 100 percent active may be used in amounts not exceeding 0.15 pound per 1,000 gallons of wine. Defoaming agents which are 50 percent active may be used in amounts not exceeding 0.15 pound per 1,000 gallons of wine. Silicon dioxide shall be completely removed by filtration. 21 CFR 121.100, 121.101 (d) (2), 121.101 (d) (8).
Gelatin	To clarify wine	GRAS.
Granular cork	For treatment of wine	The amount used shall not exceed 10 pounds per 1,000 gallons of wine GRAS.
Phosphates	Yeast food in distilling material and wine production, and to start secondary fermentation in manufacturing champagne and sparkling wines.	As a yeast food in distilling material, the amount shall not exceed 10 pounds per 1,000 gallons. In wine production, the amount shall not exceed 1.7 pounds per 1,000 gallons. In manufacturing champagne and sparkling wines a small quantity only shall be used. 21 CFR 121.101 (d) (8).
Polyvinylpyrrolidone (PVP)	To clarify wine	The residual level of PVP in the finished wine will not exceed 60 p.p.m.

(72 Stat. 1383; 26 U.S.C. 5382)

This Treasury decision shall become effective on May 1, 1973.

(26 U.S.C. 7805 (68 Stat. 917))

[SEAL] **REX D. DAVIS,**
Director, Bureau of Alcohol,
Tobacco and Firearms.

Approved: March 2, 1973.

EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

[FR Doc.73-4695 Filed 3-12-73;8:45 am]

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7266]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Returns by U.S. Attorneys and Attorneys of Department of Justice and Use of Returns in Grand Jury Proceedings and in Litigation

To officers and employees of the Treasury Department and others concerned. In order to revise and strengthen the procedures governing the inspection of returns by U.S. attorneys and attorneys of the Department of Justice and the use of returns in grand jury proceedings and in litigation under section 6103 of the Internal Revenue Code of 1954, the Regulations on Procedure and Administration (26 CFR Part 301) under such section are amended as follows:

Section 301.6103(a)-1 is amended by revising paragraphs (g) and (h). The amended provisions read as follows:

§ 301.6103(a)-1 **Inspection of returns by certain classes of persons and State and Federal Government establishments pursuant to Executive order.**

(g) *Inspection of returns by U.S. attorneys and attorneys of Department of Justice.* A return in respect of any tax described in paragraph (a) (2) of this section shall be open to inspection by a U.S. attorney or by an attorney of the Department of Justice where necessary in the performance of his official duties. The application for inspection shall be in writing and shall show (1) the name and address of the person for whom the return was made, (2) the kind of tax reported on the return, (3) the taxable period covered by the return, and (4) the reason why inspection is desired. The application shall, where the inspection is to be made by a U.S. attorney, be signed by such attorney, and, where the inspection is to be made by an attorney of the Department of Justice, be signed by the Attorney General, Deputy Attorney General, or an Assistant Attorney General. The application shall be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224, with a copy addressed to the internal revenue officer (the district director or the director of the service center) with whom the return was filed.

(h) *Use of returns in grand jury proceedings and in litigation.* Returns made in respect of any tax described in paragraph (a) (2) of this section, or copies thereof, may be furnished by the Secretary or the Commissioner or the delegate of either to a U.S. attorney or an attorney of the Department of Justice for official use in proceedings before a U.S. grand jury, or in litigation in any court, if the United States is interested in the result, or for use in preparation for such proceedings or litigation. The original return will be furnished only in exceptional cases, and then only if it is made to appear that the ends of justice may otherwise be defeated. Returns or copies thereof will be furnished without written application therefor to U.S. attorneys and attorneys of the Department of Justice for official use in the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States or officers or employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of the Treasury to the Department of Justice for such prosecution or defense. In all other cases, written application for a return or copies thereof shall be made to the Commissioner of Internal Revenue, Washington, D.C. 20224, with a copy addressed to the internal revenue officer (the district director or the director of the service center) with whom the return was filed. The application shall be in writing and shall show (1) the name and address of the person for whom the return was made, (2) the kind of tax reported on the return, (3) the taxable period covered by the return, and (4) the reason why the return or a copy thereof is desired. Such application shall be signed by the U.S. attorney if the return or copy is for his use, or by the Attorney General, the Deputy Attorney General, or an Assistant Attorney General if the return or copy is for the use of an attorney of the Department of Justice. For provisions relating to the certification of copies of returns, see § 301.6103(a)-2. If a return, or copy thereof, is furnished pursuant to this paragraph, it shall be limited in use to the purpose for which it is furnished and is under no condition to be made public except to the extent that publicity necessarily results from such use. Neither the original nor a copy of a return desired for use in litigation in court will be furnished if the United States is not interested in the results, but this provision is not a limitation on the use of copies of returns by the persons entitled thereto. See paragraphs (e) and (f) of this section for use, in proceedings to which the United States is a party, of information obtained by executive departments and other Federal Government establishments from inspection of returns. If a U.S. attorney or an attorney of the Department of Justice has obtained a copy of a return under paragraph (g) of this section, an

application for the use of such return in a situation specified in this paragraph shall not be necessary. Returns shall not be made available to the Department of Justice for purposes of examining prospective jurors except that this shall not prohibit the answering of an inquiry, from the Department of Justice, as to whether a prospective juror has, or has not, been investigated by the Internal Revenue Service.

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

[SEAL] **GEORGE P. SHULTZ,**
Secretary of the Treasury.

Approved: March 8, 1973.

RICHARD NIXON,
The White House.

[FR Doc.73-4001 Filed 3-9-73;3:51 pm]

Title 41—Public Contracts and Property Management
CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Contract Clauses Related To Transportation

This change establishes a new Part 5A-19, Transportation, to revise and consolidate material related to transportation matters heretofore contained in various parts of Chapter 5A.

PART 5A-7—CONTRACT CLAUSES

The table of contents for Part 5A-7 is amended by revision of the following entry:

5A-7.101-78. Identification of production point.

Subpart 5A-7.1—Fixed Price Supply Contracts

Section 5A-7.101-78 is revised to read as follows:

§ 5A-7.101-78 **Identification of production point.**

When identification of production point is required as part of the solicitation, a clause substantially as follows shall be inserted (see § 1-2.201(b)(4)):

PRODUCTION POINT

Offeror shall insert, in the spaces below, the names of the manufacturers of the items offered and the address and telephone numbers of the production facility(ies).

Item No.	Name of manufacturer	Production point (name, address, including county and telephone)
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Chapter 5A is amended by adding new Part 5A-19 as follows:

PART 5A-19—TRANSPORTATION

Subpart 5A-19.1—General

Sec.
5A-19.102 Coordination between contracting and transportation officers.

Subpart 5A-19.2—Transportation Factors in the Procurement of Personal Property

5A-19.202 Transportation factors in invitations.
5A-19.202-2 Packing and marking.
5A-19.202-6 Bid requirements.
5A-19.202-7 Use of appropriate delivery terms.
5A-19.202-8 Options in shipment and delivery.

Subpart 5A-19.3—Contract Delivery Terms

5A-19.301 Use of standard delivery terms.
5A-19.370 Deliveries to GSA supply distribution facilities.
5A-19.371 Delivery terms—Federal Supply Schedule contracts.

AUTHORITY: Sec. 205(c), 83 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1(c).

Subpart 5A-19.1—General

§ 5A-19.102 Coordination between contracting and transportation officers.

The contracting officer shall obtain traffic management advice and assistance, including appropriate transportation factors, required for (a) solicitations and awards and (b) the administration and modification of contracts from transportation officers, PSS.

Subpart 5A-19.2—Transportation Factors in the Procurement of Personal Property

§ 5A-19.202 Transportation factors in invitations.

§ 5A-19.202-2 Packing and marking.

See §§ 5A-7.101-75, 5A-7.101-76, and 5A-7.101-79 (clauses 31, 29, and 33, respectively, of GSA Form 1424).

§ 5A-19.202-6 Bid requirements.

(a) *General.* See § 1-19.202-6 for general requirements.

(b) *Notice of shipment.* See §§ 5A-7.101-70 (clause 37 of GSA Form 1424) and 5A-16.950-1056 for notice of shipment clause and form.

(c) *Shipping points.* When f.o.b. origin prices are solicited, offerors shall be required to specify their shipping point(s) by providing street address, city, county, and State applicable to each item on which an offer is submitted. Spaces shall be provided in the solicitation for the insertion of this information.

(d) *Guaranteed maximum shipping weights.* When guaranteed maximum shipping weights and/or dimensions are required for evaluation of freight costs, see § 5A-7.101-82 (clause 38 of GSA Form 1424).

§ 5A-19.202-7 Use of appropriate delivery terms.

See § 1-19.202-7 for guidance in the selection of appropriate delivery terms. If the contracting officer uses only one delivery term in the solicitation despite guidance in § 1-19.202-7 that alternative delivery terms should be included, the reasons for so doing shall be stated in the contract file.

§ 5A-19.202-8 Options in shipment and delivery.

The clause in § 5A-7.101-2 (clause 2 of GSA Form 1424) is an amplification of Article 2 (Changes) of the General Provisions, Standard Form 32, and is prescribed for use in all Federal Supply Service contracts except Federal Supply Schedule contracts.

Subpart 5A-19.3—Contract Delivery Terms

§ 5A-19.301 Use of standard delivery terms.

(a) "Standard" delivery terms are those listed and defined in §§ 1-19.302 through 1-19.315. These terms should be used except in particular types of contracts for which specially adapted delivery provisions are required. (See (c), below.) In this connection, it has been determined that the standard delivery term "f.o.b. destination" does not satisfy the Government's needs with respect to contracts for stock items and Federal Supply Schedule contracts. Accordingly, special clauses providing for destination delivery are prescribed in §§ 5A-19.370 and 5A-19.371 for use in such contracts.

(b) The use of a standard delivery term in a solicitation activates clause 36 of GSA Form 1424 entitled "Meaning of Delivery Terms" (see § 5A-7.101-73) which in turn causes the FPR definition of the term and related contractor responsibilities shown thereunder to be incorporated by reference in the solicitation.

(c) When other than standard delivery terms are used, the solicitation shall clearly define the point of delivery and shall set forth thereunder any appropriate related contractor responsibilities. These responsibilities shall include factors such as those outlined in "contractor responsibilities" under specific FPR delivery terms, unless such responsibilities are provided for elsewhere in the solicitation.

§ 5A-19.370 Deliveries to GSA supply distribution facilities.

(a) The following clause shall be used in contracts for stock items when separate delivered prices are solicited for individual GSA supply distribution facilities. The first sentence of the clause may be modified as appropriate when prices are requested to cover deliveries to specified destinations within certain areas (i.e., GSA regions or zones). When prices are solicited covering delivery to any point within specified regions or zones, the geographic areas of the regions or zones shall be defined in the solicitation.

DELIVERY-DESTINATION PRICES

Prices cover delivery to the GSA supply distribution facilities specified in the item listing. Supplies shall be delivered to the named destination consignee's warehouse, unloading platform, or receiving dock at the expense of the Contractor. The Government shall not be liable for any delivery, storage, demurrage, detention, accessorial, or other charges involved prior to the actual delivery (or "constructive placement" as defined in carrier tariffs) of the supplies to the destination, unless such charges are caused by an act or

order of the Government acting in its contractual capacity. If rail carrier is used, supplies will be delivered to the specified unloading platform of the consignee. If motor carrier (including "piggyback") is used, supplies will be delivered to truck tailgate at the unloading platform of the consignee. If the Contractor uses rail carrier or freight forwarder for less than carload shipments, he shall ensure that the carrier will furnish tailgate delivery if transfer to truck is required to complete delivery to consignee.

(b) Less-than-carload/less-than-truckload shipments to GSA supply distribution facilities.

(1) It is common industry practice for shippers to take advantage of lower freight rates by consolidating less-than-carload/less-than-truckload shipments into a carload or truckload with stopoff privileges en route for partial unloading. Where a supply contract provides for delivery to destination, any economies resulting from such consolidation accrue to the contractor; therefore, any costs associated with the use of the stopoff privilege should be borne by him. However, since the carrier's tariff rules provide with respect to such shipments that each intermediate consignee must restow, block, and brace the remaining shipments in the conveyance prior to releasing the conveyance back to the carrier, the Government bears the restoration costs unless it recovers them from the contractor. Accordingly, invitations for bids for stock items which provide for delivery on a destination basis shall contain the following clause (clause 34 of GSA Form 1424):

LESS-THAN-CARLOAD/LESS-THAN-TRUCKLOAD SHIPMENTS WITH STOPOFF PRIVILEGES

(a) When the contract provides for delivery to destination and the Contractor elects to deliver a less-than-carload/less-than-truckload quantity with stopoff privileges for partial unloading, the Government's shipment must be loaded by the Contractor in a manner which will not require the Government to restow, block, and brace any freight remaining in the conveyance.

(b) In the event the Contractor fails to comply with the above requirement, the Government shall have the right, without prejudice to any other available remedies under the contract, to (1) reject the shipment or (2) perform the required restowing, blocking, and bracing by use of Government personnel and charge the Contractor therefor at a rate of \$11 per man-hour, with a minimum of \$11, and deduct such charges from the Contractor's invoice for the material.

(2) Deductions from contractor's invoice pursuant to paragraph (b) of the clause above will be made by the appropriate accounting center making payment for the supplies and will be based on a statement furnished by the receiving supply facility indicating the amount to be deducted and the basis therefor.

§ 5A-19.371 Delivery terms—Federal Supply Schedule contracts.

(a) The following clause may be used in Federal Supply Schedule solicitations, as applicable, covering delivery to all destinations within specified zones, including Alaska, Hawaii, and Puerto Rico when contracts awarded include delivery prices for those zones:

DELIVERY PRICES

Prices offered must cover delivery to destinations within the zone(s) to which such prices apply, as provided below:

(a) Delivery to the door of the specified Government activity by freight or express common carriers on articles for which store-door delivery is provided, free or subject to a charge, pursuant to regularly published tariffs duly filed with the Federal and/or State regulatory bodies governing such carrier; or, at the option of the Contractor, by parcel post on mailable articles, or by the Contractor's vehicle. Where store-door delivery is subject to a charge, the Contractor shall (1) place the notation "Delivery Service Requested" on bills of lading covering such shipments and (2) pay such charge and add the actual cost thereof as a separate item to his invoice.

(b) Delivery to siding at destination when specified by the ordering office, if delivery is not covered under paragraph (a), above.

(c) Delivery to the freight station nearest destination when delivery is not covered under paragraphs (a) or (b), above.

Zones: For the purpose of this solicitation and any resulting contract, zones consist of the geographic areas specified below:

Zone	Geographic Area
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(b) When delivered prices are desired to a specific area representing a large portion of potential requirements and it is also desired to make the items available outside such area, with appropriate adjustment in transportation costs, the following clause (modified to specify the applicable area) shall be used (Washington, D.C., is used as an example only):

DELIVERY PRICES

Prices bid must cover delivery to destination in Washington, D.C., and contiguous area as provided below:

(a) Deliveries in the District of Columbia must be made, at the expense of the Contractor, within the doors of the storeroom ("storeroom" is understood to mean that room on the entrance floor of the building in which supplies can be deposited) designated in the order. Deliveries in Prince Georges and Montgomery Counties in Maryland, the cities of Alexandria and Falls Church, and Arlington and Fairfax Counties in Virginia shall be made at the expense of the Contractor as follows:

(1) Delivery to the door of the specified Government activity by freight or express common carriers on articles for which store-door delivery is provided, free or subject to a charge, pursuant to regularly published tariffs duly filed with the Federal and/or State regulatory bodies governing such carrier; or, at the option of the Contractor, by parcel post on mailable articles, or by the Contractor's vehicle. Where store-door delivery is subject to a charge the Contractor shall (1) place the notation "Delivery Service Requested" on bills of lading covering such shipments and (2) pay such charge and add the actual cost thereof as a separate item to his invoice.

(2) Delivery to siding at destination when specified by the ordering office, if delivery is not covered under subparagraph (a) (1), above.

(3) Delivery to the freight station nearest destination when delivery is not covered under subparagraph (a) (1) or (2), above.

(b) When deliveries are made to destinations outside Washington, D.C., and contiguous area, the following conditions will apply:

(1) On shipments weighing less than 100 pounds where transportation charges are not greater than to Washington, D.C., the Contractor shall pay transportation charges. No freight adjustments are required.

(2) On all shipments other than specified in subparagraph (b) (1), above, the Contractor shall deduct from his invoice the transportation charges from his shipping point to Washington, D.C., and add the actual cost of transportation to destinations designated by ordering offices. Transportation charges will in all cases be based upon the lowest regularly established rates on file with the Interstate Commerce Commission, the Federal Maritime Commission (if shipped by water), or any State regulatory body, or published by the U.S. Postal Service, and must be supported by paid freight or express receipt or by a statement of parcel post charges, including weight of the shipment, or when delivered in Contractor's vehicle, by an explanatory statement.

(3) Subparagraphs (b) (1) and (2), above, will not apply when Contractor stipulates that his Washington, D.C., delivered price is also the delivered price to any point within the continental limits of the United States.

(4) The Contractor's shipping point for the purpose of computing transportation charges will be the shipping point named in his bid. In the event two or more shipping points are named by the Contractor without qualification as to destination areas to be served by each, freight charges to Washington, D.C., to be deducted from invoices and freight charges to destinations designated by ordering offices to be added to invoices will be computed from the shipping points involving the lowest transportation charges to Washington, D.C., and to designated destinations, respectively.

(5) The right is reserved to the ordering office to specify the type of transportation to be employed.

When more than one specified delivery point is used, either within a region or zone or within the continental United States, it will also be necessary to define specifically the limits of the surrounding area in which deliveries are authorized through application of the transportation cost adjustment clause. This is necessary to avoid having two Federal Supply Schedule contracts which could be used for delivery of the same item to the same point.

PART 5A-72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULES

The table of contents for Part 5A-72 is amended to delete §§ 5A-72.105-7, 5A-72.105-8, and 5A-72.105-14 and to revise the following entry:

5A-72.105-6 Delivery terms.

Subpart 5A-72.1—Procurement of Stock Items

1. Section 5A-72.105-6 is revised to read as follows:

§ 5A-72.105-6 Delivery terms.

See Part 5A-19 for transportation factors and delivery terms.

§§ 5A-72.105-7, 5A-72.105-8, 5A-72.105-14 [Deleted]

2. Sections 5A-72.105-7, 5A-72.105-8, 5A-73.105-14 are deleted.

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

The table of contents for Part 5A-73 is amended to delete §§ 5A-73.115-1

through 5A-73.115-7 and to revise the following entry:

5A-73.115 Delivery terms.

Subpart 5A-73.1—Production and Maintenance

1. Section 5A-73.115 is revised to read as follows:

§ 5A-73.115 Delivery terms.

See Part 5A-19 for transportation factors and delivery terms.

§§ 5A-73.115-1—5A-73.115-7 [Deleted]

2. Sections 5A-73.115-1 through 5A-73.115-7 are deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1(c))

Effective date. These regulations are effective on February 27, 1973.

Dated: February 27, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc. 73-4697 Filed 3-12-73; 8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19642; FCC 73-232]

PART 1—PRACTICE AND PROCEDURE

Certification or Type Acceptance

Report and order in the matter of amendment of Part 1 of the Commission's rules to require simultaneous payment of the filing and grant fee with an application for certification or type acceptance.

1. On November 22, 1972, the Commission adopted a notice of proposed rule making in the subject proceeding (see 37 FR 25729). The date for receiving comments closed on January 8, 1973, and for reply comments on January 18, 1973.

2. This notice proposed that, to simplify administration, the applicant for certification or type acceptance pay the required filing fee and grant fee simultaneously. The notice further proposed that such payment be made at the time the application for certification or for type acceptance is filed and that no action be taken on the application until such combined payment is made.

3. Comments were received from one manufacturer of aeronautical radio equipment—Narco Avionics, who agreed with the Commission that simultaneous payment of filing and grant fees would be desirable and would simplify book-keeping and administrative problems. However, Narco proposes that the procedure be further simplified by requiring the simultaneous payment after certification or type acceptance has been granted on the grounds that this would avoid the need for making a refund if no grant were issued.

4. The Commission cannot accept Narco's proposal. As pointed out in paragraph 4 of the notice, our experience has been that better than 95 percent of the applications are granted. Moreover, we

have found that in a significant number of cases, the applicant did not pay the grant fee within the period allowed and it was necessary to dun the applicant for such payment. In the opinion of the Commission, the need to make a refund is outweighed by the problem of late payment, and we must insist on prepayment of the combined filing and grant fee as the more desirable administrative approach.

5. Accordingly, the regulation requiring prepayment of the combined fee is adopted herein. To provide a reasonable transition period, simultaneous payment will not be required prior to July 1, 1973. However, no application will be accepted for processing after that date unless the combined payment is submitted with the application.

6. Authority for the adoption of the amendments herein proposed is contained in section 4(d) of the Communications Act (47 U.S.C. 154(d)), title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)), and Budget Bureau Circular A-25 and supplements thereto.

7. *It is ordered*, That effective April 16, 1973, Part 1 of our rules is amended as set forth below and that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I, Title 47, of the Code of Federal Regulations is amended as follows:

1. Section 1.1102 is amended by adding a note immediately after paragraph (b), revising paragraphs (d) and (g) and adding a new paragraph (j) to read as set forth below.

§ 1.1102 Payment of fees.

(b) * * *

NOTE: Combined fees. See paragraph (j) of this section concerning simultaneous payment of filing and grant fees with applications for type acceptance or certification of equipment.

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services, the grant fee, based on a percentage of the consideration in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within

the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization, or approval becoming null and void and ineffective after that date.

(g) Applications and attached fees should be addressed to Federal Communications Commission, Washington, D.C. 20554, or to the appropriate FCC field office and should not be marked for the attention of any individual bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483(a)).

(j) Combined filing and grant fees with applications for certification and type acceptance of equipment: Each application for certification or type acceptance of equipment shall be accompanied by a combined payment covering the filing and grant fees for such application. Payment of filing and grant fees separately is permissible until July 1, 1973; however, applicants are encouraged to submit fees simultaneously prior to this date. On or after July 1, 1973, applications will not be processed prior to payment of the combined filing and grant fees.

2. Section 1.1103 is amended by adding a new paragraph (c) to read as follows:

§ 1.1103 Return or refund of fees.

(c) Grant fees received as part of a combined fee payment pursuant to § 1.1102(j) will be refunded in the following instances:

(1) When an application for certification or type acceptance is dismissed or denied by the Commission.

(2) When a request for withdrawal of the application is received prior to the date of grant of certification or type acceptance.

(3) When the failure of an applicant for certification or type acceptance to reply to a request for additional information results in a dismissal of the application.

§ 1.1120 [Amended]

3. In § 1.1120, add footnote¹⁰ to the table headings "Certification" and "Type Acceptance" and insert the following footnote at the bottom of the text:

¹⁰ After July 1, 1973, the filing fee and the grant fee must be paid simultaneously when an application for certification or for type acceptance is filed. See §§ 1.1102(j) and 1.1103(c).

[FR Doc.73-4796 Filed 3-12-73;8:45 am]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements

Order. In the matter of amendment of Part 2 of the Commission's rules and regulations to effect certain editorial changes therein.

1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), (5) (d) (1) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered*, Effective March 7, 1973, That Part 2 of the rules and regulations is amended as set forth below. (Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: February 21, 1973.

Released: February 27, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Subpart G—Treaties and Other International Agreements

In Subpart G §§ 2.601, 2.602 and 2.603 are revised to read as follows:

§ 2.601 General.

This subpart is corrected to March 1, 1973. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

§ 2.602 Citation abbreviations used in this subpart.

Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (compiled under S. Res. No. 132, 75th Cong., 1st Sess.).

LNTS—League of Nations Treaty Series.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.

TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

Bevans—Treaties and Other International Agreements of the United States of America 1776-1949.

§ 2.603. Treaties and other international agreements relating to radio. (a) The applicable treaties and other reciprocal operating agreements for radio amateurs are listed below:

Date	Citations	Subject
1925	IV Treaty 438, 439 TS 724-3 4 Bvans 2 102 LN 7513 6 Bvans 28	U.S.-U.K. (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prohibition of Interference by Stations of the Coast of the United States and Other Countries. Entered into force Oct. 1, 1925. U.S.-Canada Arrangement regarding Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 1 and Dec. 20, 1925, and Jan. 13, 1926. Entered into force Jan. 1, 1926. Continued by the arrangement contained in EAS 62.
1929	IV Treaty 678 TS 777-A 2 Bvans 773	U.S.-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notes to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1931	41 Stat. 3355 EAS 66 10 Bvans 1303	U.S.-Port. Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1931. Entered into force May 23, 1931.
1931	48 Stat. 1878 EAS 62 6 Bvans 28	U.S.-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1931. Entered into force May 4, 1931.
1931	41 Stat. 3077 EAS 73 6 Bvans 264	U.S.-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1931. Entered into force Aug. 17, 1931.
1937	52 Stat. 1578 TS 988 8 Bvans 493	Inter-American Radio Communications Convention between the United States and Other Powers, signed at Havana Dec. 13, 1937. (Part Inter-American Radio Conventions.) Entered into force for the United States July 21, 1938, for Part I, III and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 29, 1938 (TIAS 4059).
1938	54 Stat. 1675 TS 940 3 Bvans 529 39 Stat. 2357 EAS 149 6 Bvans 143 TS 988 TIAS 127	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers, signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	55 Stat. 2357 EAS 149 6 Bvans 143 TS 988 TIAS 127	U.S.-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Mar. 18, 1939. Entered into force Feb. 20, 1940.
1946	58 Stat. 1496 TIAS 407	U.S.-USSR Arrangement on Organization of Commercial Radio Telephone Circuits. Signed at Moscow May 24, 1946.
1947	41 Stat. (4) 3800 TIAS 178 6 Bvans 447	U.S.-Canada Arrangement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	41 Stat. (4) 3418 TIAS 373	U.S.-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreement contained in TIAS 3661 and TIAS 6756 signed Feb. 8, 1954, and Aug. 28, 1956, respectively.
1947	41 Stat. (3) 4231 TIAS 162	U.S.-UK Arrangement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1948	9 UST 621 TIAS 4044 4 Bvans 700	Inter-governmental Maritime Consultative Organization (IMCO) Convention, signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1948. Modified by the amendments contained in TIAS 4283 and in TIAS 6400 adopted by the IMCO Assembly Sept. 13, 1954, and Sept. 8, 1955, respectively.
1949	3 UST (3) 2654 TIAS 2489 4 Bvans 831	Inter-American Radio Arrangement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1949	3 UST (3) 2856 TIAS 2435 4 Bvans 82	London Telecommunications Arrangement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 3, 1950. Assumable by the agreement contained in TIAS 2535 which was signed Oct. 1, 1952.
1950	3 UST (3) 2871 TIAS 1433	U.S.-Equador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 18 and 17, 1950. Entered into force Mar. 17, 1950.

Date	Citations	Subject
1950 and 1951	2 UST (1) 682 TIAS 223	U.S.-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1950	11 UST 413 TIAS 440	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 14, 1950. Entered into force Apr. 15, 1951. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1951	3 UST (3) 3787 TIAS 2038	U.S.-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment at Stations in the Other Country. Signed at Ottawa Feb. 4, 1951. Entered into force May 15, 1951.
1951 and 1952	3 UST (3) 3897 TIAS 2410	U.S.-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1951	3 UST (3) 2860 TIAS 3459	U.S.-Cuba Arrangement concerning the Control of Electromagnetic Radiations. Effected by exchange of notes at Havana Dec. 29 and 31, 1951. Entered into force Dec. 31, 1951.
1952	3 UST (4) 4455 TIAS 2666	U.S.-Canada Arrangement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (3) 4443 TIAS 2564	U.S.-Canada Arrangements relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 3140 TIAS 2705	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2433 signed Aug. 12, 1949.
1953	5 UST (3) 2849 TIAS 2128	U.S.-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179 TIAS 3817	U.S.-Panama Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 13 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2829 TIAS 2663	U.S.-Costa Rica Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 2129 TIAS 2694	U.S.-Nicaragua Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	9 UST 1037 TIAS 4078	Ministerial Declaration between the United States and Other Powers terminating Part II (Inter-American) Radio Office of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-988). Signed at Washington Dec. 30, 1957. Entered into force Dec. 30, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 29, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1001 TIAS 4396	U.S.-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 24, 1958. Entered into force July 24, 1958.
1958	10 UST 2423 TIAS 4390	Telegraph Expansions (General Revision, 1958) Assessed to the International Telecommunications Convention. Signed at Geneva Nov. 26, 1958. Entered into force Jan. 1, 1960.
1959	10 UST 1449 TIAS 5254	U.S.-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 21, 1959. Entered into force Aug. 20, 1959.
1959	11 UST 257 TIAS 4442	U.S.-Bolivia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1958	10 UST 3019 TIAS 4394	U.S.-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1958. Entered into force Dec. 12, 1958.

Date	Citations	Subject
1959	12 UST 2377 TIAS 6353	International Radio Regulations Annexed to the International Telecommunication Convention, Signed at Geneva Dec. 31, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva, 1959, contained in TIAS 5933, TIAS 6332, TIAS 6340, and TIAS 7635 signed Nov. 8, 1960, Apr. 29, 1966, Nov. 3, 1967, and July 17, 1971, respectively.
1960	11 UST 1 TIAS 4359	US-Bahai Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	14 UST 155 TIAS 5780	International Convention for the Safety of Life at Sea and Amated Regulations, Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229 TIAS 4596	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Asuncion Aug. 3, and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	17 UST 1474 TIAS 6415	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1665 TIAS 4888	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411 TIAS 5061	US-El Salvador Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 967 TIAS 5043	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effectuated by exchange of notes at Mexico Apr. 15, 1962. Entered into force Apr. 15, 1962.
1962	13 UST 2418 TIAS 5205	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mcs. Effectuated by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965.
1963	14 UST 817 TIAS 5360	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Santo Domingo Apr. 18 and 24, 1963. Entered into force May 22, 1963.
1963	15 UST 887 TIAS 5939	Partial Revision of the Radio Regulations, Geneva, 1959, Final Act of the EARC to Allocate Frequency Bands for Space Radio Communication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1966.
1963	14 UST 1754 TIAS 5483	US-Columbia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	18 UST 1299 TIAS 6289	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4946). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 831 TIAS 5810	US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 642 TIAS 5833	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mcs Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effectuated by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883 TIAS 5927	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	19 UST 4555 TIAS 6460	Amendment to Article 28 of the IMCO Convention (TIAS 4946). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1968.
1965	18 UST 175 TIAS 6282	International Telecommunication Conventions. Signed at Montreal Nov. 11, 1964. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74 TIAS 5961	US-UN Agreement regarding Headquarters of the United Nations Staff. Signed at New York Feb. 8, 1966. Entered into force Feb. 1966. A corrigendum for the agreement contained in TIAS 6178 signed Dec. 8, 1966. For a verbal correction to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
1966	18 UST 1532 TIAS 6384	
1966	18 UST 2091 TIAS 6332	Partial Revision of the Radio Regulations, Geneva, 1959, Final Act of the EARC for the Preparation of a Revised Allocation Plan for the Aeronautical Mobile (E) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 21, 1967, except for the frequency allotment plan contained in Appendix 27 which entered into force Apr. 16, 1970.
1966	17 UST 2323 TIAS 6176	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1965 (TIAS 5961). Effectuated by exchange of notes at New York Dec. 5, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 382 TIAS 6384	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1271 TIAS 6338	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effectuated by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6638 signed Apr. 18, 1969, and Jan. 31, 1969.
1967	19 UST 6717 TIAS 6390	Partial Revision of the Radio Regulations, 1959, Final Act of the WARC to Deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969.
1968 and 1969	20 UST 7 TIAS 6638	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6338). Effectuated by exchange of notes at Ottawa Apr. 18, 1969, and Jan. 31, 1969. Entered into force Jan. 31, 1969.
1966	21 UST 2776 TIAS 7021	US-Mexico Agreement concerning radio broadcasting in the standard band (530-1600 kHz), with annexes. Signed at Mexico Dec. 11, 1966. Entered into force Nov. 15, 1970.
1968	21 UST 2394 TIAS 7021	US-Mexico Agreement concerning the operation of broadcasting stations in the standard broadcast band (530-1600 kHz) during a limited period prior to sunrise ("Pre-Sunrise") and after sunset ("Post-Sunrise"), with annexes. Signed at Mexico Dec. 11, 1966. Entered into force Nov. 15, 1970.
1969	20 UST 2853 TIAS 6750	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1967, as Supplemented (TIAS 4576, 5931, 6176). Signed at New York Aug. 28, 1969. Entered into force Aug. 28, 1969.
1969	21 UST 1714 TIAS 6031	US-Canada Agreement relating to the Operation of Radiotelephones at Ottawa Nov. 13, 1968. Entered into force Feb. 9, 1970.
1970	21 UST 2989 TIAS 6638	US-NATO Agreement concerning North Atlantic Treaty Organization Satellite Communications Earth Terminal in the United States. Signed at Washington July 10 and at Mainz, Belgium, Aug. 20, 1970. Entered into force Aug. 30, 1970.
1971	TIAS 7465	Partial Revision of the Radio Regulations, 1959, Final Act of the WARC for Space Telecommunications, with Annex. Signed at Geneva July 17, 1971. Entered into force January 1, 1973.
1971		Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), with Annexes, and Operating Agreement. Done at Washington Aug. 20, 1971. Entered into force Feb. 12, 1973.
1971	22 UST 2363 TIAS 7289	US-Trinidad & Tobago Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Port-of-Spain Oct. 28 and Nov. 15, 1971. Entered into force Dec. 15, 1971.
1972	TIAS 7355	US-Guyana Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Georgetown May 20 and June 6, 1972. Entered into force July 5, 1972.
1972	TIAS 7505	US-Jordan Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effectuated by exchange of notes at Washington Nov. 13 and 30, 1972. Entered into force Dec. 30, 1972.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1967	18 UST 1661 TIAS 6309	U.S.-El Salvador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Salvador Aug. 17 and 24, 1967. Entered into force June 5, 1967.
1967	18 UST 1241 TIAS 6273	U.S.-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1277 TIAS 6281	U.S.-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	18 UST 2469 TIAS 6334	U.S.-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 15, 1967. Entered into force Oct. 4, 1967.
1967	18 UST 2875 TIAS 6373	U.S.-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882 TIAS 6380	U.S.-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	18 UST 2883 TIAS 6386	U.S.-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Nov. 30 and Dec. 11, 1967. Entered into force Oct. 2, 1968.
1967	18 UST 2838 TIAS 6356	U.S.-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	18 UST 2852 TIAS 6372	U.S.-Mexico Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Mexico City Mar. 29 and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	19 UST 4892 TIAS 6464	U.S.-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown Sept. 6 and 13, 1968.
1968	19 UST 5094 TIAS 6433	U.S.-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 19 and 17, 1968.
1968	19 UST 6037 TIAS 6506	U.S.-Trinidad Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Port of Spain Oct. 19, 1968. Entered into force Oct. 19, 1968.
1968	20 UST 440 TIAS 6464	U.S.-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Dec. 16, 1968. Entered into force Dec. 16, 1968.
1969	20 UST 772 TIAS 6690	U.S.-Soviet Union Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27 and June 4, 1969.
1969	20 UST 2368 TIAS 6711	U.S.-France Agreement regarding Alien Amateur Radio Operators. Amended the Agreement of May 5, 1966 (TIAS 6029). Effected by exchange of notes at Paris Oct. 3, 1969. Entered into force Oct. 3, 1969.
1969	20 UST 4088 TIAS 6800	U.S.-UK Agreement regarding Alien Amateur Radio Operators. Supplemented the Agreement of Nov. 28, 1966 (TIAS 6443). Effected by exchange of notes at London Dec. 11, 1968. Entered into force Dec. 11, 1968.
1969	21 UST 1660 TIAS 6908	U.S.-Brazil Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Rio de Janeiro and Brasilia Jan. 28, June 19 and July 28, 1970. Entered into force June 19, 1970.
1971	22 UST 694 TIAS 7137	U.S.-Japan Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kingston March 4 and April 28, 1971. Entered into force April 28, 1971.
1971	22 UST 709 TIAS 7129	U.S.-Uruguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Montevideo May 28, 1971. Entered into force May 28, 1971.
1972	TIAS 7417	U.S.-Fiji Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Suva and Washington July 10 and August 14, 1972. Entered into force August 14, 1972.

(c) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	28 Stat. 4572 TS 863 1 Bevans 883	International Radiotelegraph Convention. Signed at London July 4, 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 867).

Date	Citations	Subject
1964	15 UST 1786 TIAS 5649	U.S.-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	15 UST 92 TIAS 4746	U.S.-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 3, 1965. Entered into force Feb. 4, 1965.
1965	15 UST 165 TIAS 4777	U.S.-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paix Mar. 18, 1965. Entered into force Apr. 13, 1965.
1965	15 UST 181 TIAS 4779	U.S.-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	15 UST 817 TIAS 5623	U.S.-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	15 UST 809 TIAS 5624	U.S.-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 15, 1965. Entered into force June 15, 1965.
1965	15 UST 573 TIAS 5386	U.S.-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 28, 1965. Entered into force June 28, 1965.
1965	15 UST 1100 TIAS 5380	U.S.-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965.
1965	15 UST 1716 TIAS 5940	U.S.-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	15 UST 1192 TIAS 5836	U.S.-Senegal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 14, 1965.
1965	15 UST 1740 TIAS 5839	U.S.-Columbia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	15 UST 2647 TIAS 5941	U.S.-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965. Supplemented by the amendment contained in TIAS 6830 which was signed Dec. 11, 1969.
1966	17 UST 428 TIAS 5973	U.S.-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 710 TIAS 6022	U.S.-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966. Modified by the amendment contained in TIAS 6711 which was signed Oct. 3, 1969.
1966	17 UST 812 TIAS 6035	U.S.-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 780 TIAS 6038	U.S.-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2438 TIAS 6159	U.S.-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 24, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120 TIAS 6088	U.S.-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1693 TIAS 6081	U.S.-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1690 TIAS 6112	U.S.-Nauru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nauru Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215 TIAS 6139	U.S.-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama by Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525 TIAS 6209	U.S.-Bonn Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tokyo Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554 TIAS 6294	U.S.-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543 TIAS 6281	U.S.-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. John's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 261 TIAS 6246	U.S.-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.

Date	Citations	Subject
1927	45 Stat. 2760 TS 767 2 Bevans 983	International Radiotelegraph Convention and General Regulations, Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1929. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391 TS 867 3 Bevans 65	International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. Superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1901).
1937	54 Stat. 2514 EAS 200 3 Bevans 480	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 15, 1938. This arrangement was replaced by the Inter-American Agreement concerning Radiocommunications, Santiago, 1940 (EAS 231).
1938	54 Stat. 1417 TS 948 3 Bevans 518	General Radio Regulations (Calvo Revision, 1938) Annexed to the International Telecommunication Convention, Madrid, 1932. Signed at Cairo Apr. 8, 1938. Entered into force Sept. 1, 1939. Superseded by the Radio Regulations, Atlantic City, 1947 (TIAS 1901).
1940	55 Stat. 1482 EAS 231 3 Bevans 611	Inter-American Radiocommunications Agreement between the United States, Canada and Other American Republics. Signed at Santiago Jan. 26, 1940. (Second Inter-American Radio Conference.) Entered into force with respect to the United States Feb. 25, 1942. Replaced by the Inter-American Radio Agreement, Washington, 1949 (TIAS 2489).
1947	63 Stat. (2) 1399 TIAS 1901 4 Bevans 579	International Telecommunication Convention and Radio Regulations. Signed at Atlantic City Oct. 2, 1947. Entered into force Jan. 1, 1949. The Convention was superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 2366). The Radio Regulations were superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1949	2 UST (1) 17 TIAS 2175 4 Bevans 832	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris August 5, 1949. Entered into force with respect to the United States Sept. 26, 1950. Superseded by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1952	6 UST 1213 TIAS 3206	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).
1959	12 UST 1761 TIAS 4892	International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Superseded by the International Telecommunication Convention, Montreux, 1965.

(d) There are certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following which are available from the Secretary General, International Civil Aviation Organization (ICAO), International Aviation Building, 1080 University Street, Montreal 101, Canada:

Date	Citations	Subject
1944	61 Stat. (2) 1180 TIAS 1591 3 Bevans 944	International Civil Aviation Convention. Signed at Chicago Dec. 7, 1944. Entered into force Apr. 4, 1947. Amended by the protocols contained in TIAS 3756 and TIAS 5170.
1954	8 UST 179 TIAS 3756	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 14, 1954. Entered into force Dec. 12, 1956.
1961	13 UST 2105 TIAS 5179	Protocol Amending the International Civil Aviation Convention (TIAS 1591). Done at Montreal June 21, 1961. Entered into force July 17, 1962.
1968	19 UST 2963 TIAS 6605	Protocol on the Authentic Trilingual Text of the Convention on International Civil Aviation (TIAS 1591). Done at Buenos Aires Sept. 24, 1968. Entered into force Oct. 24, 1968.
1969	20 UST 718 TIAS 6681	Process-Verbal of Rectification to the Protocol of Sept. 24, 1968, on the Authentic Text of the Convention on International Civil Aviation (Chicago, 1944). Done at Washington April 8, 1969. Entered into force April 8, 1969.

[FR Doc. 73-4007 Filed 3-12-73; 8:45 am]

[FCC 73-235]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

In the matter of amendment of Parts 2 and 81 of the Commission's rules concerning the assignment of call signs to Class II coast stations.

1. At the present time call signs formed from the two blocks KAA through KZZ and WAA through WZZ are being assigned to stations on land in the maritime mobile service which provide service up to several thousand miles (Class I) and

to other coast stations which are intended to provide service of primarily a regional character (Class II). With the increase in the number of coast stations licensed by the Commission, the number of three-letter call signs available for assignment to Commission licensees as well as to stations operated by the U.S. Government has progressively diminished.

2. To provide sufficient available call signs for assignment to both of the above-mentioned classes of coast stations in the future, the call sign for each new Class II limited coast station will be formed from the block KAA200 through KZZ999 or from the block WAA200 through WZZ999. Call signs consisting of three

letters which were assigned prior to the effective date of this order will normally be retained upon license renewal. Consequent amendments of §§ 2.302 and 81.72 of the Commission's rules are set forth below.

3. Due to factors including the impending shortage of three-letter call signs taken together with the fact that call signs from the KAA200 through KZZ999 and WAA200 through WZZ999 blocks are now assignable to Class III coast stations, notice and public procedure within the meaning of the Administrative Procedure Act 5 U.S.C. 553 (b) (3) (B) are found to be unnecessary. The amendments set forth below are therefore effective forthwith.

4. Authority for the amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. In view of the foregoing, it is ordered, That, effective March 15, 1973, §§ 2.302 and 81.72 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

NOTE: Rules changes herein will be covered by T.S.II(72)-1 & T.S.IV(71)-3.

1. In § 2.302 table, "coast (Classes II and III) and maritime radiodetermination" is revised to read as follows:

§ 2.302 Call signs.

Class of station	Composition of call sign	Call sign block
Coast (Classes II and III) and maritime radiodetermination.	3 letters, 3 digits.	KAA200 through KZZ999 WAA200 through WZZ999.

2. In § 81.72 paragraphs (b) and (c) are revised to read as follows:

§ 81.72 Assignment of call signs.

(b) Class I coast stations (public or limited) shall be assigned individual call signs each consisting of three letters, taken from either the group KAA through KZZ or the group WAA through WZZ.

(c) New Class II and Class III coast stations (public or limited) shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA200 through KZZ999 or the group WAA200 through WZZ999. Three-letter call signs which were assigned prior to March 15, 1973, will normally be retained upon renewal of the station license.

[FR Doc. 73-4702 Filed 3-12-73; 8:45 am]

[Docket No. 19185; RM-1752; FCC 73-234]

PART 15—RADIO FREQUENCY DEVICES

Licensing of Auditory Training Devices for Partially Deaf

Memorandum opinion and order in the matter of amendment of the Commission's rules and regulations to provide for the licensing of auditory training devices for the partially deaf in the bands 72-73 and 75.4-76 MHz.

1. A report and order in this proceeding was adopted on July 6, 1972, and released on July 14, 1972 (35 FCC 2d 677-691; 37 FR 13984). This report promulgated regulations for the operation of wireless auditory training systems (used for the education of deaf and partially deaf children) without individual license under Part 15 of the FCC Rules. The regulations listed 28 channels, each 50 kHz wide, in the bands 72-73 MHz and 75.4-76 MHz, with provision to operate wide band equipment (200 kHz wide) on certain of these channels. The regulations also set out technical specifications for the receiver portion and the transmitter portion of the auditory training system.

2. Three petitions for reconsideration of the report and order have been received. One petition filed on August 10, 1972, by HC Electronics, Inc. (hereafter HC), deals largely with the question of frequency and asks the Commission to reverse its original decision and to permit the use of higher power in the FM broadcast band, 88-108 MHz for wireless microphones which are used in wireless auditory training systems. In addition, HC requests that the technical standards adopted in our July 6, 1972 order be relaxed. On February 7, 1973, HC submitted a supplement to its petition for reconsideration withdrawing its request for relaxation of certain of these standards. This request is discussed in paragraphs 20 to 26 below.

3. Electronic Futures, Inc. (hereafter EFI) filed a petition for reconsideration on September 18, 1972. This petition addresses itself to two of the technical standards proposed: receiver image rejection and receiver selectivity and desensitization. EFI requests the Commission to reduce the requirement for each of these characteristics from 60 db to 40 db.

4. The Oticon Corp., a Danish company that manufactures hearing aids and associated equipment which it markets in the U.S.A. through a U.S. subsidiary, filed a petition on November 6, 1972, requesting the Commission to reduce the receiver image rejection and receiver selectivity and desensitization from 60 db to 40 db. The petition also asks for a special regulation for receivers using so low an IP that the image frequency falls within the band of frequencies made available for auditory training devices. For such a receiver, Oticon requests that the image frequency suppression requirement be deleted and the permitted level of oscillator radiation from such receiver be increased.

5. In its petition, HC discusses a number of aspects of the Commission's report and order, but addresses itself

basically to the relative merits of the 88-108 MHz band for auditory training systems. Primarily HC contends that inadequate consideration had been given to its argument in favor of higher power operation in the 88-108 MHz. Noting that the Commission had conceded the need for higher powered operation, HC reiterates its original argument that such higher power can be achieved in the FM broadcast band (88-108 MHz) without causing harmful interference to that service. HC bases this contention on the fact that no complaints of interference had been received, even with respect to those high power wireless microphones that had been authorized under waivers of §15.212 granted during June-September 1971.³

THE USE OF THE FM BROADCASTING BAND (88-108 MHz)

6. The FM broadcasting service in the band 88-108 MHz was established to provide a high quality aural broadcasting service. Wide channels (200 kHz) were provided to permit the transmission of high fidelity aural programs with negligible interference. In keeping with our policy of utilizing the radio spectrum in the most efficient manner, wireless microphones and telemetering devices were authorized to operate in the FM broadcast band but only under severe restrictions designed to insure that these devices could not cause interference to the FM broadcasting service. HC's request for higher power for its wireless microphone sought to ease these restrictions. The Commission did not find that HC's proposal was in the public interest, insofar as it sought higher power in the 88-108 MHz band.

7. We indicated in our report of July 6, 1972, that we were persuaded by the arguments presented in HC's petition that higher power was required for wireless microphones used as auditory training devices. But we were not at all persuaded that such devices must operate in the 88-108 MHz band. The device described by HC can be developed and used successfully on almost any frequency in the VHF spectrum and even higher. (One need merely look at the variety of low-power devices operating on the various land mobile frequencies, at the bio-medical telemetry devices operating on frequencies between 100 and 200 MHz.²

¹Section 15.212 provides that wireless microphones in the band 88-108 MHz shall operate with a maximum radiated field strength of 50 $\mu\text{V}/\text{m}$. at 50 feet. Between June and September 1971, some 80 schools were authorized to operate the noncomplying HC wireless microphone model 221-T with a radiation level of some 3,000-5,000 $\mu\text{V}/\text{m}$. at 50 feet. See number 7 of the report and order in this proceeding. The schools given this authorization may continue to operate the noncomplying devices until January 1982, and may repair and replace units. (47 CFR 15.335(b).)

²In a rule making proceeding in Docket No. 19231, the Commission made available under Part 15, frequencies between 174 and 216 MHz for bio-medical telemetering devices operating with a field strength of 150 microvolts per meter at 100 feet.

at radio controls for door openers between 220 and 400 MHz). Thus, the problem confronting the Commission in seeking to satisfy the need for higher power for the transmitter part of the auditory training system was where in the spectrum to locate these devices. In our study of this problem, we set ourselves the following objectives:

A. To minimize the changes that a manufacturer would have to make in his existing designs.

B. To minimize cost increases that might arise from a requirement that these devices operate in the higher reaches of the spectrum.

C. To insure that devices furnished to schools could reasonably be expected to provide satisfactory service and have a minimum susceptibility to out of band (including adjacent channel) signals.

8. This study convinced us that to minimize redesign requirements the frequencies provided should be as close to 88-108 MHz as possible and should not be much above 300 MHz or much below 50 MHz. It was further decided not to increase the risk of interference to the FM broadcasting service by authorizing relatively high-power operation in that band. (See discussion in paragraphs 11 and 12 below). At the same time, by keeping wireless auditory training systems out of the FM band 88-108 MHz, we eliminate the possibility that these systems will be subject to destructive interference from on-channel (or adjacent channel) FM broadcasting stations. We concluded that the most reasonable available location in the spectrum for wireless auditory training systems was in the band 72-76 MHz. This band is currently used for a variety of low-power operations (see paragraphs 37-38 of report and order) with a very low interference potential to wireless auditory training systems—in schools and vice versa.

9. To minimize susceptibility to adjacent channel and other undesired signals, we imposed a requirement on the desensitization and adjacent channel selectivity characteristics and for image rejection of the receiver. We also imposed frequency stability requirements on the transmitter and receiver used in the auditory training system.

THE PROBLEM OF AVOIDING INTERFERENCE

10. HC bases its argument for higher power in the 88-108 MHz band on the fact that present operation of wireless microphones in this band, even with high power,⁴ has not resulted in any complaints of interference. HC's position appears to be that the Commission should wait for interference to develop and then take corrective measures. The Commission has taken precisely the opposite position.

11. The Commission's responsibility is to anticipate interference and to promulgate rules to avoid its occurrence.⁵ In line

³ See note 1 supra.

⁴ Congress appears to have the same preference for the preventive approach in this area of regulation. Public Law 90-379 (adopted July 5, 1968), which added § 302 to the Communications Act, was justified on the basis that it was more effective to prevent interference than to correct it.

with this responsibility, we are in the process of tightening observance of technical standards by establishing more elaborate and more rigorous equipment authorization procedures.⁴ We have already adopted marketing regulations⁵ designed to keep interference-capable equipment out of the hands of the public.

12. HC points out also that not a single FM broadcaster had objected to its proposal to use higher power in the 88-108 MHz band; HC implies that, in the absence of such objection, the Commission should authorize higher power operation. But there was no reason for FM broadcasters to object in this rule making. The notice proposed higher power operations only in the 72-76 MHz band—not in the FM band. The failure of FM licensees to object, then, does not indicate acquiescence in the HC proposal.

13. In looking at this situation, the Commission concluded that the growth in the use of auditory training systems in the 88-108 MHz band (which could be anticipated if high power auditory training systems were permitted in that band) together with the normal growth of the FM broadcasting service could be expected to produce an interference situation that would be difficult to correct. Accordingly, it was concluded that such high power operation by auditory training systems in the FM broadcasting band (88-108 MHz) was not in the public interest. In the absence of new information or more persuasive arguments, we reaffirm our original finding in this respect.

HC'S ARGUMENT AGAINST THE USE OF THE 72-76 MHz BAND

14. HC also questions the usefulness of the 72-76 MHz band for auditory training systems, as compared to the band 88-108 MHz. This question is argued from two points of view—the availability of an adequate number of channels and the alleged interference to be expected from the operation of channel 4 and 5 television transmitters. HC takes the position that the spectrum space made available in this proceeding between 72-76 MHz does not provide a sufficient number of channels, and cites the NAE report⁶ in this proceeding which calls for a minimum of 16 channels to be provided. HC contends that the frequencies made available between 72 and 76 MHz will provide only eight channels (each 200 kHz wide). This contention is based on HC's claim that each channel must be 200 kHz wide, based on its allegations that an audio bandwidth out to 15,000 cycles is required. This allegation is not supported, however, either by the NAE or

the HEW⁷ reports. NAE in its report states that an audio bandwidth of 100-8000 Hz is required. HEW in its report, sets the required audio bandwidth at 100-7000 Hz.

15. We are persuaded to accept the judgment of the experts consulted by HEW and NAE. Accordingly, we reiterate our finding that a 50 kHz channel is adequate. Such a channel is easily capable of delivering a 8000 Hz audio signal with an adequate signal to noise ratio. The spectrum space we have provided, permitting 28 channels, each 50 kHz wide, thus more than meets the minimum requirement set out in the NAE report.

16. The second aspect—that of potential interference from channel 4 and channel 5 television transmitters—is discussed in some detail in paragraph 38 of the July 6, 1972 report and order. We recognized there that the potential for interference existed, but we concluded that satisfactory service could be obtained even under the worst interference conditions. We need not reiterate that discussion. We can add, however, that many of the existing operations in the band 72-76 MHz are low power mobile operations. The communications provided by these operations have been satisfactory despite the existence of high power TV transmitters on adjacent channels. On the basis of information now available to the Commission, we cannot accept HC's contention that channels 4 and 5 will produce destructive interference to auditory training systems in this band.

17. HC asserts further that the potential for interference to television reception from auditory training systems is substantial in the band. It calls attention to the Commission's pending notice of inquiry regarding interference to reception of TV channel 6 from non-commercial educational FM stations in the band 88-92 MHz. These situations are not analogous, however. In the case of FM/TV-6 interference, we are concerned with a blanketing effect produced by an FM station operating with 10 watts or more. In the present rule making, we are dealing with auditory training system transmitters operating with a power output of the order of 20-100 milliwatts whose blanketing area is negligible when compared with that of a 10 watt transmitter. HC also calls attention to the special restrictions imposed by § 91.8(g) against operational fixed stations operating in the band 72-76 MHz. These restrictions apply to operational fixed stations operating with hundreds of watts. The restrictions imposed against these stations are designed to avoid the creation of an area in which television reception is destroyed. At the same time, we can point to the many low power operations in the band 72-76 MHz which are not subject to the restrictions as to geographic location imposed by § 91.8(g).

⁶ Report filed on December 20, 1971, by the Department of Health, Education, and Welfare, National Advisory Committee on Education of the Deaf as a comment in Docket No. 19185.

TECHNICAL STANDARDS FOR THE TRANSMITTER

18. Of the three parties who filed for reconsideration in this proceeding,⁸ only HC questioned the frequency stability for the transmitter part of the auditory training system as set out in § 15.353.⁹ HC states that such a requirement is unnecessary for low power equipment. It particularly objects to the requirement that frequency stability be demonstrated over the large temperature range specified. However, HC does not indicate how much this frequency tolerance should be relaxed, or what in its opinion would constitute a suitable requirement. HC merely refers, in this connection, to the requirements in § 91.555¹⁰ apparently suggesting that similar requirements should be applied to the transmitter part of the auditory training system.

19. The purpose of this requirement in § 15.353 was to insure that each transmitter in the auditory training system would stay within its own channel and would not intrude into the adjacent channels. Such a requirement is essential if an adequate number of channels is to be available for auditory training systems. It is significant that no other manufacturer of such systems has questioned this requirement.¹¹ We remain convinced that the transmitter frequency stability requirement is a necessary element in the new auditory training systems rules. It is reaffirmed.

TECHNICAL STANDARDS FOR THE RECEIVER

20. All three petitioners for reconsideration challenge the technical standards for the receiver. EFI argues that the 60 db requirement for adjacent channel selectivity and desensitization¹² and the

⁸ See paragraphs 2, 3, and 4 of this order.

⁹ Sec. 15.353 provides that the transmitter part of the auditory training system shall maintain a frequency stability of ± 0.005 percent over a temperature range of 0° to 50° C., and a supply voltage range of 85 percent to 115 percent of the normal supply voltage.

¹⁰ Sec. 91.555 provides that a transmitter operating in the business radio service with a power input that does not exceed 200 milliwatts is exempt from the general technical requirements applicable to that service provided the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance is confined within a band 80 kHz wide centered on the assigned frequency with emissions outside this 80 kHz band attenuated at least 30 db. Such transmitters must be type accepted (§ 91.109(b)). To receive type acceptance, data must be submitted showing that the transmitter meets the above requirement over a temperature range of -30° to +50° C. and a supply voltage variation of 85 percent to 115 percent of normal supply voltage.

¹¹ As a practical matter two transmitters for use in auditory training systems in the 72-76 MHz band have already been type approved under these standards. These are listed in FCC Bulletin OCE 32.

¹² Sec. 15.363 specifies that the receiver shall provide 60 db adjacent channel selectivity and desensitization.

⁴ Docket No. 19356: In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices. Notice of proposed rule making adopted November 24, 1971. (36 FR 23313).

⁵ Part 2 Subpart I (47 CFR 801 et seq.).

⁷ Report filed September 2, 1971, by National Engineering Academy, Subcommittee on Sensory Aids as a comment in Docket No. 19185.

60 db image rejection requirement¹⁴ are excessively severe for receivers to be worn by children in auditory training systems. In support of its argument it presents extensive data showing the specifications claimed by manufacturers of a variety of receivers now on the market. In citizens band equipment, the best advertised specifications are respectively 45 db and 42 db. In pocket paging receivers, 60 db is achieved but only in equipment which is designed for one frequency operation and whose front end can therefore be carefully packaged. This, EFI states, is not true for auditory training receivers, which have to be designed for multiple-channel operation. EFI also presents data for conventional FM receivers which achieve 70 db alternate channel selectivity and 90 db image rejection, and points out that, despite the unlimited size permitted, no manufacturer offers receivers capable of adjacent channel operation.

21. EFI contends that requirements of 60 db are not necessary for auditory training receivers and asserts that a standard of 40 db is adequate to protect adjacent channel operation under the conditions that normally prevail in the classroom. This opinion is supported by statements from Mr. Chapin C. Cutler,¹⁵ Bell Telephone Labs and Dr. Peter Kindlman,¹⁶ Yale University.

22. The Oticon Corp. also contends that the 60 db specification is excessive and will increase excessively the cost of the auditory training receiver. Oticon agrees that a specification of 40 db for adjacent channel selectivity and image rejection is adequate.

23. Oticon proposes a different approach to the problem of image frequency. It suggests that the IF be sufficiently low so that the image frequency falls within the bands allocated. Oticon argues that this approach will obsolete the image frequency rejection requirement since no disturbance (interference) from other services will be possible. Moreover, Oticon points out that this approach will permit each receiver to be served by two transmitters, although it does not elaborate on this theme and explain how this arrangement would benefit the auditory training system. Oticon does point up one apparent defect in using a low IF which brings the local oscillator frequency close to the signal frequency. In such an arrangement, the front-end circuitry is no longer available to suppress oscillator energy from reaching the antenna and being radiated. Being close to the desired signal frequency, the front-end circuits will readily pass and not dis-

criminate against the local oscillator energy. It would, therefore, be necessary to raise the permitted level of oscillator radiation for a receiver using such a low IF.

24. HC asserts that the requirement for frequency stability of the receiver¹⁷ is unrealistic, is unnecessary, and that no similar requirement is found elsewhere in the Commission's rules.¹⁸

25. The Commission has reviewed the several arguments against our present technical standards for the auditory training receiver. We are persuaded that we can reduce our requirement for adjacent channel selectivity and desensitization and for image frequency rejection from 60 db to 40 db without seriously compromising the desired performance of these receivers. We are amending our rules accordingly. While we see some merit in Oticon's proposal to use a low IF, we do not see how these benefits overcome the undesirable side result of increased oscillator radiation. Accordingly, we cannot agree to Oticon's second request for an increase in oscillator radiation. This does not mean that we will object to the use of a low IF. On the contrary, Oticon is free to use any IF it finds desirable and convenient: *Provided*, That its receivers meet our 40 db requirement for image frequency rejection and our requirements for oscillator radiation.

26. We cannot agree with HC that our proposal for frequency stability is unrealistic. As to HC's argument that such receiver standards are not found elsewhere in the Commission's rules, we can point out that our frequency allocations and our channeling arrangements in all services have always taken into account the performance of the receiver to be used.¹⁹ These standards were always discussed in the order making the change in the allocations or in the channeling arrangement, but it is true that they were never specifically stated in our regulations. In the past several years we have been importuned to set out these receiver specifications in the rules. Actually, this is the second proceeding in which re-

ceiver specifications have been set out in our rules.²⁰ It is our intention to do so in all future proceedings which involve changes in channeling designed to take account of improved receiver characteristics. We reaffirm the receiver frequency stability requirements.

MEASUREMENT PROCEDURE

27. The question of measurement procedure to be used in measuring the radiated field from the transmitter part of an auditory training system was not raised in the petitions for reconsideration. Since we have experienced enforcement problems due to difference in measurement procedures,²¹ we are taking this opportunity to clarify the procedures. The clarification requires the addition of a new § 15.377 to Subpart G of Part 15, but it does not change the substantive restrictions on field strength.

28. Measurement of the radiated field from the transmitter part of the auditory training system when worn on the body or held in the hand is not satisfactory since the results vary according to how the device is worn or carried. To yield more consistent results, a standard procedure has been developed in which the device is measured in a test setup—a wooden support in an open field.²² Using such a test set-up presents a problem since our experience derived during measurements for type approval show that radiation in a test setup is not the same as when the device is worn on the body or carried in the hand. The difference in any one case is unpredictable. On the average, however, there is some reduction. The practical effect is that a device designed to meet the required field strength limit under standard test conditions, on the average, may operate below the allowable limit in normal use. Thus, on the average, the standard test procedure may impose a stricter limit on the device than the Commission has intended.

29. With a view toward retaining the standard test procedure and, at the same

¹⁷ Sec. 15.361 specifies that the receiver frequency stability shall be ± 0.005 percent over the temperature range 0°-50° C. and a supply voltage variation of 85 percent to 115 percent.

¹⁸ In its petition for reconsideration filed Aug. 10, 1972, HC had, in addition, requested reconsideration of the requirement imposed by §§ 15.363 and 15.365, claiming that the 60 db requirement for image rejection and for adjacent channel selectivity and sensitivity, were also unrealistic. The request for reconsideration of the requirements in §§ 15.363 and 15.365 was withdrawn by HC's supplement filed Feb. 7, 1973, on the grounds that it had determined that these standards are attainable in circuitry manufactured on an assembly line. HC points out in this connection that its recently certificated receiver model 421-R which operates in the band 88-108 MHz and is not required to comply with §§ 15.363 and 15.365, does in fact meet the 60 db standard imposed by these regulations.

¹⁹ An outstanding example is the frequency assignment plan for the UHF television channels which is based on a number of taboos to account for the performance of UHF television receivers.

²⁰ See § 83.715 of the rules adopted for bridge-to-bridge communications in the Maritime Mobile Service. Docket No. 19343, adopted May 24, 1972 (37 FR 11245).

²¹ This question was raised in connection with two petitions filed on Sept. 22, 1972, by HC Electronics, Inc., asking the Commission to take remedial action against EFI for marketing wireless microphones that allegedly were in violation of the Commission's rules. The Commission's investigation of HC's allegations revealed that some of these devices were tested for type approval under a procedure different from the published statement of the measurement procedure. The Commission dismissed HC's petitions on Jan. 23, 1973, after obtaining commitments from EFI to bring its microphones into compliance. Memorandum opinion and order, 39 FCC 2d —. In a footnote to the dismissal order, the Commissioner said that it would address this question in connection with petitions for reconsideration of the auditory training systems rules.

²² Bulletin OCE 19, published in January 1969, sets forth the test procedure that has been employed by the Commission's Laboratory Division. The Division also has taken measurements under conditions of normal use.

¹⁴ Sec. 15.365 specifies that the receiver shall provide 60 db image frequency rejection.

¹⁵ Exhibit D to EFI petition for reconsideration. Mr. Cutler is Director of Electronic and Computer Systems Research Laboratory at Bell Telephone Laboratories, Holmdel, N.J.

¹⁶ Exhibit E to EFI petition for reconsideration. Dr. Kindlman is Director of the Engineering and Applied Sciences Electronic Laboratory of the Durham Laboratory at Yale University, New Haven, Conn.

time, insuring that it does not impose a stricter limit than the regulations intended, the test procedure heretofore used is being revised to incorporate a factor to take into account the average difference between radiation under standard test conditions and that in normal use. The factor to be used is 4 db and reflects the experience of our laboratory in making these measurements. The revised bulletin incorporating this correction factor is expected to be issued in March 1973.

CONCLUSION

30. As explained above, we do not find it in the public interest to permit the high power sought by petitioner in the band 88-108 MHz—the FM broadcasting band, and we reaffirm our earlier determination that such high-power operation shall be permitted in the band 72-76 MHz. We reaffirm also our earlier determination to divide the frequency space in the 72-76 MHz band into channels 50 kHz wide, with provision for using 200 kHz channels in special circumstances. We are persuaded by the arguments presented and have relaxed our technical specifications for receivers from 60 db to 40db for adjacent channel selectivity and desensitization and for image frequency rejection requirements. We deny the requests for relaxation of the other receiver specifications and of the transmitter specification. Finally, we clarify the measurement procedure for determining compliance with field strength limits.

31. Accordingly, *it is ordered*, Effective April 16, 1973, that Part 15 is amended as set forth below. Authority for these amendments is contained in §§ 4(i), 302, 303 (c), (g), and (r) of the Communications Act of 1934, as amended. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 302, 303, 48 Stat., as amended; 82 Stat. 290; 1066, 1082; 47 U.S.C. 154, 302, 303.)

Adopted: March 2, 1973.

Released: March 8, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 15 of the Commission's rules is amended as follows:

1. Section 15.363 is amended to read as follows:

§ 15.363 Receiver selectivity and desensitization (72-76 MHz).

A receiver operating as part of an auditory training system in the band 72-76 MHz shall provide a minimum of 40 db adjacent channel selectivity and desensitization when measured in accordance with the procedure specified in EIA Standard RS-204 dated January 1958, or equivalent procedure. (See IEEE Standard 184, April 1969.)

2. Section 15.365 and headnote are amended to read as follows:

§ 15.365 Receiver image frequency rejection (72-76 MHz).

A receiver operating as part of an auditory training system in the band 72-76 MHz shall provide a minimum of 40 db image frequency rejection when measured in accordance with the procedure specified in EIA Standard RS-204 dated January 1958, or equivalent procedure. (See IEEE Standard 184, April 1969.)

3. A new § 15.377 is added to read as follows:

§ 15.377 Measurement of field strength.

Measurement of radiated field strength of all emissions (fundamental, harmonics and other spurious) from the transmitter parts of auditory training systems, operating in the 72-76 MHz band or in the 88-108 MHz band, shall be made in accordance with the procedure set forth in FCC Bulletin OCE 19, published March 1973.

[FR Doc.73-4793 Filed 3-12-73;8:45 am]

[Docket No. 19628; FCC 73-239]

PART 73—RADIO BROADCAST SERVICES FM Broadcast Stations; Union Springs and Tallahassee, Ala.

1. The Commission has before it the notice of proposed rule making released November 13, 1972 (37 FR 24369), proposing an amendment of § 73.202(b) of the rules, the FM table of assignments. The rule making was instituted on the basis of two petitions for assignment of the same FM channel to neighboring communities resulting in a channel conflict. The petition filed by Ne-Ler Co., licensee of Station WTLA, Tallahassee, Ala., proposed assignment of Channel 240A to Tallahassee, Ala. The petition filed by Union Springs Broadcasting Co. (Union Springs) proposed the assignment of Channel 240A to Union Springs, Ala. This report and order concerns only the petition for the assignment at Union Springs, RM-1902. At a later date a report and order will be issued on the remaining petition.

2. The notice observed that since the distance between Tallahassee and Union Springs is 28 miles, Channel 240A cannot be assigned to each of the two communities (required spacing is 65 miles). To resolve the conflict we proposed to assign Channel 240A to Tallahassee and Channel 265A to Union Springs, provided that the transmitter site of a Union Springs station is located at least 4 miles southwest of the community in order to meet the spacing requirement with respect to Station WCJM at West Point, Ga., operating on Channel 265A. A counterproposal timely filed in this proceeding by All Channel TV Service, Inc., proposes to assign Channel 240A to Tuskegee, Ala., rather than to Tallahassee.

3. On January 15, 1973, Union Springs Broadcasting Co., filed a motion to sever and request for immediate allocation of Channel 265A to Union Springs stating that the only remaining conflict in this proceeding is that between the proposals

to assign Channel 240A to Tallahassee or Tuskegee, and that Channel 265A can be assigned to Union Springs without regard to either Tallahassee or Tuskegee. The motion further states that although Channel 265A at Union Springs can meet spacing requirements with regard to Station WCJM, West Point, Ga., if located at either Tallahassee or Tuskegee, it cannot. In view of this, it states, it is appropriate for the Commission to sever the Union Springs proposal to make the assignment immediately. We believe it would be in the public interest to sever the proposal for Union Springs, Ala., and grant the assignment of Channel 265A to that community since Channel 265A cannot be used at either Tallahassee or Tuskegee.

4. A supporting comment was filed by Union Springs Broadcasting Co., stating its acceptance of the suggested proposed Channel 265A and reiterated its intent to apply for the channel, if assigned, and to construct a station promptly, if authorized. There were no opposing comments. As indicated in paragraph 3 above, this assignment can be made in conformance with the Commission's minimum mileage separation rule, providing the transmitter site is located at least 4 miles southwest of Union Springs. In the notice of proposed rule making we set out economic and other information pertaining to the need for a first FM assignment to Union Springs, Ala. That information is accepted as being substantially correct and will not be repeated here, except to say that there are no aural or television facilities authorized or operating in Union Springs or Bullock County (populations 4,323 and 11,824, respectively). The assignment of Channel 265A would thus provide for a first local broadcast facility there.

5. The authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

6. Accordingly, *it is ordered*, That effective April 16, 1973, the table of FM assignments (§ 73.202(b) of the rules) is amended with respect to the community listed below to read as follows:

City	Channel No.
Union Springs, Ala.	265A

7. *It is further ordered*, That the motion to sever and request for immediate allocation of Channel 265A to Union Springs, Ala., filed January 15, 1973, by Union Springs Broadcasting Co., is granted.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-4703 Filed 3-12-73;8:45 am]

[Docket No.10582; FCC 73-238]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

PART 78—CABLE TELEVISION RELAY SERVICES

Applications for Changes in Height or Direction of Antennas

Report and order in the matter of amendment of Parts 74 and 78 of the Commission's rules and regulations as concerns applications for changes in height or direction of an antenna, and other respects.

1. By notice of proposed rule making, adopted August 29, 1972 (37 FR 18569), the Commission proposed amendment to §§ 74.451, 74.551(a), 74.651(a), 74.751(b), 74.851(a), 74.951(a), and 78.109(a) of the Commission's rules and regulations, relating to remote pickup, aural STL and intercity relay, television auxiliary, television translator, television booster, Instructional Television Fixed Service, and cable television relay services, and more particularly the requirements for filing applications for changes in facilities where possible airspace problems are presented.

2. The notice pointed out that one of the purposes of the rule making was that any application for change of antenna height for the various services covered by Part 74 and § 78.109 of the rules be coextensive with the requirements of Part 17 unless other requirements are deemed necessary. In the latter respect, we also proposed changes in provisions concerning the application-filing requirements where a horizontal change in antenna location is involved to bring the provisions of the rules into harmony with Part 17. Editorial changes were also proposed for internal consistency with other rules.

3. These proposals were made by the Commission sua sponte. No one has filed comments either in favor of or opposing the proposed change. We would suppose that the absence of comments more or less reflects agreement with the proposals. In the circumstances, an extended discussion is unnecessary, inasmuch as it is quite clear that the proposals are deemed meritorious. With the exception of § 74.451, these rules are being adopted as proposed, and that one is being adopted in a form consistent with the other rule changes.

4. Accordingly, under the authority of sections 4 (i) and (j) and section 303(r) of the Communications Act of 1934, as amended, Part 74 and § 78.109(a) is amended as set forth below. These amendments shall go into effect April 16, 1973.

5. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 2, 1973.

Released: March 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

BEN F. WAPLE,
Secretary.

1. Section 74.451 is amended to read as follows:

§ 74.451 Equipment changes.

(a) Prior Commission approval is required for any change in the overall height of the antenna structure except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(b) The licensee of a remote pickup broadcast station may make any other changes in the equipment that are deemed desirable or necessary provided:

(1) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(2) That the emissions are not permitted outside the authorized band;

(3) That the power output complies with the license and the regulations governing the same; and

(4) That the transmitter as a whole or output power rating of the transmitter is not changed.

(c) Other equipment changes not specifically referred to in this section may be made at the discretion of the licensee: *Provided*, That the engineer in charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing upon the completion of such changes, and further that the changes are set forth in the next application for renewal of license.

2. In § 74.551(a), subparagraph 4 is amended to read as follows:

§ 74.551 Equipment changes.

(a) * * *

(4) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

3. In § 74.651(a), subparagraph (4) is amended and subparagraph (5) is added to read as follows:

§ 74.651 Equipment changes.

(a) * * *

(4) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(5) Any change in the direction of the main radiation lobe of the transmitting antenna.

4. In § 74.751(b), subparagraphs (3) and (5) are amended to read as follows:

§ 74.751 Equipment changes.

(b) * * *

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(5) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation

Administration pursuant to § 17.7 of this chapter.

5. In § 74.851(a), subparagraphs (3), (5), (6), and (7) are amended and (8) is added to read as follows:

§ 74.851 Equipment changes.

(a) * * *

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole.

(6) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(7) A change of frequency assignment.

(8) A change of authorized operating power.

6. In § 74.951(a), subparagraphs (3), (4), (5), (6), and (7) are amended and (8) is added to read as follows:

§ 74.951 Equipment changes.

(a) * * *

(3) Any change in the overall height of the antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(4) Any horizontal change in the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(5) Any change in the transmitter control system.

(6) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole.

(7) A change of frequency assignment.

(8) A change of authorized operating power.

7. In § 78.109(a), subparagraphs (3), (4), (5), (6), and (7) are amended and subparagraph (8) is added to read as follows:

§ 78.109 Equipment changes.

(a) * * *

(3) Any change in the overall height of the antenna system except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of this chapter.

(4) Any horizontal change in the location of the antenna (other than a CAR pickup station transmitter).

(5) Any change in the transmitter control system.

(6) Any change in the location of a station transmitter (other than a CAR pickup station transmitter), except a move within the same building or upon

the tower or mast or a change in the area of operation of a CAR pickup station.

(7) Any change in frequency assignment.

(8) Any change in authorized operating power.

[FR Doc.73-4794 Filed 3-12-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

Motor Carrier and Broker Forms

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of November 1972.

Pursuant to section 211 of the Interstate Commerce Act (39 U.S.C. 311), and good cause appearing therefor, the use of a new form for application to operate as a broker, of property or passengers, under part II of the Act, being under consideration:

It is ordered. That application Forms B.M.C. 4 and B.M.C. 5 be, and they are hereby, vacated and revoked.

It is further ordered. That application for Brokerage License, Form OP-OR 11 (49 CFR 1003.1), which is attached hereto and incorporated into this order, be, and it is hereby, prescribed and approved.

It is further ordered. That 49 CFR 1003.1 be, and it is hereby, amended by revoking all references to forms B.M.C. 4, and B.M.C. 5, and replacing said matters with the following:

§ 1003.1 Motor carrier and broker forms.

OP-OR 11.

Applications under section 211 of the Interstate Commerce Act for licenses to operate as brokers of motor-carrier transportation of passengers or property.

And it is further ordered. That this order shall become effective April 2, 1973, and notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-1791 Filed 3-12-73;8:45 am]

[S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 6th day of March 1973.

1 Filed as part of the original document.

It appearing, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1124 Demurrage and free time on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, ICC R.E.R. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—"XL", "XLI", "XM", "XMI", only.

Class "G"—Gondola Car Type—All Class "G" except "GW."

Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) *Exception:* This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(iv) *Exception:* This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Tex.	Douglas, Ariz.
Laredo, Tex.	Naco, Ariz.
Eagle Pass, Tex.	Nogales, Ariz.
Presidio, Tex.	Calexico, Calif.
El Paso, Tex.	

(v) *Exception:* This order shall not apply to cars subject to rule 8, section G—Interference Due to Strikes—of General Car Demurrage Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto, or reissues thereof, or to similar strike rules in other tariffs.

(vi) The terms "loading," "unloading," "constructive placement," and "forwarding directions" as defined in General Car Demurrage Tariff 4-I, ICC H-36,

issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(vii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) *Free Time.* (i) Not more than a total of 24 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 24-hour period described in paragraph (a) (2) (i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges.* (1) After the expiration of the free-time period described in paragraph (a) (2) of this section, demurrage charges shall be assessed at the following rates, until car is released:

\$10 per car per day, or fraction of a day, for each of the first 4 days.
\$20 per car per day, or fraction of a day, for each of the next 2 days.
\$30 per car per day, or fraction of a day, for each of the next 2 days.
\$50 per car per day for subsequent days.

Average demurrage agreement rules shall not apply.

(ii) The applicable demurrage charges provided in paragraph (a) (3) (i) of this section will accrue on all Saturdays, Sundays, and holidays subsequent to the second chargeable day including a Saturday, Sunday, or holiday immediately following the day on which the second chargeable day begins; except as otherwise provided in rule 6, section B, of General Car Demurrage Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(iii) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(iv) The demurrage, detention, or storage rates provided in paragraph (a) (3) (i) of this section shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in paragraph (a) (2) of this section.

(v) *Exception:* If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described in paragraph (a) (3) (i) of this section, such higher rates shall apply.

(4) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of run-arounds, and the giving of arrival or constructive placement notice of freight destined for unloading or transshipment, shall apply.

(ii) If no such rules with respect to arrival, run-around, or constructive

placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) Rules and regulations suspended: The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of part 1, section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) Notification of shipper required: (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in paragraph (c) (1) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by paragraph (c) (1) of this section shall not be deemed as nullifying the requirements of paragraph (c) (2) or (3) of this section.

(d) Effective date: This section shall become effective at 7 a.m., March 16, 1973.

(e) Expiration date: This section shall expire at 6:59 a.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 84 Stat. 911, 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-4790 Filed 3-12-73; 8:45 am]

Title 32A—National Defense, Appendix
CHAPTER X—OFFICE OF OIL AND GAS,
DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Rev. 5), Amdt. 54]

O I REG. 1—OIL IMPORT REGULATION
Miscellaneous Amendments—Oil Imports

This Amendment 54 amends Sections 21 and 27 of Oil Import Regulation 1 (Revision 5).

Section 21 is amended to set aside for the use of the Oil Import Appeals Board in 1973, 50,000 b/d (18,250,000 barrels total) of imports into Districts I-IV and 10,000 b/d (3,650,000 barrels total) of imports into District V.

Section 27 is rescinded in its entirety. Because the Oil Import Appeals Board urgently needs the set aside to continue its function without interruption and because the other change is merely technical in nature, it is not considered necessary to give notice of proposed rule making respecting this amendment, and it shall become effective March 13, 1973.

Dated: March 9, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

Approved:

WILLIAM E. SIMON,
Deputy Secretary,
Treasury Department.

1. Paragraph (e) of section 21 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 21 Appeals.

(e) For the allocation period January 1, 1973 through December 31, 1973, 50,000 b/d of imports into Districts I-IV of crude oil and unfinished oils (including Canadian imports as defined in section 1A of Proclamation 3279, as amended) and finished products, and 10,000 b/d of imports into District V of crude oil, unfinished oils, and finished products are made available to the Oil Import Appeals Board.

2. Section 27 of Oil Import Regulation 1 (Revision 5), as amended, is hereby rescinded.

[FR Doc. 73-5007 Filed 3-12-73; 11:48 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-AL-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 13, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 26532) stating that the Federal Aviation Adminis-

tration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the King Salmon, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. In § 71.171 (38 FR 351), the King Salmon, Alaska, control zone is amended to read:

KING SALMON, ALASKA

Within a 5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.), within 2.5 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile-radius zone to 12.5 miles northwest of the VORTAC; and within 2 miles each side of the King Salmon VORTAC 132° radial, extending from the 5-mile-radius zone to 11.5 miles southeast of the VORTAC.

2. In § 71.181 (38 FR 435), the King Salmon, Alaska, transition area is amended to read:

KING SALMON, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the King Salmon, Alaska, airport (latitude 58°40'43" N., longitude 156°38'50" W.); that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the King Salmon, Alaska, airport; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VORTAC, excluding the portions within the United States, Federal Airways, Control 1217, Control 1234, Control 1400, and Control 1401.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on March 2, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc. 73-4765 Filed 3-12-73; 8:45 am]

[Airspace Docket No. 72-AL-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 13, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 26533) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Bethel, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

RULES AND REGULATIONS

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 24, 1973, as hereinafter set forth.

1. In § 71.171 (38 FR 351), the Bethel control zone is amended to read:

BETHEL, ALASKA

Within a 5-mile radius of the Bethel Airport (latitude 60°46'54" N., longitude 161°50'05" W.); within 3 miles each side of the Bethel RBN (BEA) 023° bearing, extending from the 5-mile-radius zone to 8.5 miles northeast of the RBN; within 3 miles each side of the Bethel VORTAC 007° radial, extending from the 5-mile-radius zone to 8.5 miles north of the VORTAC; and within

3 miles each side of the Bethel VORTAC 214° radial, extending from the 5-mile-radius zone to 9 miles southwest of the VORTAC.

2. In § 71.181 (38 FR 435), the Bethel transition area is amended to read:

BETHEL, ALASKA

That airspace extending upward from 700 feet above the surface within 3 miles each side of the Bethel VORTAC 007° radial, extending from the north control zone extension to 11.5 miles north of the VORTAC; from the southwest control zone extension to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile ra-

dius of the Bethel VORTAC; and within 9.5 miles northwest and 4.5 miles southeast of the 023° bearing from BET localizer (latitude 60°46'08" N., longitude 161°50'39" W.) extending from the 20-mile-radius area to 26 miles northeast of the BET localizer.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1855(c))

Issued in Anchorage, Alaska, on March 2, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-4764 Filed 3-12-73;8:45 am]

Proposed Rule Making

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-AL-17]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Dillingham, Alaska, terminal airspace structure.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received on or before April 12, 1973, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK.

Application of the U.S. Standard for Terminal Instrument Procedures (TERP's) and revised criteria for establishment of terminal controlled airspace require amendments to the Dillingham, Alaska, control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (38 FR 351), the Dillingham, Alaska, control zone is amended to read:

DILLINGHAM, ALASKA

Within a 5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); within 4 miles each side of the Dillingham VORTAC 025° radial extending from the 5-mile-radius zone to 13.5 miles northeast of the Dillingham VORTAC and within 3.5 miles each side of the Dillingham VORTAC 205° radial extending from the 5-mile-radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times estab-

lished in advance by notice to airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.181 (38 FR 435), the Dillingham transition area is amended to read:

DILLINGHAM, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Dillingham Airport (latitude 59°02'30" N., longitude 158°30'28" W.); and that airspace within 4 miles each side of the Dillingham VORTAC 025° radial extending from the 8.5-mile-radius zone to 15.5 miles northeast of the VORTAC and within 3.5 miles each side of the Dillingham VORTAC 205° radial extending from the 8.5-mile radius zone to 12 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18-mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC.

The action proposed herein would alter the Dillingham, Alaska, control zone by canceling the northeast control zone extension and altering the north and south control zone extensions to comply with new criteria. The lateral limits of the 700-foot and 1,200-foot portion of the transition areas would be reconfigured to provide the necessary controlled airspace for holding aircraft, aircraft conducting the Dillingham VOR Runway 1 and VOR/DME Runway 19 instrument approach procedures, and DME approach orbits thereto.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on March 2, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc. 73-4766 Filed 3-12-73; 8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-4; Notice 1]

AIR BRAKE SYSTEMS

Proposed Emergency Braking Requirements

This notice proposes to amend the emergency braking requirements of Motor Vehicle Safety Standard No. 121, Air Brake Systems, with respect to two-axle truck-tractors being driven without trailers. In place of the stopping distances now specified, the proposed

amendment would substitute a stopping distance formula based on the vehicle's weight distribution.

In substance, the proposed amendment constitutes a favorable response to a petition for rule making submitted by Ford Motor Co. on August 10, 1972. In its petition, Ford urges the adoption of longer emergency stopping distances for vehicles equipped with modulated emergency braking systems. In justification of its petition, the company points to the disparity between these vehicles and vehicles with automatic parking brake application, which are required to meet a static pull test but not a stopping distance test.

The Ford analysis indicates that in a 60 m.p.h. test in an unloaded condition, certain of its short wheelbase tilt-cab models do not have enough weight on the rear axles to permit a stop within the specified distance, regardless of the efficiency of the brakes. Ford states that these models cannot be redesigned to accommodate front emergency brake units without compromising the performance of the vehicle in other respects.

If Ford equips these tractors with automatic parking brakes, pursuant to S5.7.1 of the standard, they will meet the emergency braking requirements, but their stopping distance capability would be no better than with a modulated emergency system. Ford considers the modulated system to be superior to the automatic system in terms of safety, and therefore requests the amendment of Table II to specify stopping distances for modulated systems that would permit their continued use on short wheelbase tilt-cab truck-tractors.

Upon consideration of Ford's petition, it has been tentatively decided to grant the request in substance. However, the stopping distances requested by Ford were derived from the vehicles with the smallest proportion of weight on the rear axle. It does not appear appropriate to base all stopping distances on the worst cases.

The proposed amendment therefore employs a formula that obtains the required stopping distance by multiplying the service brake stopping distance in Table II by the proportion of weight on the rear axle, with a corrective factor to allow for brake application time. The formula will exempt from Table II only the limited category of two-axle truck-tractors, and will exempt this category only in the lightly loaded tests. The stopping distances specified in Table II for modulated emergency braking systems will continue to apply to other vehicles and to other weight conditions.

It is therefore proposed that S5.7.2.3 of Motor Vehicle Safety Standard No. 121

(49 CFR 571.121) be amended by the addition of a sentence at the end of the present text. As amended, the section would read as follows:

§ 571.121 Standard No. 121; air brake systems (effective September 1, 1974).

§ 571.2.3 *Emergency braking stopping distance.* When stopped six times for each combination of weight and speed specified in S5.3.1.1 on a road surface with a skid number of 75, with a single failure in the service brake system of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold, brake fluid housing, or brake chamber housing) the vehicle shall stop at least once in not more than the distance specified in Table II, measured from the point at which movement of the brake control begins, without any part of the vehicle leaving the roadway. However, in place of the distances specified in Table II, a two-axle truck-tractor, when tested at its unloaded weight plus 500 pounds, shall stop at least once in not more than a distance S_c such that

$$S_c = \left(\frac{\text{Unloaded vehicle weight}}{\text{Unloaded rear axle weight}} \right) \left(S - \frac{V}{K} \right) + \frac{V}{K}$$

where V is the test velocity in miles per hour, as shown in Table II, S_c is the service brake stopping distance in feet specified in Table II for velocity V , and K has the value 2 miles per hour per foot.

Interested persons are invited to submit comments on the proposal. Com-

ments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on April 15, 1973, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on March 7, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-4797 Filed 3-8-73; 4:13 pm]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-7706; File No. S7-469]

INVESTMENT COMPANY REQUIREMENTS TO REPORT SECURITIES TRANSACTIONS AND TO ADOPT CODES OF ETHICS

Extension of Time for Comments

Notice is hereby given that the Securities and Exchange Commission has extended the period for comment on proposed Rule 17j-1 (17 CFR 270.17j-1) under the Investment Company Act of 1940, as amended by the Investment Company Amendments Act of 1970, from February 28, 1973, to March 14, 1973. Written views and comments should be addressed to Lewis J. Mendelson, Assistant Director, Division of Investment Management Regulation, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 14, 1973. All communications on this matter should refer to File No. S7-469 and will be available for public inspection. The proposal was published in Investment Company Act Release No. 7581 (38 FR 2182).

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

MARCH 5, 1973.

[FR Doc.73-4745 Filed 3-12-73; 8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-10]

NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 9 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 21, 1973, at 9:30 a.m. in Room 1406, Department of State, 21st and C Streets NW., Washington, D.C. Study Group 9 deals with questions relating to line-of-sight and transhorizon radio relay systems operating via terrestrial stations at frequencies above about 30 MHz. The agenda for the meeting on March 21 will include the following matters:

- Review of the conclusions of the 1972 meeting of international Study Group 9;
- Work programs for the development of U.S. contributions to the 1974 meeting of international Study Group 9.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to March 21, 1973, members of the general public who plan to attend the meeting inform their name and affiliation/address to Mr. Gordon L. Huffcutt, Office of Telecommunications, Department of State; the telephone number is area code 202-632-2631. All non-Government attendees at the meeting should use the C Street entrance to the building.

Dated: March 5, 1973.

GORDON L. HUFFCUTT,
Chairman,
CCIR National Committee.

[FR Doc. 73-4755 Filed 3-12-73; 8:45 am]

TREASURY DEPARTMENT

Internal Revenue Service

[Order No. 129]

ASSISTANT COMMISSIONER (STABILIZATION) ET AL.

Delegation of Exception Authority and Authority To Challenge, Review, and Decide Certain Wage and Salary Adjustment Cases

The authority delegated to the Commissioner of Internal Revenue by Cost

of Living Council Order No. 19 in connection with the administration of the Economic Stabilization Act of 1970, as amended, is hereby redelegated to the following officials.

Assistant Commissioner (Stabilization).
Regional Commissioners.
Assistant Regional Commissioners (Stabilization).
District Directors.

The authority delegated herein may be redelegated only by the officials specified in this order and may not be redelegated by those officials to whom the specified officials redelegate.

The authority delegated in this order shall be effective as of January 11, 1973, except as otherwise provided in Cost of Living Council Order No. 19.

Date of issue: March 5, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc. 73-4763 Filed 3-12-73; 8:45 am]

[Order No. 42 (Rev. 3)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE) ET AL.

Authority To Execute Consents Fixing Period of Limitations on Assessment or Collection

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1972; 26 CFR 301.6501 (c)-1; 26 CFR 301.6502-1; 26 CFR 301.6901-1(d), and 26 CFR 301.7701-9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collection to the following officials:

- Assistant Regional Commissioners (Appellate).
- Service Center Directors.
- District Directors.
- Director of International Operations.

2. This authority may be redelegated but not below the following level for each activity:

- Service Centers—Chief, Correspondence Audit Branch.
- Collection—Revenue Officer.
- Audit—Conferees and Reviewers, Grade GS-11, and Group Supervisors.
- Intelligence—Chief, Intelligence Division.
- Appellate—Appellate Conferee.
- Office of International Operations—Conferees and Reviewers, Grade GS-11; Group Supervisors; Representatives at foreign posts; and Revenue Agents, Tax Auditors, and Special Agents on foreign assignments; and Revenue Officers.

3. This order supersedes Delegation Order No. 42 (Rev. 2), issued March 20, 1969.

Date of issue and effective date: March 7, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc. 73-4761 Filed 3-12-73; 8:45 am]

[Order No. 89 (Rev. 2)]

DEPUTY COMMISSIONER ET AL.

Delegation of Authority Regarding Administrative Classification of Documents and Material

The authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 222 of August 3, 1972, for the administrative classification of information necessarily restricted for official purposes is hereby delegated as follows:

(1) The Deputy Commissioner is authorized to classify for Limited Official Use documents or materials dealing with important, delicate, or sensitive matters which must be so restricted as to be available only for the information of officials who have a need to know such information. This authority may not be redelegated.

(2) The Deputy Commissioner, Assistant Commissioners, Assistant to the Commissioner (Public Affairs), Director, Tax Administration Advisory Staff, Director of International Operations, National Office Division Directors, Chief, Disclosure Staff, Regional Commissioners, Assistant Regional Commissioners, District Directors, and Service Center Directors, are authorized to classify for Official Use Only documents or materials which require restriction to a lesser degree than those marked Limited Official Use, but which may be made available only to authorized officials. This authority may not be redelegated.

(3) The authority to declassify documents or material classified under this delegation order may be exercised by the official authorizing the original classification, a successor in that capacity, or a line supervisory official of either.

This order supersedes Delegation Order No. 89 (Rev. 1) issued May 10, 1972.

Date of issue and effective date: March 8, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc. 73-4762 Filed 3-12-73; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

BOLLING-ANACOSTIA DEVELOPMENT
CONCEPTNotice of Public Hearing and Availability
of Draft Environmental Impact State-
ment

Announcement. A public hearing will be held for the purpose of soliciting comments from the community regarding the base development concept for the joint military use of the Bolling-Anacostia tract in southeast Washington in the District of Columbia. The hearing will be conducted by a senior naval officer, and will include a presentation of the Development Concept Plan.

Date: March 28, 1973.

Time: 7-11 p.m.

Place: Ballou High School, Fourth and Trenton Streets SE., Washington, D.C.

Title: Environmental Impact Statement, Bolling-Anacostia Development Concept, Washington, D.C.

Description. The concept proposes continued development of the existing Tri-Service Support Facilities with enlisted-men dormitories, a mess hall, support facilities, substantial Air Force administrative space and DOD administrative space. There will also be an industrial/technical area, an Air Force Exchange service station and car-care center, and the existing Naval Photographic Center. Adjacent to this is a 30-acre reservation for the joint Armed Forces Reserve Complex. In addition, the U.S. Coast Guard will maintain a relatively small operation on less than 10 acres. The balance of the tract will be made up of housing for both officers (287 units) and enlisted men (1,100 units). Serving this housing and other military personnel will be a Community Center limited to military personnel, both active and retired, and their immediate families. One elementary school site, a junior high or senior high school site, and a linear park along the river's edge are proposed. An area of 190 acres in the northern area will be occupied by the Executive Flight Detachment which provides helicopter support for the President, and is planned so as not to preclude future alternative uses. Construction is planned over a 15-year period beginning with the south portion of the tract with housing, and progressing to the north portion.

WHERE COPIES OF THE DRAFT ENVIRONMENTAL IMPACTS STATEMENT CAN BE OBTAINED

Environmental Engineering Branch, Chesapeake Division, Naval Facilities, Engineering Command, Building 57, Washington Navy Yard, Washington, D.C. 20390.

Cost of Copies. No charge. Stock is limited.

LOCATION OF LOCAL COPIES AVAILABLE FOR PUBLIC REFERENCE

(a) Libraries: Public Library Branch Office, Good Hope Road and 18th Street SE.; Public Library Branch Office, Fort Davis, Alabama Ave. and 37th Street SE.; Public Li-

brary Branch Office, 5440 Oxon Hill Road, Oxon Hill, MD; Public Library Branch Office, John Marshall, 6122 Rose Hill Drive, Alexandria, VA.

(b) Churches: Assumption R. C. Church, 3401 Martin Luther King Jr. Avenue SE.; Our Lady of Perpetual Help, Roman Catholic Church, 1600 Morris Road SE.; Saint Timothy, 3601 Alabama Avenue SE.; Emanuel Church Anacostia Parish, 1901 V Street SE.

(c) Post Office: Postal Service, Congress Heights Station, Martin Luther King Jr. Avenue SE., Washington, D.C.

NAME, ADDRESS, AND TELEPHONE NUMBER OF GOVERNMENT CONTACT

Lt. Comdr. R. T. Siler, Chesapeake Division, Naval Facilities, Engineering Command, Building 57, Washington Navy Yard, Washington, D.C. 20390; telephone 433-2487.

Time limit for oral presentations. The following procedures will be followed during the public hearing. Individual speakers will be limited to 3 minutes, with 5 minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written documents and text material are encouraged and will be accepted by the Hearing Officer. Speakers will talk on a first-come-first-served basis. The registration period will begin at 6:30 p.m. on the night of the scheduled public hearing (Ballou High School), with the official meeting beginning promptly at 7 p.m.

Dated: March 9, 1973.

[SEAL] MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General.

[FR Doc. 73-4937 Filed 3-12-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

COMMITTEE FOR THE RECOVERY OF
ARCHAEOLOGICAL REMAINS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Recovery of Archaeological Remains will be held at 9:30 a.m., e.s.t. on March 22 and 23, 1973, in the Department of the Interior building, Washington, D.C. On March 22, 1973, the committee will meet in Room 3446, and on March 23, 1973, in Room 8068A-North, Penthouse.

The purpose of the Committee for the Recovery of Archaeological Remains is to provide independent advice and assistance to Government agencies, through the Inter-Agency Archeological Salvage Program administered by the National Park Service, in order to provide an effective program for the salvage of archeological remains threatened with loss by reason of Federal programs and activities.

The members of the Committee are as follows:

Dr. J. O. Brew (Chairman), Cambridge, Mass.; Dr. James F. Deetz, Plymouth, Mass.; Dr. Emil W. Haury, Tucson, Ariz.; Dr. Charles R. McGimsey III, Fayetteville, Ark.; Dr. Douglas W. Schwartz, Santa Fe, N. Mex.;

Dr. Raymond H. Thompson, Tucson, Ariz.; and Dr. Fred Wendorf, Dallas, Tex.

The committee will meet in open session with members of the National Park Service on March 22, 1973. The matters to be discussed at this meeting include:

1. Review of the National Park Service's accomplishments and administration of the Inter-Agency Archeological Salvage Program for 1972.

2. National Park Service guidelines and responsibilities to other Federal agencies regarding environmental impact statements and implementation of Executive Order 11593, of May 13, 1971, in relation to archeological and other cultural remains.

3. Salvage contract costs and contract administration with State and local institutions.

4. Legislation pending before Congress for amending the Reservoir Salvage Act of 1960 (Public Law 86-523; 74 Stat. 220).

5. Federal responsibilities for archeological materials recovered as the result of the Inter-Agency Archeological Salvage Program.

6. Review of the National Park Service's archeological publications program.

This meeting session will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 10 persons will be able to attend the meeting. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

The committee will meet in general session with representatives from other Federal agencies on March 23, 1973. The matters to be discussed at this session include:

1. Activities of the agencies represented regarding the protection and preservation of archeological remains on lands under their control. Brief reports will be presented to the committee by agency representatives.

2. Significance and status of legislation pending before Congress for amending the Reservoir Salvage Act of 1960 (Public Law 86-523; 74 Stat. 220).

3. Federal agencies' responsibilities and National Park Service's role in implementing Executive Order 11593 of May 13, 1971.

This meeting session will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 20 persons will be able to attend the meeting. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Dr. Robert H. Lister, Chief, Division of Archeology and Anthropology, National Park Service, Department of the Interior, Washington, D.C., at 202-343-6975. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Chief, Division of Archeology and Anthropology.

Room 1214, Department of the Interior,
Washington, D.C.

Dated: March 5, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc. 73-4768 Filed 3-12-73; 8:45 am]

Office of the Secretary

GEORGE W. PUSACK

Statement of Changes in Financial
Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of February 16, 1973.

Dated: February 22, 1973.

GEORGE W. PUSACK.

[FR Doc. 73-4779 Filed 3-12-73; 8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

BYLAWS

The bylaws of the Commodity Credit Corporation, amended February 21, 1973, are as follows:

OFFICES

1. The principal office of the Corporation shall be in the city of Washington, District of Columbia, and the Corporation shall also have offices at such other places as it may deem necessary or desirable in the conduct of its business.

SEAL

2. There is impressed below the official seal which is hereby adopted for the Corporation. Said seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced.



MEETINGS OF THE BOARD

3. Regular meetings of the Board shall be held, whenever necessary, on Wednesdays at 9:30 a.m. in the Board meeting room in the U.S. Department of Agriculture in the city of Washington, D.C. Notice of such meetings shall be pro-

vided in the same manner as is specified for special meetings in paragraph 4.

4. Special meetings of the Board may be called at any time by the Chairman, the Vice Chairman, or by the President, or the Executive Vice President and shall be called by the Chairman, the Vice Chairman, the President, or the Executive Vice President at the written request of any four Directors. Notice of special meetings shall be given either personally or by mail (including the intradepartmental mail channels of the Department of Agriculture or interdepartmental mail channels of the Federal Government) or by telegram, and notice by telephone shall be personal notice. Any Director may waive in writing such notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of such meeting. No notice of an adjourned meeting need be given. Any and all business may be transacted at any special meeting unless otherwise indicated in the notice thereof.

5. The Secretary of Agriculture shall serve as Chairman of the Board. The Under Secretary of Agriculture shall serve as Vice Chairman of the Board and, in the absence or unavailability of the Chairman, shall preside at meetings of the Board. In the absence or unavailability of the Chairman and the Vice Chairman, the President of the Corporation shall preside at meetings of the Board. In the absence or unavailability of the Chairman, the Vice Chairman, and the President, the Directors present at the meetings shall designate a Presiding Officer.

6. At any meeting of the Board a quorum shall consist of four Directors. The Act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board.

7. The General Counsel of the Department of Agriculture, whose office shall perform all legal work of the Corporation, and the Deputy General Counsel of the Department of Agriculture shall, as General Counsel and Deputy General Counsel of the Corporation, respectively, attend meetings of the Board.

8. The Executive Vice President, the Vice President who is the Associate Administrator of the Agricultural Stabilization and Conservation Service, and the Secretary shall attend meetings of the Board. Each of the other Vice Presidents and Deputy Vice Presidents, and the Controller shall attend meetings of the Board during such times as the meetings are devoted to consideration of matters as to which they have responsibility.

9. Other persons may attend meetings of the Board upon specific authorization by the Chairman, Vice Chairman, or President.

COMPENSATION OF BOARD DIRECTORS

10. The compensation of each Director shall be prescribed by the Secretary of Agriculture. Any director who holds another office or position under the Federal Government, the compensation for which exceeds that prescribed by the Secretary

of Agriculture for such Director, may elect to receive compensation at the rate provided for such other office or position in lieu of compensation as a Director.

OFFICERS

11. The officers of the Corporation shall be a President, Vice Presidents, and Deputy Vice Presidents as hereinafter provided for, a Secretary, a Controller, a Treasurer, a Chief Accountant, and such additional officers as the Secretary of Agriculture may appoint.

12. The Assistant Secretary of Agriculture for International Affairs and Commodity Programs shall be ex officio President of the Corporation.

13. The following officials of the Agriculture Stabilization and Conservation Service (referred to as ASCS), Export Marketing Service (referred to as EMS), Foreign Agricultural Service (referred to as FAS), Food and Nutrition Service (referred to as FNS), and Agricultural Marketing Service (referred to as AMS) shall be ex officio officers of the Corporation.

Administrator, ASCS; Executive Vice President.

General Sales Manager, EMS; Vice President.

Administrator, FAS; Vice President.

Administrator, AMS; Vice President.

Administrator, FNS; Vice President.

Associate Administrator, ASCS; Vice President.

Deputy Administrator, State and County Operations, ASCS; Deputy Vice President.

Deputy Administrator, Commodity Operations, ASCS; Deputy Vice President.

Deputy Administrator, Management, ASCS; Deputy Vice President.

Executive Assistant to the Administrator, ASCS; Secretary.

Director, Fiscal Division, ASCS; Controller.

Deputy Director, Fiscal Division, ASCS; Treasurer.

Chief, Accounting Systems Branch, Fiscal Division, ASCS; Chief Accountant.

The person occupying, in an acting capacity, the office of any person designated ex officio by this paragraph 13 as an officer of the Corporation shall, during his occupancy of such office, act as such officer.

14. Officers who do not hold office ex officio shall be appointed by the Secretary of Agriculture and shall hold office until their respective appointments shall have been terminated.

THE PRESIDENT

15. The President shall have general supervision and direction of the Corporation, its officers and employees.

THE VICE PRESIDENTS

16. (a) The Executive Vice President shall be the chief executive officer of the Corporation and shall be responsible for submission of all Corporation policies and programs to the Board. Except as provided in paragraphs (b), (c), (d), and (e) below, the Executive Vice President shall have general supervision and direction of the preparation of policies and

programs for submission to the Board, of the administration of the policies and programs approved by the Board, and of the day-to-day conduct of the business of the Corporation and of its officers and employees.

(b) The Vice President who is the Administrator, Foreign Agricultural Service, shall be responsible for preparation for submission by the Executive Vice President to the Board of those policies and programs of the Corporation which are for performance through the facilities and personnel of the Foreign Agricultural Service. He shall also have responsibility for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Foreign Agricultural Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(c) The Vice President who is Administrator, Agricultural Marketing Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Agricultural Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(d) The Vice President who is the General Sales Manager of the Export Marketing Service shall be responsible for preparation for submission by the Executive Vice President to the Board of policies and programs of the Corporation which are for performance through the facilities and personnel of the Export Marketing Service. He shall also have responsibility for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Export Marketing Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

(e) The Vice President who is the Administrator, Food and Nutrition Service, shall be responsible for the administration of those operations of the Corporation, under policies and programs approved by the Board, which are carried out through facilities and personnel of the Food and Nutrition Service. He shall also perform such special duties and exercise such powers as may be prescribed, from time to time, by the Secretary of Agriculture, the Board, or the President of the Corporation.

17. The Vice President who is the Associate Administrator, Agricultural Stabilization and Conservation Service, and the Deputy Vice Presidents shall assist the Executive Vice President in the performance of his duties and the exercise of his

powers to such extent as the President or the Executive Vice President shall prescribe, and shall perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, the President of the Corporation, or the Executive Vice President of the Corporation.

THE SECRETARY

18. The Secretary shall attend and keep the minutes of all meetings of the Board; shall attend to the giving and serving of all required notices of meetings of the Board; shall sign all papers and instruments to which his signature shall be necessary or appropriate; shall attest the authenticity of and affix the seal of the Corporation upon any instrument requiring such action and shall perform such other duties and exercise such other powers as are commonly incidental to the office of Secretary as well as such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE CONTROLLER

19. The Controller shall have charge of all fiscal and accounting affairs of the Corporation, including all borrowings and related financial arrangements, claims activities, and formulation of prices in accordance with established policies; and shall perform such other duties as may be prescribed from time to time by the President or the Executive Vice President.

THE TREASURER

20. The Treasurer, under the general supervision and direction of the Controller, shall have charge of the custody, safekeeping and disbursement of all funds of the Corporation; shall designate qualified persons to authorize disbursement of corporate funds; shall direct the disbursement of funds by disbursing officers of the Corporation or by the Treasurer of the United States, Federal Reserve Banks and other fiscal agents of the Corporation; and shall issue instructions incidental thereto; shall be responsible for documents relating to the general financing operations of the Corporation, including borrowings from the U.S. Treasury, commercial banks and others; shall arrange for the payment of interest on and the repayment of such borrowings; shall arrange for the payment of interest on the capital stock of the Corporation; shall coordinate and give general supervision to the claims activities of the Corporation and shall have authority to collect all moneys due the Corporation, to receipt therefor and to deposit same for the account of the Corporation; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

THE CHIEF ACCOUNTANT

21. The Chief Accountant, under the general supervision and direction of the Controller, shall have charge of the gen-

eral books and accounts of the Corporation and the preparation of financial statements and reports. He shall be responsible for the initiation, preparation and issuance of policies and practices related to accounting matters and procedures, including official inventories, records, accounting and related office procedures where standardized, and adequate subsidiary records of revenues, expenses, assets and liabilities; and shall perform such other duties relating to the fiscal and accounting affairs of the Corporation as may be prescribed from time to time by the Controller.

OTHER OFFICIALS

22. Except as otherwise authorized by the Secretary of Agriculture or the Board, the operations of the Corporation shall be carried out through the facilities and personnel of the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, the Export Marketing Service, the Food and Nutrition Service and the Agricultural Marketing Service, in accordance with any assignment of functions and responsibilities made by the Secretary of Agriculture and, within his respective agency, by the Administrators of the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, Food and Nutrition Service, Agricultural Marketing Service, or the General Sales Manager of the Export Marketing Service.

23. The Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service shall be contracting officers and executives of the Corporation in general charge of the activities of the Corporation carried out through their respective divisions or offices. The responsibilities of such Directors in carrying out activities of the Corporation, which shall include the authority to settle and adjust claims by and against the Corporation arising out of activities under their jurisdiction, shall be discharged in conformity with these bylaws and applicable program, policies, and procedures.

CONTRACTS OF THE CORPORATION

24. Contracts of the Corporation relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President. The Vice Presidents, the Deputy Vice Presidents, the Controller, the Treasurer, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may execute contracts relating to the activities of the Corporation for which they are respectively responsible.

25. The Executive Vice President who is the Administrator of ASCS and, subject to the written approval by such Executive Vice President of each appointment, the Vice Presidents, the Deputy Vice Presidents, the Controller, and the Directors of the divisions and commodity offices of the Agricultural Stabilization and Conservation Service may appoint, by written instrument or instruments, such Contracting Officers as they deem

necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of the Corporation. A copy of each such instrument shall be filed with the Secretary.

26. Appointments of Contracting Officers may be revoked by written instrument or instruments by the Executive Vice President or by the official who made the appointment. A copy of each such instrument shall be filed with the Secretary.

27. In executing a contract in the name of the Corporation, an official shall indicate his title.

ANNUAL REPORT

28. The Executive Vice President shall be responsible for the preparation of an annual report of the activities of the Corporation, which shall be filed with the Secretary of Agriculture and with the Board.

AMENDMENTS

29. These bylaws may be altered or amended or repealed by the Secretary of Agriculture, or subject to his approval by action of the Board at any regular meeting of the Board or at any special meeting of the Board, if notice of the proposed alteration, amendment, or repeal be contained in the notice of such special meeting.

APPROVAL OF BOARD ACTION

30. The actions of the Board shall be subject to the approval of the Secretary of Agriculture.

I, Seeley G. Lodwick, Secretary, Commodity Credit Corporation, do hereby certify that the above is a full, true, and correct copy of the bylaws of Commodity Credit Corporation, as amended February 21, 1973.

In witness whereof I have officially subscribed my name and have caused the corporate seal of the said Corporation to be affixed this sixth day of March 1973.

[SEAL] SEELEY G. LODWICK,
Secretary,
Commodity Credit Corporation.

[FR Doc.73-4709 Filed 3-12-73;8:45 am]

CONTROLLER

Delegation of Authority Regarding Export Credit Sales Program

Pursuant to the authority vested in me by the Assistant Secretary for International Affairs and Commodity Programs and set forth in § 2.65 of Subpart H, Title 7, CFR, entitled Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs, I hereby delegate to the Controller, Commodity Credit Corporation, who is Director, Fiscal Division, Agricultural Stabilization and Conservation Service, the following authority, which may be redelegated within the limitation of 7 CFR 2.7:

The authority, set forth in 7 CFR 2.65 (a) (13), to provide fiscal and accounting functions for the Export Marketing Serv-

ice with respect to program matters, and the processing and disposition for the Export Marketing Service of all claims arising under Department functions for which the Export Marketing Service has responsibility; and, in participation with other agencies of the U.S. Government, to develop and formulate amendments to credit agreements under Title I, Public Law 480, and the Export Credit Sales Program involving the rescheduling of amounts due from foreign countries under such agreements.

Effective date. This delegation of authority is effective on March 13, 1973.

Signed at Washington, D.C., on March 7, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-4801 Filed 3-12-73;8:45 am]

Forest Service

PROPOSED TIMBER MANAGEMENT PLAN, SANTA FE NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Proposed Timber Management Plan for the Santa Fe National Forest, USDA-FS-DES (Adm.) 73-48.

The purpose of the statement is to consider probable environmental effects of the proposed timber management program.

This draft environmental statement was filed with CEQ on February 28, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.

Santa Fe National Forest, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, Post Office Box 1389, Flagstaff, AZ 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Fed-

eral agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, John M. Hall, Santa Fe National Forest, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. Comments must be received by April 5, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MARCH 6, 1973.

[FR Doc.73-4760 Filed 3-12-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

SEA WORLD, INC.

Notice of Issuance of Letter of Exemption From Provisions of Marine Mammal Protection Act

On January 24, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2340), stating that an application had been filed with the National Oceanic and Atmospheric Administration for an economic hardship exemption by Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, CA 92109, to take or import the following marine mammals for public display at their facility, in Orlando, Fla., now under construction. The marine mammals are as follows: 14 Bottle-nosed dolphins (*Tursiops truncatus*); six White-sided dolphins (*Lagenorhynchus obliquidens*); four Killer whales (*Orcinus orca*); eight Pilot whales (*Globicephala scammoni*); four Beluga whales (*Delphinapterus leucas*); 15 California sea lions (*Zalophus californianus*); four Stellar sea lions (*Eumetopias jubata*); five Northern elephant seals (*Mirounga angustirostris*); 16 Harbor seals (*Phoca vitulina*); six Bearded seals (*Erignathus barbatus*).

Therefore, notice is hereby given that, pursuant to the provisions of the Marine Mammal Protection Act of 1973 (Public Law 92-522), after having considered the application and all other pertinent information and facts with regard thereto, the National Marine Fisheries Service issued a letter of exemption to Sea World, Inc., San Diego, Calif., March 6, 1973, subject to the limitations and conditions set forth in the letter of exemption. Such letter, and supporting rationale, are available for review by interested persons, in the Office of the Director, National Marine Fisheries Service, Washington, D.C.

Dated: March 8, 1973.

ROBERT W. SCHONING,
Acting Director,
National Marine Fisheries Service.

[FR Doc.73-4805 Filed 3-12-73;8:45 am]

NATIONAL TECHNICAL INFORMATION SERVICE

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA patent licensing regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at \$0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information
Service.

DEPARTMENT OF THE INTERIOR

Patent 3,708,356. Urea-Modified Ammonium Nitrate-Fuel Oil Explosives. Filed December 10, 1970. Patented January 2, 1973. Not available NTIS.

Patent application 315,445. Apparatus for Burning Sulfur-Containing Fuels. Filed December 15, 1972. PC \$3/MF \$0.95.

Patent application 310,721. Magnetite Coating Composition. Filed November 30, 1972. PC \$3/MF \$0.95.

Patent application 280,923. Solvent Extraction Procedure for Separating Metal Values. Filed August 15, 1972. PC \$3/MF \$0.95.

Patent application 297,093. Improved Process for Refining Carranaceous Fuels. Filed October 12, 1972. PC \$3.75/MF \$0.95.

Patent 3,711,386. Recovery of Metals by Electrodeposition. Filed December 4, 1969. Patented January 16, 1973. Not available NTIS.

[FR Doc.73-4744 Filed 3-12-73;8:45 am]

Office of Import Programs MIAMI VALLEY HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00175-33-43780. Applicant: Miami Valley Hospital, Radiation Therapy Department, 1 Wyoming Street,

Dayton, Ohio 45409. Article: 45 MeV medical-type betatron with accompanying magnetic lens. Manufacturer: Brown-Boveri, Switzerland. Intended use of article: The article is intended to be used in the following research projects:

(1) Determination of the physical characteristics of the electron beam;

(2) Investigation of the effects of inhomogeneities in the body such as, bone and air cavities, on the beam; and

(3) Development of computer programs for use in radiation dosimetry of the electron beam.

The article will also be used for teaching the principles and clinical applications of high energy electron and X-ray beam therapy to radiology residents. In addition the article will be used for both high energy X-ray and electron beam therapy in the treatment of certain cancers. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 23, 1973, that the high energy of the beam provided by the foreign article is pertinent to the applicant's research and educational purposes. The foreign article provides beam energies to 45 million electron volts. HEW further advises that it knows of no domestic medical betatrons which provide beam energies exceeding 25 million electron volts.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4771 Filed 3-12-73;8:45 am]

NORTH CAROLINA DEPARTMENT OF MENTAL HEALTH ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00183-33-46500. Applicant: North Carolina Department of

Mental Health, Research Division, Embryology Laboratory, Station B, Box 7532, Raleigh, NC 27611. Article: Ultramicrotome, Model "OmU2." Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for thin-sectioning and ultrathin-sectioning of embryonal brain and spinal cord of chickens for electron microscopy in order to study fine structural changes due to the experimental manipulations. Application received by Commissioner of Customs: October 11, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00191-33-46500. Applicant: University of Alabama in Birmingham. University Station, Birmingham, Ala. 35294. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in dental research for investigations involving samples of purified collagen, other proteins, mitochondria, lysosomes, cell membranes, and basement membranes in normal and pathologic tissues utilizing a variety of techniques including combined histochemical-cytochemical-microchemical-biochemical electron microscope methods. The article will also be used in the preparation of a book including practical histochemical techniques which will require laboratory testing and training students in an understanding of cellular pathology. Application received by Commissioner of Customs: October 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00193-33-46500. Applicant: University of Illinois, Eye and Ear Infirmary, 1855 West Taylor Street, Chicago, IL 60612. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of ocular adnexal tissues obtained from enucleated human eye and experimental animals. Specific projects include: (1) A study of argon laser photocoagulation on the cornea, iris, anterior chamber angle, retina and choroid of the human eye; (2) a study of the vascular changes of Coats' disease, a pediatric ocular disease; (3) a study of the optic nerve changes associated with hereditary-primary tapetal-retinal degeneration of canines; and (4) studies related to retinal degeneration following experimental retinal detachment in monkeys. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00194-33-46500. Applicant: University of Pittsburgh, School of Medicine, The Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of normal and altered mammalian tissues, mostly derived from animal experiments. The phenomena under investigation

tion include the finding of enzymatic activity of certain renal cells as related to their phagocytic and/or pinocytotic function. These experiments may help to understand the handling of antigenic materials and the findings are relevant for the understanding of a variety of interstitial human renal diseases. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00195-33-46500. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin sections of plastic-embedded tissues, principally muscle and nerve, from a wide variety of animal types from lower invertebrates to mammals. The experiments to be conducted include the embryogenesis of muscle and nerve, and the development of the characteristic subcellular components of these cells. A variety of experiments will involve the association of the myofibrils with the membranes concerned in synaptic excitation and the control of contraction and relaxation. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00196-33-46500. Applicant: Ball State University, Muncie, Ind. 47306. Article: Ultramicrotome, Model LKB 4800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for examination of embryonic, larval, pupal, and adult tissues in insects to examine the interactions of somatic and germ tissues in development of functional adult gonads. The study will involve looking at sections of heterogenous tissues, for example, ovaries containing eggs undergoing shell formation and larval material. Other projects will involve examination of various plant materials including woody and germinating material. These materials present special problems in embedding and ultramicrotomy. The article will also be used to instruct selected undergraduate and graduate students in the preparation of specimens for electron microscopy. Application received by Commissioner of Customs: October 16, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00197-33-46500. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, MA 02115. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies on biological materials which will include mammalian tissues obtained from experimental animals. The specific research purposes are to investigate the chemical and structural nature of the initial mineral deposits in enamel, bone, dentin, and cartilage; to characterize the phases and those changes occurring during maturation

of the deposits; and to relate to phases to cellular organelles and to structural elements in the organic matrices. Application received by Commissioner of Customs: October 16, 1972.

Docket No. 73-00201-33-46500. Applicant: Veterans' Administration Hospital, 500 Foothill Boulevard, Salt Lake City, UT 84113. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare thin sections for electron microscopy for ultrastructural studies of changes of the liver in hypercholesterol diets and changes of the liver in diabetic animals. The article will also be used to train an electron microscopy technician and to familiarize pathology residents with electron microscopy. Application received by Commissioner of Customs: October 19, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00210-33-46500. Applicant: Chico State College, Department of Biological Sciences, Chico, Calif. 95926. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the following studies:

(1) The role that microtubules play in the morphogenesis of parasitic protozoa, particularly flagellates;

(2) The ultrastructure and development of generative cells in geranium pollen grain and pollen tube; and

(3) The role of generative organelles (amyloplasts and mitochondria) in male transmission of cytoplasmic inherited characters in several plants, and ultrastructure of the walls of pollen grains. The article will also be used in the course, Biology Science 202, Cytology, to present an introduction to the structure and related functions of plant and animal cells and protoplasmic systems. In addition the article will be used in the course Biological Preparation for Electron Microscopy to present theory and provide actual experience in preparing biological specimens for electron microscopy. Application received by Commissioner of Customs: October 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeter/second (mm./sec.) to equal to or greater than 10 mm./sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm./sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness,

consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm./sec. are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc. 73-4772 Filed 3-12-73; 8:45 am]

UNIVERSITY OF CHICAGO

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00211-00-46040. Applicant: University of Chicago, Department of Pathology, 950 East 59th Street, Chicago, IL 60637. Article: Universal Cassette for Elmiskop 101, Electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope being used in studies of diagnostic material consisting of human renal biopsies. In addition, extended studies will be made of several experimental models produced in rats that have resemblance to human renal disease. Finally, a high resolution study of membrane formation in the renal medulla induced by electrolyte imbalance is to be continued with emphasis on the unique nature of the liposomes formed. The article will also be used in medical school courses CPP 307 and Pathology 324 for teaching of clinical pathologic correlations from renal disease. Application received by Commissioner of Customs: October 27, 1972.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4773 Filed 3-12-73; 8:45 am]

UNIVERSITY OF MARYLAND HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office

of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 73-00176-99-72500. Applicant: University of Maryland Hospital, Redwood and Greene Streets, Baltimore, Md. 21201. Article: Engstrom Respirator system ER 300. Manufacturer: LKB Medical AB, Sweden. Intended use of article: The article is intended to be used in training anesthesiology and surgical residents, nurses, and inhalation therapists in the functional characteristics and clinical application of mechanical ventilators. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a pressure waveform automatically adapted to changing compliance and airway resistance resulting in improved distribution of air and ventilation of patients under anesthesia. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 23, 1972, that the characteristics described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no domestic instrument which provides the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4774 Filed 3-12-73; 8:45 am]

TENNESSEE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00184-33-03400. Applicant: The University of Tennessee, Department of Audiology and Speech Pathology, South Stadium Hall, Knoxville, Tenn. 37916. Article: Mini-suvag hearing aid. Manufacturer: Service European De Diffusion Des Inventories, S.A., France. Intended use of article: The article is intended to be used to examine the effect of utilizing this low-frequency hearing aid with preschool deaf children. In addition, the article will be used

in courses in diagnostics and aural rehabilitation of the deaf. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides extended low frequency response suitable for a bone vibrating transducer. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 23, 1972, that characteristics of the article described above are pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no comparable domestic instrument which provides pertinent characteristics of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4775 Filed 3-12-73; 8:45 am]

UNIVERSITY OF WISCONSIN-STEVENS POINT ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00186-33-46040. Applicant: University of Wisconsin-Stevens Point, Department of Biology, Stevens Point, Wis. 54481. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi-Perkin, Elmer, Japan. Intended use of article: The article is intended to be used to examine embryonic hearts of chicks and rats at appropriate stages of development to determine the mechanism of formation of the interventricular septum and the atrioventricular valves. In addition, studies of structural features of plant cells and tissues which characterize organisms with long life spans, and effects of conditions such as hormones and environment on reversal of the aging process will be carried out. The article is also intended to be used in teaching undergraduates (juniors and seniors) electron microscopic techniques

and the interpretation of fine structure. Application received by Commissioner of Customs: October 5, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00204-33-46040. Applicant: Stein Research Center, Jefferson Medical College, Thomas Jefferson University, 920 Chancery Street, Philadelphia, PA 19107. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study transplacental activity, and yolk sac morphology, and to further elucidate the mechanism by which abnormal development proceeds. The article will also be used as an educational tool for predoctoral, postdoctoral, and medical students in electron microscopy techniques. Application received by Commissioner of Customs: October 25, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Docket No. 73-00209-33-46040. Applicant: Chico State College, Department of Biological Sciences, Chico, Calif. 95926. Article: Electron microscope, Model HS-8P-2. Manufacturer: Hitachi-Perkin Elmer, Japan. Intended use of article: The article is intended to be used for electron microscopy studies which will include the following investigations:

- (1) The role that microtubules play in the morphogenesis of parasitic protozoa, particularly trypanosomes.
- (2) The ultrastructure and development of generative organelles (amyloplasts and mitochondria) in male transmission of cytoplasmic inherited characters in several plants, and
- (3) The ultrastructure of the walls of pollen grains.

The article will also be used for instruction and research of graduate students and faculty in the following courses: Bio Sci, 202 Cytology; Biological Preparations for Electron Microscopy; Electron Microscope Theory and Operations; Bio Sci 398, Independent Study; and Bio Sci 399, Master's Study.

Application received by Commissioner of Customs: October 24, 1972. Advice submitted by Department of Health, Education, and Welfare on: February 23, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is a

relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forjlo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4776 Filed 3-12-73; 8:48 am]

WISTAR INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00202-00-37100. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, PA 19104. Article: Multiple membrane filter—consisting of stainless steel and perspex base, stainless steel filter disc carrier and perspex cover plate. Manufacturer: Yeda, Research & Development Co., Ltd., Israel. Intended use of article: The articles are accessories to a Yeda Press to be used for the rapid filtration of large numbers of small samples through filter discs. It will be used for amino acid transport and incorporation studies involving, for example, nucleic acids and proteins, radiological and radioimmunological assays. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The use is in processing large numbers of radioactive samples for radiological or radioimmunological assay. The foreign article provides a capability to process 10 samples in a carrier simultaneously as well as quick change of car-

rier for additional sampling. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 23, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4777 Filed 3-12-73; 8:45 am]

WISTAR INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 73-00203-33-37100. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, PA 19104. Article: Yeda press. Manufacturer: Yeda, Research and Development Co., Ltd., Israel. Intended use of article: The article is intended to be used for homogenization of a number of biological tissues which include tumor cells and spleen cells. These tissues have to be homogenized for the purpose of isolating subcellular particulates with high biological activity. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article permits isolation of biologically active substances without loss of biological activity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 23, 1973, that the capability for maintenance of biological activity is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-4778 Filed 3-12-73;8:45 am]

Social and Economic Statistics
Administration

**SURVEY OF RETAIL SALES, PURCHASES,
INVENTORIES, CAPITAL EXPENDI-
TURES, FIXED ASSETS, RENTAL PAY-
MENTS, PAYROLL, AND SUPPLEMEN-
TARY LABOR COSTS**

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1973 the Annual Retail Trade Survey which has been conducted each year under title 13, United States Code, sections 181, 224, and 225 to collect data covering year-end inventories, purchases, and annual sales. Additional items requesting capital expenditures, changes in fixed assets, rental payments, payroll, and supplementary labor costs are included as supplemental data for the 1972 Census of Business. This survey covering 1972 is the only continuing source available on a comparable classification and timely basis for use as the benchmark for developing monthly retail inventory estimates. It also assists in establishing a benchmark for the distribution of monthly sales by geographic area.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distribution trades, and governmental agencies, and are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than April 12, 1973.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores based on their sales size and location in Census sample areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey, submitted in writing to the Director of the Bureau of the Census on or before April 12, 1973, will receive consideration.

Dated March 7, 1973.

JOSEPH R. WRIGHT, JR.,
Acting Administrator, Social
and Economic Statistics
Administration.

[FR Doc.73-4770 Filed 3-12-73;8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

**NATIONAL ADVISORY COUNCIL ON ADULT
EDUCATION**

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on March 22, 23, and 24, 1973, at the Statler Hilton Hotel, 16th and K Streets NW., Washington, DC. The Council meeting will commence at 9 a.m., on March 22, and terminate at 12:30 p.m. on March 24.

The National Advisory Council on Adult Education is established under section 310 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Reports of the Executive Committee, Legislative Committee, Publicity and Publications Committee, and Research Committee. Council Plans and Priorities for FY-74. 1973 Annual Report.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 1144, Pennsylvania Building, 425 13th Street NW., Washington, DC 20004).

Signed at Washington, D.C., on
March 7, 1973.

GARY A. EYER,
Executive Director, National
Advisory Council on Adult
Education.

[FR Doc.73-4780 Filed 3-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

TRANSPORTATION OF HAZARDOUS MATERIALS

Special Permits Issued

Pursuant to Docket No. HM-1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277), 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during February 1973:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6716	Shippers registered with this Board to ship finite and large quantities of radioactive materials in packaging identified as the P-144-1 shipping container.	Highway, Rail, Cargo-only aircraft.
6717	Shippers registered with this Board to ship Type B quantities of radioactive materials, special form in an outer container which is a package identified as the Gamma Industries Type B container for radiography devices.	Highway, Rail, Passenger-carrying aircraft, Cargo-only aircraft, Cargo vessel.
6720	Shippers registered with this Board to ship certain flammable liquids in non-DOT specification portable tanks patterned after Specification MC-307.	Highway, Rail, Cargo vessel.
6724	Brunswick Corporation, Sugar Grove, Virginia, The U.S. Department of Defense and Philco-Ford Corporation to ship 25MM caseless ammunition, with solid projectile, as explosive, Class C.	Highway, Cargo-only aircraft.
6725	Shippers registered with this Board to ship a flammable liquid, n.o.s. in DOT-12P60 fiberboard box having inside a 5 gallon DOT-2U 15 mil high density polyethylene container.	Highway, Rail, Cargo vessel.
6726	Shippers registered with this Board to ship certain corrosive liquids in non-DOT specification reusable, polyethylene containers of 55 gallon capacity.	Highway, Rail.
6728	Olin Corporation, Stamford, Conn., to make one shipment of chlorine in a partially filled DOT 105A500W tank car.	Highway.
6729	Dow Chemical Company, Midland, Michigan to make escorted shipment of contaminated nitrophenol solution in defective DOT-17E drums overpacked in steel drums equivalent to Rule 40 drums.	Highway.
6730	I-K-1 Manufacturing Company, Inc., Edgerton, Wisconsin to ship Engine starting fluid in a limited number of non-refillable metal containers complying with DOT Specification 2P except for marking.	Highway.
6734	NASA Manned Spacecraft Center, Houston, Texas to ship helium in non-DOT specification stainless steel cylinders.	Passenger-carrying aircraft.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.73-4682 Filed 3-12-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board, to begin in or in the vicinity of Brunswick County, N.C., to consider the application filed under section 104(b) of the Act by the Carolina Power & Light Co. (Applicant) for facility operating licenses which would authorize the operation of two boiling water nuclear reactors (the facilities), identified as the Brunswick Steam Electric Plant, Units 1 and 2, at steady state power levels not to exceed 2,436 megawatts thermal each, at the Applicant's site in Brunswick County, N.C. The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Michael Glaser, Esq. (Chairman); Mr. Glenn O. Bright, and Dr. J. V. Leeds, Jr. Dr. Forrest J. Remick has been designated a technically qualified alternate, and James R. Yore, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facilities was authorized by Construction Permit Nos. CPPR-67 and CPPR-68 issued by the Atomic Energy Commission (Commission) on February 7, 1970.

On November 3, 1973, a notice of consideration of issuance of facility operating license and opportunity for hearing; notice of hearing in the above matter appeared in the FEDERAL REGISTER (37 FR 23468). The notice advised that, within 30 days from the date of publication, "any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to the issuance of the facility operating licenses; or (2) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values." A timely petition for leave to intervene with respect to both the environmental review of the construction permits and the issuance of the operating licenses was filed by Ronald L. Horton on behalf of Project Environment (petitioner), an unincorporated association. Answers to the petition were filed by the Applicant and the Commission's regulatory staff.

As set forth in a memorandum and order on this matter dated March 6, 1973, the Atomic Safety and Licensing Board designated to rule on this petition has determined that a hearing with respect to the issuance of the facility operating

licenses is warranted, that this hearing should be consolidated with the hearing on whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect any environmental values, and that petitioner should be admitted to intervene as a party to the proceedings.

A prehearing conference or conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters, including specification of the issues to be considered at the consolidated hearing, in accordance with the Commission's rules of practice. The date and place of the consolidated hearing will be published in the FEDERAL REGISTER.

The instant facilities are subject to the provisions of section B of Appendix D to 10 CFR Part 50 which sets forth procedures for environmental review of certain licenses to construct or operate production or utilization facilities issued in the period January 1, 1970, to September 9, 1971. In addition to deciding the matters in controversy among the parties, the Board will, in accordance with section A.11 of said Appendix D: (a) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the action to be taken; and (c) determine, after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect environmental values.

Depending on the resolution of the issues specified by the Licensing Board, authorization for issuance of the operating licenses may be granted or denied, or the licenses may be authorized as appropriately conditioned. Operating licenses would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50 dealt with above):

1. Whether construction of the facilities has been substantially completed in conformity with the construction permits and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facilities will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating licenses can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in com-

pliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating licenses in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 150, Financial Protection Requirements and Indemnity Agreements, of the Commission's regulations have been satisfied.

6. Whether the issuance of the licenses will be inimical to the common defense and security or to the health and safety of the public.

For further details pertinent to the matters under consideration, see the application for the facility operating license docketed May 30, 1972, as amended, and the Applicant's Environmental Report dated November 8, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Southport Brunswick County Library, 109 West Moore Street, Southport, NC 28461. As they become available, the following documents also will be available at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses and (6) the proposed technical specifications, which will be attached to the proposed facility operating licenses. To the extent of supply, copies of items (1), (3), (4), and (5) will be furnished upon request to Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before April 12, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the

Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) on or before April 2, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Licensing Board named herein, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Washington, D.C., this 6th day of March 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-4717 Filed 3-12-73;8:45 am]

[Docket No. 50-412]

DUQUESNE LIGHT CO., ET AL.

Notice of Special Prehearing Conference

On November 22, 1972, the Atomic Energy Commission (Commission) issued a notice of hearing in the above-entitled proceeding, which was published in the FEDERAL REGISTER on November 28, 1972 (37 FR 25,188), which provided an opportunity for participation by the public in the consideration of the application filed by the Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., The Cleveland Electric Illuminating Co., and The Toledo Edison Co. (applicants) for a license and construction permit for a nuclear power facility to be designated Beaver Valley Power Station, Unit No. 2, and to be located in Shippingport Borough, Beaver County, Pa.

In response to such notice, petitions to intervene have been filed by the following:

COMMONWEALTH OF PENNSYLVANIA JOINT PETITIONERS

City of Pittsburgh.
Mayor Pete Flaherty.
Environmental Coalition on Nuclear Power.
Friends of the Earth.
Environment Pittsburgh.
Beaver County Citizens Conservation Corps.
Ernest J. Sternglass.
David Marshall.
Virginia Pell, Norman Michelson, and Robert P. Coval.

The rules of practice of the Commission provide for a special prehearing conference to consider with the said petitioners, as well as with the applicants and the regulatory staff of the Commission, the aforesaid petitions and procedures in reference thereto.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Com-

mission, particularly § 2.751(a) thereof, a special prehearing conference to consider the petitions to intervene in this proceeding, and procedures in reference thereto, shall convene at 9 a.m., on Tuesday, April 3, 1973, in Courtroom No. 14, U.S. District Court, located on the fifth floor, U.S. Post Office and Courthouse, Seventh and Grand Streets, Pittsburgh, PA 15230.

Issued: March 5, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-4718 Filed 3-12-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CONNECTICUT STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut State Advisory Committee will convene at 8 p.m. on March 14, 1973, at the Holiday Inn, 900 East Main Street, Meriden, CT 06450. This meeting shall be open to the public and the press.

The purposes of this meeting shall be to: (1) Hear reports on the Puerto Rican Project Hearing, and (2) receive reports and recommendations from the Higher Education and Prison Project Subcommittees of the Connecticut State Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 7, 1973.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee
Management Officer.*

[FR Doc.73-4902 Filed 3-12-73;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia State Advisory Committee will convene at 6 p.m. on March 14, 1973, at the Capriccio Restaurant, Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202. This meeting shall be open to the public and the press.

The purpose of this meeting shall be to hear a report of the Administration of Justice Subcommittee on its Judicial Selection Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 7, 1973.

ISAIAH T. CRESWELL, Jr.,
*Advisory Committee
Management Officer.*

[FR Doc.73-4903 Filed 3-12-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Withdrawal of Proposed Additions

Notice is hereby given that the commodities and services published on page 23943 of the FEDERAL REGISTER of December 16, 1971, as proposed additions to the Initial Procurement List are withdrawn except for those listed below.

COMMODITIES

Class 7210—Cover, pillow, plastic.
Class 7510—Binder, note pad, springback.
Class 7520—Pencils, mechanical; pen set, desk.
Class 8345—Signal pennants.
Class 8460—Kit, bag, flyers.

SERVICES

Food packet, survival, general purpose, assembly of.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-4652 Filed 3-12-73;8:45 am]

PROCUREMENT LIST

Notice of Withdrawal of Proposed Additions

Notice is hereby given that the commodities and services published on pages 20260 and 20261 of the FEDERAL REGISTER of October 19, 1971, as proposed additions to the Initial Procurement List are withdrawn except for those listed below.

COMMODITIES

Class 5440:		
Step ladder, aluminum	5440-514-4483	
Do	5440-514-4485	
Do	5440-514-4487	
Class 7210:		
Bedsprings	7210-728-0173	
Do	7210-728-0175	
Do	7210-728-0178	
Do	7210-728-0177	
Do	7210-728-0178	
Do	7210-728-0179	
Class 7220:		
Mat, door		
Class 7510:		
Erasure, mechanical	7510-865-5293	
Do	7510-863-2669	
Class 7520:		
Stand, calendar, plastic	7520-162-6193	
Pencil, mechanical, china marking	7520-223-6672	
Do	7520-223-6673	
Do	7520-223-6674	
Do	7520-223-6675	
Do	7520-223-6676	
Do	7520-268-9912	
Do	7520-268-9913	
Pencil, mechanical	7520-973-1059	
Marker, tube type, felt tip	7520-973-1060	
Do	7520-973-1061	
Do	7520-973-1062	
Do	7520-973-1063	
Do	7520-973-1064	
Do	7520-973-1065	
Do	7520-973-1066	
Do	7520-973-1067	
Do	7520-973-1068	
Marker, tube type, fine tip		

Class 7530:	
Folder, file.....	7530-889-3555
Do	7530-926-8978
Do	7530-926-8980
Do	7530-281-5907
Do	7530-281-5908
Do	7530-559-4512
Do	7530-281-5905
Pad writing paper.....	7530-285-3083
Do	7530-285-3088
Do	7530-285-3090
Do	7530-239-8479

MILITARY RESALE ITEMS

	Item No.
Scrubber, synthetic net.....	7330-B510-944
Mop, dish and bottle.....	7330-B510-950
Broom, corn with plastic cap.....	7920-B510-904
Broom, whisk, all plastic.....	7920-B510-910
Applicator, wax, acrylic pad, with handle.....	7920-B510-930
Refill, acrylic pad with wax applicator.....	7920-B510-938

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-4653 Filed 3-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Committee Management; Notice of Determination

The U.S. Environmental Protection Agency utilizes the advice and recommendations of the Hazardous Materials Advisory Committee in carrying out its functions of grants administration.

The Federal Advisory Committee Act, Public Law 92-463, governs the formation, use, conduct, management, and accessibility to the public of advisory committees formed to advise and assist the Federal Government. Section 10 of that Act specifies that adequate provision shall be made for public attendance and participation, except to the extent a determination is made by the agency head that committee activities are matters which fall within policies analogous to those recognized in the Freedom of Information Act, section 552(b) of title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. Consequently, the Agency will open to the public as many advisory committee meetings as possible.

While the Agency has a policy of this fullest possible disclosure of records pursuant to the Freedom of Information Act, obligations of confidentiality and administrative necessity require that the Agency invoke mandatory disclosure specified in the Act for certain of its records.

Records containing trade secrets, commercial or financial information, or personnel or medical files are illustrative of such exempt records. The functions and responsibilities with which the committee is charged require that certain of the exempt records be submitted for the use of the Committee during their deliberations. If the Committee was re-

quired to discuss these records in open meetings, the protection of the exemptions of the Freedom of Information Act would be lost and their purpose frustrated. Moreover, if the deliberations were reduced to writing, the records thus created likewise would be entitled to the same exemption from mandatory disclosure.

Pursuant to section 10(d) of the Federal Advisory Committee Act, it is hereby determined, therefore, that the grants review meeting of the Hazardous Materials Advisory Committee on March 19, 1973, shall be closed to the public on the following basis:

(1) That the meeting directly involves review, discussion, or consideration of records of the Agency which are exempt under items (4) and (6) of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)); namely, records (a) containing commercial or financial information obtained from a person and privileged or confidential and (b) which are personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(2) That the meeting pertains to internal memoranda or to the internal expression of views and judgments of the members, which if reduced to writing would be exempt as internal memoranda from mandatory disclosure under item (5) of the Freedom of Information Act (5 U.S.C. 552(b) (5)).

It is further determined that the public interest requires that meetings or portions of meetings devoted to activities described in the preceding two numbered paragraphs be closed to the public in the interest of maintaining the Agency's obligation of confidentiality and administrative necessity and so the Agency may continue to receive needed information and advice through the advisory committee process.

No persons other than members and consultants of the Committee or staff of this Agency shall be present at any meeting or portion of a meeting closed to the public pursuant to this determination.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1973.

[FR Doc.73-4943 Filed 3-12-73;8:45 am]

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee will be held at 9:30 a.m., March 19, 1973, in Room 3307, Waterside Mall, 401 M Street SW., Washington, DC.

This is the regular monthly meeting of the Committee. The agenda includes the Staff Director's report, mutagenicity studies, a discussion of the SEAS program, progress on the nitrogen study, a report on MECCA—a model for estimation of consumption of contaminants from aquatic foods, progress on herbicide

study, member items of interest, reports and comments by program liaison representatives and adjourn.

The meeting is open to the public. Any member of the public wishing to attend or participate or to present a paper should contact Dr. Winfred F. Malone, Staff Science Adviser, Hazardous Materials Advisory Committee, 202-963-5117.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1973.

[FR Doc.73-4941 Filed 3-12-73;8:45 am]

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee, in its special assigned function of grants review, will be held at 8:30 a.m., March 19, 1973, at Waterside Mall, 401 M Street SW., Washington, DC.

The meeting is held to review and discuss a specific research grant application. This meeting is closed to the public; however, members of the public who wish to do so are invited to submit material in writing appropriate to this session.

The regularly scheduled meeting of the Hazardous Materials Advisory Committee which is open to the public will also be held on March 19, 1973. Further notice will be published separately.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1973.

[FR Doc.73-4942 Filed 3-12-73;8:43 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19503, 19506; FCC 73R-95]

ST. CROSS BROADCASTING, INC. AND PROGRESSIVE BROADCASTING CO.

Memorandum Opinion and Order Broadening Issue

In regard applications of: St. Cross Broadcasting, Inc., Santa Cruz, Calif., Docket No. 19503, File No. BP-18014; James B. Fenton, Grant R. Wrathall, Jr., Lawrence M. Wrathall, and Loretta Wrathall, doing business as Progressive Broadcasting Co., Aptos-Capitola, Calif., Docket No. 19506, File No. BP-18221; for construction permits.

1. This proceeding involves the mutually exclusive applications of St. Cross Broadcasting, Inc. (St. Cross) and Progressive Broadcasting Co. (Progressive) for a new standard broadcast station at Santa Cruz, Calif. and Aptos-Capitola, Calif., respectively.¹ The Commission des-

¹ The applications of Milo Communications Corp. (Milo), Docket 19504, and Lloyd M. Marks (Marks), Docket 19505, also designated for hearing, were dismissed by the Administrative Law Judge pursuant to their petitions to dismiss. Marks' application was dismissed by Order FCC 72M-853, released June 30, 1972; Milo's application was dismissed by Order FCC 72M-1325, released October 25, 1972.

igned the applications for hearing by Order, FCC 72-422 (37 FR 10611, published May 25, 1972), specifying, inter alia, Suburban Community and engineering issues against Progressive,² and areas and populations and 307(b) issues. Now before the Review Board for consideration is a motion to enlarge issues, filed June 9, 1972, by St. Cross, seeking the addition of a further Suburban Community issue and Suburban and cross ownership/cross interest issues against Progressive.³

SUBURBAN COMMUNITY ISSUE

2. In support of its request for another Suburban Community issue against Progressive, St. Cross argues that Aptos (population 8,704)⁴ and Capitola (population 5,080), are small communities which are completely dominated in their political, economic, and social life by the neighboring city of Santa Cruz (population 32,076). St. Cross also asserts that Progressive could adequately cover Aptos-Capitola with a power of 250 watts and that the 5 kw power proposed indicates that Progressive realistically intends to serve Santa Cruz. Finally, St. Cross urges that the ascertainment efforts conducted by Progressive support its allegations, in that contacts with community leaders were oriented to Santa Cruz City and the county as a whole rather than to Aptos-Capitola. According to St. Cross, the needs revealed by Progressive's survey are not peculiar to Aptos-Capitola, and, furthermore, those needs are presently being met and can be met by stations located in Santa Cruz City.

3. In its opposition, Progressive first

² The Commission specified a Suburban Community issue against Progressive because its proposed 5 mv./m. contour would penetrate Salinas, Calif., a city with a population of over 50,000, which is more than twice the size of Aptos-Capitola. The Commission found that the applicant did not effectively rebut the presumption that it realistically proposes to serve the larger city. See Policy Statement on "Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," FCC 2d 190, 6 RR 2d 1901 (1965).

³ Also before the Board are: (a) Opposition, filed June 30, 1972, by Milo; (b) opposition, filed July 3, 1972, by Progressive; (c) Broadcast Bureau's comments, filed July 3, 1972; (d) reply to (a), filed July 14, 1972, by St. Cross; (e) reply to (c), filed July 14, 1972, by St. Cross; (f) reply to (b), filed July 17, 1972, by St. Cross; (g) further opposition, filed Aug. 7, 1972, by Progressive; (h) a letter received Aug. 22, 1972, from St. Cross; (i) a letter received Aug. 25, 1972, from Progressive. Insofar as the motion seeks to add issues against Milo and Marks, it is now moot and will be dismissed. See note 1, supra. Progressive's "further opposition" to St. Cross' motion, filed Aug. 7, 1972 is an unauthorized pleading and good cause for its acceptance has not been shown. Therefore, it will be dismissed. See the Board's Public Notice on the Filing of Supplemental Pleadings before the Review Board No. 90836, released Oct. 11, 1972. See also Southern Broadcasting Co. (WGHP-TV), FCC 73R-17, — FCC 2d — released Jan. 12, 1973.

⁴ All population figures herein are derived from the 1970 U.S. Census.

argues that St. Cross has failed to make the threshold showing necessary for addition of the requested issue, claiming that no concrete facts have been presented to support the allegations concerning either Aptos-Capitola's dependence on Santa Cruz or Progressive's engineering proposal. Progressive further asserts that the allegations made by St. Cross are not in accord with the facts and that only a limited suburban-city relationship exists between Santa Cruz and Aptos-Capitola. Attached to Progressive's pleading are data in support of its allegations that Aptos and Capitola are economically and politically independent and that social, recreational and cultural facilities exist outside of Santa Cruz City. Its ascertainment efforts, Progressive claims, were directed to the Aptos-Capitola area and resulted in the identification of the area's distinct needs and interests. Finally, Progressive submits an exhibit which, it claims, shows that the power it proposes complies with Commission regulations for service to its specified community.

4. The Broadcast Bureau supports addition of the issue, nothing that Progressive proposes to place a 5 mv./m. signal over most, if not all, of Santa Cruz, a city with a substantially larger population than Aptos-Capitola. The Bureau submits that a less powerful proposal could serve Aptos-Capitola, rather than one which is directionalized to place a major lobe over Santa Cruz. The Bureau also agrees with St. Cross that the community needs listed by Progressive in its application are as applicable to Santa Cruz County as a whole, including Santa Cruz City, as they are to Aptos and Capitola.

5. In its reply to Progressive's opposition, St. Cross contests the facts alleged in Progressive's pleadings and the implications to be drawn therefrom, concluding that Progressive has not rebutted movant's showing that Santa Cruz City dominates the surrounding area and that the needs of Aptos-Capitola are essentially the same as those of the rest of the county, including Santa Cruz City. An evidentiary hearing, urges St. Cross, is therefore necessary to resolve the question.

6. The Review Board is of the view that the pleadings raise a substantial question as to whether Progressive's proposed facility will realistically provide service for the two communities it has specified in its application or for the nearby larger community of Santa Cruz. This question is raised in large part by Progressive's engineering proposal. The Board agrees with the Broadcast Bureau that 5 kw. of power does, on its face, seem to be greatly in excess of that needed to provide adequate coverage of the specified communities. The gravity of this question is compounded by the fact that Progressive plans a directionalized signal, with one major lobe of its pattern substantially, if not completely, covering Santa Cruz City with a 5 mv./m. signal. Furthermore, Progressive has failed to make an adequate showing that the proposed power and directional system indicate a clear

intention to direct its service to its specified community. The applicant has merely stated that its proposed power would be "adequate" and that a station with less power "would not be competitive signal wise" in neighboring communities with the signals of other area stations.⁵ In our opinion, this is not an adequate explanation and raises serious questions concerning Progressive's intentions. Compare "Creek County Broadcasting," 31 FCC 2d 462, 22 RR 2d 891 (1971). "Cf. Babcom, Inc.," 12 FCC 2d 306, 12 RR 2d 998 (1968).

7. Furthermore, St. Cross' motion raises a substantial question as to whether the needs and interests of Aptos-Capitola are truly distinct from those of Santa Cruz City, a neighboring city with over two times the combined populations of the specified communities. Progressive has, in fact, shown that in some respects the smaller communities are definable areas apart from Santa Cruz City with some problems which are distinct from those of a larger urban community. However, the pleadings and Progressive's community survey showing indicate that the economic, cultural and recreational activities of those areas may be so integrated with or dependent upon Santa Cruz City that Aptos and Capitola should not be considered distinct and independent communities for 307(b) purposes. Progressive's "community profile", submitted as an amendment to its application, deals in general with Santa Cruz County as a whole and includes specific reference to Aptos, Capitola, and Santa Cruz City with no distinctions drawn to indicate that all three communities are other than similar elements of that integrated whole. Furthermore, a large number of the civic, political, and cultural organizations listed by Progressive in its pleadings as serving Aptos and Capitola appear to encompass the entire county,⁶ or the Santa Cruz-midcounty area,⁷ while not more than 25 percent of all the organizations listed in Progressive's community survey, including those contained in its pleadings, appear to direct their activities exclusively to Aptos, Capitola, or at least the midcounty area as distinguished from Santa Cruz City. The majority of the ascertained needs listed by Progressive in its exhibit, including those given the greatest priority by Progressive, also are stated in terms of problems which encompass both Santa Cruz City and its neighbors.⁸ Finally, while

⁵ KSCO in Santa Cruz; KDON and KSEW in Salinas.

⁶ For example, the Santa Cruz County Fair, Women's League of Voters of Santa Cruz County, Santa Cruz County Central Labor Council, Santa Cruz County Arts Commission.

⁷ For example, the local Red Cross (City of Santa Cruz and Mid-County), United Fund—City of Santa Cruz and Mid-County.

⁸ It is apparent from Progressive's list of needs that "county problems" are those of both Santa Cruz and the Aptos-Capitola area. We also note that several of the problems referred to as "county" problems in Progressive's exhibit are referred to as problems of "Aptos-Capitola" in the pleadings before us. An evidentiary hearing will also allow this ambiguity to be resolved.

Progressive has cited in its opposition several needs ascertained from its random survey that relate specifically to Aptos-Capitola, there are at least that many references to Santa Cruz City or countywide problems listed in that survey. In sum, we have found that Progressive's ascertainment efforts, on their face, indicate that the communities specified by Progressive in its application may be so dominated by or integrated with their larger neighbor that they are not to be considered distinct and independent communities within the meaning of section 307(b). This question can best be resolved within the framework of a full evidentiary hearing. Therefore, we will broaden the scope of the existing Suburban Community issue (see paragraph 1, supra) to encompass a determination with regard to the city of Santa Cruz.

SUBURBAN ISSUE

8. Next, St. Cross argues that certain aspects of Progressive's ascertainment efforts raise questions which warrant addition of a "suburban" issue. Movant alleges that the efforts show that Progressive has not adequately ascertained the needs of the specified communities, but only those of the entire Santa Cruz County area. The Board does not believe that such an issue is warranted. While Progressive's ascertainment efforts do raise a question whether the needs of Aptos-Capitola and Santa Cruz are distinct, St. Cross has not shown that the needs listed by Progressive are not those of Aptos-Capitola, that the process of ascertaining those needs was inadequate or improper, or that the programming proposed by Progressive was not responsive to the needs ascertained.

CROSS OWNERSHIP/CROSS INTEREST ISSUES

9. St. Cross alleges that standard broadcast station KSAY, San Francisco, Calif., is owned in part by three of the Progressive partners and, furthermore, that the controlling partner and chief engineer of KSAY is both the father of those partners and the consulting engineer for the Progressive application. St. Cross claims that since there will be an overlap of the 1 mv./m. contour of KSAY and the 1 mv./m. contour of Progressive's proposed station, cross ownership and cross interest issues are warranted.³ Progressive and the Broadcast Bureau oppose the request. Progressive claims that the three Progressive partners together own only a 16-percent interest in KSAY as limited partners and that a trustee owns another 16 percent for their benefit. Progressive asserts that neither the limited partnership interests nor the

trust arrangement give Progressive's partners "any voice whatsoever" in the policies or management of KSAY. The Broadcast Bureau argues that St. Cross did not utilize acceptable engineering methodology and, therefore, that no adequate showing of overlap has been made. In reply, St. Cross asserts that it has established overlap and that the positions held by Grant R. Wrathall (father of the three Progressive partners) and his relationship with the Progressive partners require addition of the requested issues.

10. In our opinion, St. Cross has not raised a sufficient question of overlap to warrant addition of the requested issues. St. Cross utilizes measurement data contained in the Progressive application to reach its determination of the proposed Progressive 1 mv./m. contour. The data were taken on a test transmitter located near the proposed Progressive site from which the soil conductivities were determined for paths along 82° and 108°. Contending that measured ground conductivity is "normally" valid over a plus or minus 10° from the measured radial, St. Cross submits that the FCC Figure M-3 conductivity (which is higher) must therefore be used between 92° and 98° and has so calculated the extent of the contour at 95°. The resulting 1 mv./m. contour (based on calculations made along 82°, 95° and 108°) shows overlap with what St. Cross alleges to be KSAY's 1 mv./m. contour.¹⁰ We are constrained to note that St. Cross' depiction of the Progressive contour along 92°¹¹ extend more than 10 miles further (thus showing overlap) than it would based on the 82° measured conductivity which St. Cross has accepted as accurate.

11. Accepting, arguendo, St. Cross' depiction of Progressive's proposed 1 mv./m. contour and ignoring the resultant discrepancy, we also find that St. Cross has not depicted the KSAY contour in accordance with the methods prescribed by the Commission's rules and policies. The engineering report submitted by St. Cross in support of its motion includes measurement data taken on a "stub" radial along a path 142° from KSAY.¹² These "stub" radial measurements are not acceptable. St. Cross has failed to comply with § 73.186, which requires that the inverse distance field be determined by taking measurements within a few

miles of the transmitter.¹³ "Lake Valley Broadcasters, Inc.," 38 FCC 622, 4 RR 2d 913 (1965). Instead, St. Cross has stated that it "assumed" an inverse distance field for the measured radial. Finally, if the proposed Progressive 1 mv./m. contour is as depicted by St. Cross and if the "stub" data with regard to KSAY are accurate, we still do not find overlap. We find, instead, that St. Cross has incorrectly depicted the extent of the KSAY 1 mv./m. contour. As shown in note 12, supra, the KSAY signal beyond 71.5 miles was determined to be less than 1 mv./m. St. Cross has depicted the KSAY 1 mv./m. contour as extending greater than that distance from KSAY. However, using acceptable methodology¹⁴ at 71.5 miles there would be no overlap with the Progressive 1 mv./m. contour, even as the Progressive contour is depicted by St. Cross. In view of the above, the Board will not add the requested issues.

12. Accordingly, it is ordered, That the further opposition to motion to enlarge issues, filed August 7, 1972, by Progressive Broadcasting Co., is dismissed; and

13. It is further ordered, That the motion to enlarge issues, filed June 9, 1972, by St. Cross Broadcasting, Inc., is granted to the extent indicated below, is dismissed as against Milo Communications Corp. (KMPG) and Lloyd M. Marks, and is denied in all other respects; and

14. It is further ordered, That the Suburban Community issue against Progressive Broadcasting Co., specified by the Commission in the designation Order (FCC 72-422) is broadened to include a determination with respect to the city of Santa Cruz, Calif.

Adopted: March 1, 1973.

Released: March 5, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,¹⁵

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 73-4795 Filed 3-12-73; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. DA-1110—Projects Nos. 1354;
507]

CALIFORNIA

Lands Withdrawn for Projects; Determination and Order Under Section 24 of the Federal Power Act

MARCH 7, 1973.

In order to effectuate a proposed land exchange under the Act of March 20, 1922 (42 Stat. 465), as amended, with

¹² The determination of the inverse distance field provides a necessary check as to whether the transmitter being measured is operating at its authorized power.

¹³ The methodology for using this data, were it acceptable, is established in Denver Area Broadcasters, 38 FCC 583, 4 RR 2d 895 (1965) (paragraph 16).

¹⁴ Board Member Kessler dissenting with statement, which is filed as part of the original document. Board Member Nelson expressing additional views with statement, which is also filed as part of the original document. See FR Doc. 73-3185 which appears at 38 FR 4690, Tuesday, Feb. 20, 1973.

³ St. Cross has submitted a map along with the motion which depicts the alleged overlap.

¹⁰ The 92° azimuth crosses within the area of alleged overlap.

¹¹ The St. Cross data include the following seven measured points:

Point No.	Distance (miles)	Measured signal (mv./m.)
1.....	65.5	1.52
2.....	64.5	1.03
3.....	68.0	1.01
4.....	71.5	0.98
5.....	76.0	0.95
6.....	80.0	0.94
7.....	83.5	0.93

¹⁵ The Commission's cross ownership rule (173.25(a)) forbids ownership or control of two stations whose 1 mv./m. contours overlap. The derivative cross interest policy forbids meaningful interests in two stations whose 1 mv./m. contours overlap and which serve substantially the same area. See United Community Enterprises, Inc., 37 FCC 2d 953, 25 RR 2d 745 (1972).

the Pacific Gas & Electric Co. (Pacific), the Forest Service, U.S. Department of Agriculture, has requested a determination under section 24 of the Federal Power Act with respect to the following described land of the United States withdrawn for power purposes:

MOUNT DIABLO MERIDIAN, CALIF.

T. 7 S., R. 22 E.,

Sec. 9, That part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ lying within the boundary of Project No. 1354 as shown on map Exhibit K, sheet 7A (FPC No. 1354-63) filed in the office of the Federal Power Commission on June 21, 1937.

Approximately 20.95 acres.

The land lies within the Sierra National Forest and is partially inundated by Crane Valley Reservoir (now known as Bass Lake) a unit of Pacific's licensed Project No. 1354. Bass Lake is located on North Fork Willow Creek, a tributary of the San Joaquin River. The land is withdrawn pursuant to the filing on December 9, 1935, by the San Joaquin Light & Power Corp. (Pacific's predecessor in interest) of an application for Project No. 1354.

The land is included in a proposed exchange which would consolidate Pacific's land ownership on the north and northeast shores of Bass Lake and consolidate U.S. land ownership on the west and southwest shores of the lake. Such consolidation would provide administrative benefits to Pacific and to the United States and would enable the Forest Service to expand its public recreation facilities at Bass Lake.

A small portion of the land is also withdrawn pursuant to the filing of an application for minor Project No. 507 the license for which expired on January 8, 1960. The withdrawal for Project No. 507 covers 0.25 of an acre, all in the SE $\frac{1}{4}$ of the subject section 9. This withdrawal serves no useful purpose as the project is no longer in operation.

The Commission determines:

That the power value of the subject 20.95 acres withdrawn for Project No. 1354 will not be injured or destroyed for the purposes of power development by selection by the Pacific Gas & Electric Co. for the purpose of effectuating a land exchange with the U.S. Forest Service subject to the provisions of section 24 of the Federal Power Act.

The Commission finds:

The withdrawal for Project No. 507 no longer serves a useful purpose and should be vacated in its entirety.

The Commission orders:

The withdrawal pursuant to the application for Project No. 507 is hereby vacated in its entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4737 Filed 3-12-73; 8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON FUELS AVAILABILITY

Notice of Meeting

Meeting to be held at the Federal Power Commission Offices, 1425 K Street NW., Washington, DC, 9:30 a.m., March 21, 1973, Room 785.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of February 15, 1973, meeting.

B. Discussion of outlines Task Force members propose to use in preparing their draft reports.

C. Discussion of all source material to be utilized or needed to prepare draft reports.

D. Other business.

E. Date for next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4732 Filed 3-12-73; 8:45 am]

[Dockets Nos. E-7738 and E-7784]

BOSTON EDISON CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 7, 1973.

On March 1, 1973, the Light Department of Reading, Mass. and the towns of Concord, Norwood, and Wellesley, Mass., filed a motion for an extension of the procedural dates as set by order issued July 28, 1972, and amended by notices issued January 4, 1973, and February 12, 1973.

The motion states that counsel for the other parties have agreed to the extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Interveners service date, April 2, 1973.

Company rebuttal service date, April 16, 1973.

Prehearing conference, April 27, 1973, 10 a.m., e.s.t.

Hearing, May 3, 1973, 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4733 Filed 3-12-73; 8:45 am]

[Dockets Nos. G-10426, and CP70-137; G-8934, G-10008]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

MARCH 6, 1973.

On February 23, 1973, Washington Natural Gas Co., filed a request as amended

by letter filed March 1, 1973, for a change in dates for service of evidence and a postponement of the hearing in the above-designated matter. The request states that California-Utilities Co., Cascade Natural Gas Corp., Intermountain Gas Co., Northwest Natural Gas Co., Washington Water Power Co., Colorado Interstate Gas Co., Mountain Fuel Supply Co., and the Commission Staff have no objection to the request.

Upon consideration, notice is hereby given that the date for the service of evidence in the above matter is extended to and including March 30, 1973. The hearing is postponed to April 23, 1973, e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4734 Filed 3-12-73; 8:45 am]

[Project No. 176; Dockets Nos. E-7562, E-7655]

ESCONDIDO MUTUAL WATER CO. ET AL

Notice of Petition Requesting Order Setting Conditions for Future Operation of Licensed Project

MARCH 7, 1973.

Public notice is hereby given that the Secretary of the Interior (correspondence to: Mitchell Melich, Solicitor, Department of the Interior, Washington, D.C. 20240), filed on February 9, 1973, a petition of the Secretary of the Interior for an order setting conditions for future operation under the license for FPC Project No. 176, in the above-docketed proceeding. The Secretary's petition would have the Commission impose certain conditions on the use of the project works by the Vista Irrigation District and by the licensee, Escondido Mutual Water Co., for the balance of the license period. The license expires in 1974.

The Secretary contends in his petition that these conditions are necessary for the adequate protection and utilization of the Indian reservations which are within the project boundaries, in order that operations under the license will not interfere, or be inconsistent with the purpose for which those reservations were created or acquired, as required by section 4(e) of the Federal Power Act. The Secretary requests the following conditions:

(a) That the Vista Irrigation District be required to obtain the approval of the Department of the Interior concerning the terms of any use by it of the Escondido Conduit or any other project facilities located on Indian reservations, or on the public lands of the United States.

(b) That the licensee shall be prevented from transporting any water for the use of Vista through the license facilities until Vista obtains the approval from the Department of Interior for the right to use such water.

(c) That no diversions of water from the underground basins surrounding

Lake Henshaw obtained by pumping, whether by Vista or by the licensee, shall be transported through the project facilities without prior approval of the Department of the Interior.

(d) That adequate compensation from the date of the Secretary of Interior's complaint must be computed and paid for the balance of the term of the license for the use by the licensee of the license rights-of-way over public lands, and on each of the three Indian reservations involved, provided that the amounts shall be determined at a hearing held at a later date.

(e) That the provisions of section 8 of Mission Relief Act of January 12, 1891 (26 Stat. 712), shall be complied with and the water needs of the La Jolla, Rincon, and San Pasqual Indian reservations are to be filled by diversions through the Escondido Conduit.

(f) That the licensee shall be required to take all necessary safety precautions to avoid physical harm or bodily injury to the Indian band members, or the general public which could occur by reason of the exposed condition of the Escondido Conduit where it traverses the lands of the United States or the Indian reservations.

The Secretary states that the imposition of the above conditions is necessary at this time. He prays that an order be issued by this Commission pursuant to the provisions of section 309 of the Federal Power Act which would amend the license for Project No. 176 imposing the above conditions as a part of the license for the balance of the license period, and further that by order of the Commission, the licensee and Vista be prevented from transporting any water for use by Vista through the project facilities until the use of the facilities by Vista becomes subject to the terms of the license including the above conditions which the Secretary deems necessary to implement, and that such use may continue only so long as such conditions are complied with.

Pursuant to the provisions of § 1.9 of the Commission's rules of practice and procedure (18 CFR 1.9), the parties to this proceeding may file answers to the petition with the Secretary of this Commission. Therefore, any answers by the parties shall be filed on or before April 5, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4735 Filed 3-12-73; 8:45 am]

[Docket No. CP72-68]

**MICHIGAN POWER CO. AND GREAT LAKES
GAS TRANSMISSION CO.**

Notice of Further Extension of Time
MARCH 6, 1973.

On February 27, 1973, Michigan Power Co. filed a motion for a further extension of time to respond to renewal of offer of settlement by Michigan Consolidated

Gas Co., filed January 26, 1973. The order issued February 9, 1973, fixed the time as March 1, 1973, to respond to the settlement.

Upon consideration, notice is hereby given that the time is extended to and including March 15, 1973, within which responses may be filed to the offer of settlement.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4736 Filed 3-12-73; 8:45 am]

[Docket No. E-7777]

PACIFIC GAS & ELECTRIC CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 7, 1973.

On March 2, 1973, Commission Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued November 27, 1972, in the above-designated matter. The motion states that all the parties have been notified and have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Staff service date, April 10, 1973.
Intervener service date, April 24, 1973.
Pacific Gas & Electric Co.'s rebuttal service date, May 8, 1973.
Prehearing Conference, April 17, 1973, 10 a.m., e.s.t.
Hearing, May 22, 1973, 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4738 Filed 3-12-73; 8:45 am]

[Docket No. CI73-63]

SOUTHERN UNION GATHERING CO.

Notice of Further Extension of Time and Postponement of Hearing Date

MARCH 7, 1973.

On March 2, 1973, Southern Union Gathering Co., and Aztec Oil & Gas Co. (Aztec) filed a motion for further extension of time of the dates established by the order issued September 29, 1972, as amended by notice issued October 10, 1972, November 3, 1972, November 28, 1972, January 4, 1973, and January 30, 1973, in the above designated matter. The motion states that the Commission Staff and the New Mexico Commission have no objection to the motion in view of Aztec's agreement to defer the effective date of its rate increase to May 22, 1973.

Upon consideration, notice is hereby given that the time is further extended to and including April 2, 1973, within which prepared testimony and exhibits shall be filed. The hearing is postponed to April 9, 1973, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4739 Filed 3-12-73; 8:45 am]

[Dockets Nos. RP72-128, RP71-121]

**TRANSWESTERN PIPELINE CO., AND
SOUTHWEST GAS CORP.**

**Notice of Proposed Purchase Gas
Adjustments to Rates**

MARCH 6, 1973.

Take notice that the following filings for proposed purchase gas adjustments to rates were made:

(1) Transwestern Pipeline Co. (Transwestern), on February 14, 1973, tendered for filing, in Docket No. RP72-128, as part of its FPC Gas Tariff, First Revised Volume No. 1 the following sheets:

Second Revised Sheet PGA-1.
Thirtieth Revised Sheet No. 4.
Twenty-fifth Revised Sheet No. 6-A.
Ninth Revised Sheet No. 6-D.
Twentieth Revised Sheet No. 7.

These sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in section 19 of the general terms and conditions of its FPC Gas Tariff, First Revised Volume No. 1. This provision was approved by order of the Federal Power Commission dated September 19, 1972 in Docket No. RP72-128. This change in Transwestern's rates according to the company's transmittal letter, reflects a cost of gas adjustment to track increased purchased gas costs and a surcharge adjustment to clear the balance of the Gas Cost Adjustment Account. The proposed effective date of the tariff sheets filed is April 1, 1973, and the company requests that the Commission waive compliance with its rules and regulations to the extent necessary to permit this effective date.

(2) Southwest Gas Corp. (Southwest), on February 20, 1973, tendered for filing, in Docket RP71-121, a Second Revised Sheet No. 3A, constituting original PGA-1, in its FPC Gas Tariff, Original Volume No. 1.

The company's transmittal letter indicates that El Paso Natural Gas Co., is its sole supplier and states that a \$0.181 per therm increase is needed to meet the net effect of several changes in the price of gas purchased from El Paso. The company also states that it used the unrecovered purchased gas cost account of its PGA clause to accumulate a \$0.127 per therm overcharge in December of 1972, and requests permission to refund concurrent with its March 1973, billing to its jurisdictional customers this overcharge. Southwest requests that the tendered tariff sheet become effective April 1, 1973.

Any person desiring to be heard or to protest the above applications should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4740 Filed 3-12-73; 8:45 am]

[Project 2299]

TURLOCK AND MODESTO IRRIGATION DISTRICTS

Notice of Application for Approval of a Recreational Use Plan and for Modification of License Requirements

MARCH 7, 1973.

Public notice is hereby given that on November 18, 1971, pursuant to Article 45 of the license (31 FPC 510, 528) application was filed under the Federal Power Act (16 U.S.C. 791-825r) by Turlock and Modesto Irrigation Districts (Correspondence to: Mr. Charles D. Crawford, Project Coordinator, Turlock and Modesto Irrigation Districts, 1301 K Street, Post Office Box 4086, Modesto, CA 95352), for approval of a revised Recreational Use Plan which includes As-Built Exhibit R Drawings and modification of Article 46 relocating lands for public hunting facilities, for constructed Project No. 2299, known as the Don Pedro Project, located on Tuolumne River, and Woods and Moccasin Creek in Tuolumne County, Calif., in the vicinity of La Grange, Jacksonville, and Modesto, Calif., and affecting lands of the United States.

In the revised Recreational Use Plan (Exhibit R) three specific major development locations have been developed for recreation under the Davis-Grundy Program. They are Fleming Meadows, Mexican Gulch, and Moccasin Point. This program involves an area of 558 acres (exclusive of the hunting area which is public land) having a design day load of 5,000 visitors.

The recreational facilities include 150 picnic units, 470 camping units, 1,026 parking spaces, two boat launching ramps (providing a total of nine lanes), a 2-acre swimming lagoon, water supply, and some 32 installations of sanitary facilities of various types. Except for those at the hunting area, the recreation facilities proposed in the revised recreational use plan, filed November 18, 1971, for Project No. 2299 have been completed and were placed in use on May 10, 1972. Upon Commission approval of the revised Recreational Use Plan the access road and sanitary facilities at the proposed hunting area will be completed.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4741 Filed 3-12-73; 8:45 am]

[Project No. 2246]

YUBA COUNTY WATER AGENCY

Notice of Application

MARCH 6, 1973.

Public notice is hereby given that application was filed on February 26, 1965, and supplemented on September 28, 1970, and July 26, 1971, under the Federal Power Act (16 U.S.C. 791a-825r) by the Yuba County Water Agency (Correspondence to: Mr. Colin H. Handforth, Engineering Administrator, Yuba County Water Agency, Post Office Box 1569, Marysville, CA 95901) for approval of Exhibit R with "As Built" Exhibit R drawings for constructed Project No. 2246, known as the Yuba River Project, located on the Yuba River, and Oregon Creek, in Yuba, Nev., and Sierra Counties, Calif., in the vicinity of Marysville, Calif.

The recreational use plan was filed pursuant to Article 56 of the project license which was issued May 16, 1963.

Drawings and the recreational use plan depict the development of facilities planned in cooperation with the U.S. Forest Service and approved by the California Department of Water Resources (DWR).

The recreation facilities include campgrounds at the Burnt Bridge, Hornswoggle (Group), and Schoolhouse sites; boat access campgrounds at Garden Point, Frenchy Point, and Madrone sites, each with a floating comfort station; picnic and boat launching at Dark Day and Cottage Creek sites; a future marina site at Cottage Creek; and an administrative site with maintenance facilities and a vista point near the dam. On September 9, 1968, Licensee and the U.S. Forest Service entered into a contractual agreement whereby the Forest Service is to operate, maintain, renew, and replace the on-shore facilities. The U.S. Forest Service assumed these functions following conveyances by Licensee to the Forest Service of private lands and of facilities thereon, and of facilities on Forest Service lands, all within the project boundary.

Any person desiring to be heard or to make protest with reference to said application should on or before April 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission shall be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become par-

ties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-4742 Filed 3-12-73; 8:45 am]

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Rules of Organization

The Board of Governors of the Federal Reserve System has revised its Rules of Organization in order to bring up to date descriptions of the functions of the various offices and divisions of the Board's staff and otherwise to bring the rules into conformity with current practice.

Effective March 1, 1973, the Rules of Organization of the Board of Governors of the Federal Reserve System are amended to read as follows:

RULES OF ORGANIZATION

Sec.

- 1 Basis and scope.
- 2 Composition and location.
- 3 Central organization.
- 4 Field organization.
- 5 Delegations of authority.

SECTION 1. Basis and scope. These rules are issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the requirement of section 552 of title 5 of the United States Code that each agency shall publish in the FEDERAL REGISTER a description of its central and field organization.

SEC. 2. Composition and location.—(a) *Governors, Chairman, Vice Chairman.* The Board consists of seven members appointed by the President, by and with the advice and consent of the Senate, for 14-year terms. The members of the Board are required by law to devote their entire time to the business of the Board. One of them is designated by the President as Chairman and one as Vice Chairman, to serve as such for terms of 4 years. At meetings, the Chairman presides or, in his absence, the Vice Chairman presides. In the absence of the Chairman and Vice Chairman, the member of the Board present with the longest service acts as Chairman. The Chairman of the Board, subject to its supervision, is its active executive officer. The Board meets regularly and frequently to consider matters relating to monetary and credit policies, regulatory and supervisory duties with which it has been charged by the Congress, and administrative and other questions arising in the conduct of the work of the Board.

(b) *Location and business hours.* The principal offices of the Board are in the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. The Board's regular business hours are from 8:45 a.m. to 5:15 p.m. each weekdays except Saturday; but such business hours may be changed from time to time.

SEC. 3. Central organization. The Board's central organization consists of

the members of the Board and the following Offices, Divisions, and officials:

(a) "Office of the Executive Director" is headed by an Executive Director whose functions include the coordination and overall planning of the activities of the staff in carrying out the Board's programs, and the handling of administrative affairs under the direction of the Chairman of the Board and other Board members with delegated functions. The Executive Director is responsible to the Board for the direct supervision of the Office of the Secretary, Division of Personnel Administration, Office of the Controller, Division of Administrative Services, Division of Data Processing, and for certain special programs. The Director has administrative and coordination responsibilities for the Legal Division, Division of Federal Reserve Bank Operations, Division of Research and Statistics, Division of International Finance, Division of Supervision and Regulation, and for the Federal Reserve Labor Relations Panel. In addition, the Executive Director is concerned with coordination of the functions of the Board and its Divisions with the activities of the Federal Reserve Banks, operating through the appropriate Division of the Board's staff, and with the Conference of Chairmen of the Federal Reserve Banks, the Conference of Presidents of the Federal Reserve Banks, and other System organizations.

(b) "Office of the Secretary," headed by the Board's Secretary, coordinates items regarding Board actions, prepares agendas for Board meetings, and implements actions taken. This Office clears and conducts official correspondence of the Board, and is charged with responsibility for maintaining and providing reference service to the official records of the Board and of the Federal Open Market Committee.

(c) "Legal Division," headed by the Board's General Counsel, advises and assists the Board with respect to legal aspects of its daily operations, including applicable statutes, regulations, applications, interpretations, opinions, orders, hearings, litigation, and legislation.

(d) "Division of Research and Statistics," headed by a Director, provides the Board and the Federal Open Market Committee with the economic analysis and information needed for current operations, for the formulation of monetary and credit policies, and for the exercise of responsibilities with regard to bank regulation; prepares, publishes, and interprets a variety of statistical series in the financial and nonfinancial fields; conducts basic research relating to the effects of monetary policy on economic activity and prices, and to the effects of financial regulation on the structure and functioning of financial markets.

(e) "Division of International Finance," headed by a Director, advises and assists the Board on international financial, banking, and economic matters and conducts research in this field. It carries on staff work in connection with the supervision of foreign operations of the Federal Reserve System, the membership of the Chairman of the Board on

the National Advisory Council on International Monetary and Financial Policies, and the administration of the Voluntary Foreign Credit Restraint Program.

(f) "Division of Federal Reserve Bank Operations," headed by a Director, advises and assists the Board with respect to matters concerning the planning and programs for operation of the Federal Reserve Banks. The Division monitors the implementation and achievement of such programs and informs the Board of the status of each program. It is responsible for the examination of the Federal Reserve Banks and the System Open Market Account; reviews and appraises Reserve Bank audit activities; provides an appraisal of Reserve Bank building programs; provides analysis and recommendations for Board policy in the payments mechanism area; administers an accounting system for collection and analysis of budget and expense data; reviews the lending and credit activities of the Reserve Banks; and maintains liaison with the Treasury and other Government agencies on fiscal agency operations and with various interested parties on payments mechanism matters. The Division also coordinates the printing, issuance, and redemption of Federal Reserve notes and is jointly responsible with the Bureau of the Mint for the production and distribution of coin.

(g) "Division of Supervision and Regulation," headed by a Director, coordinates the bank supervisory functions of the System and evaluates the examination procedures of the Reserve Banks; exercises general supervision of the commercial and fiduciary activities of State member banks; administers the supervisory features of laws and regulations relating to affiliates and bank holding companies; supervises various foreign banking activities of member banks and foreign banking and financing corporations; administers the public disclosure provisions of the Securities Exchange Act of 1934, as amended, in their application to State member banks, and the provisions of the Act giving responsibility to the Board for regulating security credit transactions; drafts regulations pursuant to the Truth in Lending Act for financial institutions and other firms engaged in consumer lending and administers the regulations in their application to State member banks; administers the provisions of the Fair Credit Reporting Act, the Currency and Foreign Transactions Reporting Act, and the Civil Rights Act of 1968 in their application to State member banks; processes and presents to the Board applications filed pursuant to the Bank Holding Company Act of 1956, as amended, and the Bank Merger Act and various other applications submitted under the provisions of the Federal Reserve Act or related statutes; and advises the Board regarding developments in banking and bank supervisory policies and procedures.

(h) "Division of Personnel Administration," headed by a Director, is responsible for the development and implementation of Board personnel policies and

programs, serves as the Board's personnel security office, and advises and assists the Board on personnel matters pertaining to the Federal Reserve Banks.

(i) "Division of Administrative Services," headed by a Director, serves as the central procurement, duplicating, communications, and service unit of the Board and advises and assists the Board with respect to such matters. It also performs various administrative functions, including the distribution of Board publications and the operation of the Board's building and other facilities.

(j) "Office of the Controller," headed by the Board's Controller, is responsible for maintaining an effective internal financial management system, including budgeting, accounting, reporting, internal and contract auditing, and operational analyses; determining assessments on the Federal Reserve Banks for funds to cover expenses of the Board; receiving and disbursing the Board's funds; and handling reimbursement to the Treasury Department for the printing, issuance, and redemption of Federal Reserve notes.

(k) "Division of Data Processing," headed by a Director, supports the Board organization through the development, operation, and maintenance of information processing systems. Activities include systems and mathematical statistical analysis, computer programming, equipment operation, data and production control, advanced planning and implementation of computer systems and communication networks. The Division develops, collects, and processes statistical information on banking developments and on the condition of Federal Reserve Banks and member banks, and designs and produces graphics used in economic analysis and information presentation.

(l) "Other personnel." In addition to the Divisions mentioned above, the staff of the Board includes Advisers, Assistants, and Special Assistants to the Board. The Federal Reserve Bulletin is issued monthly under the direction of a Staff Editorial Committee. The Board does not employ administrative law judges or hearing officers as regular members of its staff; but, in accordance with applicable provisions of law and in individual cases as the need may arise, the Board obtains and utilizes administrative law judges and hearing officers, whose functions in such capacity are appropriately separated, as required by law, from investigative and prosecuting functions of the staff.

SEC. 4. Field organization.—(a) *Federal Reserve Banks.* The United States is divided into 12 Federal Reserve districts. In one city in each Federal Reserve district there is located a Federal Reserve Bank; in 10 of the districts there are one or more branches of the Federal Reserve Bank in other cities; and in some districts there are offices or facilities with specialized functions. Each Federal Reserve Bank is a separate legal entity, created pursuant to the Federal Reserve Act and operating under the general supervision of the Board. The locations of the 12 Federal Reserve Banks and the

24 branches and the boundaries of the Federal Reserve district and branch territories are shown in the Appendix below. Each Federal Reserve Bank, in addition to its other duties, carries out local functions for the Board pursuant to instructions of the Board, and in many matters acts as the Board's field representative in the Bank's district. Each Reserve Bank assists in the regional administration of the Board's regulations and policies, keeps the Board informed of local conditions, and recommends such actions as it thinks appropriate in particular cases. In general, persons concerned with Federal Reserve matters should deal in the first instance with the Federal Reserve Bank of the appropriate district or a branch thereof, and the Board requests all persons to follow this procedure.

(b) *Federal Reserve Agents.* Each Federal Reserve Bank has nine directors, three of whom are appointed by the Board. One of the directors appointed by the Board is designated by the Board as Chairman of the Board of Directors of the Bank and as Federal Reserve Agent. He acts as the Board's official representative and maintains a local office of the Board on the premises of the Federal Reserve Bank.

Sec. 5. *Delegations of authority.* The Board does not delegate any of its functions relating to rule making or pertaining principally to monetary or credit policies or involving any questions of general policy. However, the Board delegates certain of its supervisory and other functions prescribed by statute or regulations of the Board to its members or employees or to the Federal Reserve Banks as provided in its rules regarding delegation of authority (12 CFR Part 265). In addition, the Board delegates to the Federal Reserve Banks certain functions not provided for by statute or regulations of the Board, including authority to extend the time within which certain transactions may be consummated.

By order of the Board of Governors of the Federal Reserve System, March 1, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

LIST OF FEDERAL RESERVE BANKS AND BRANCHES

Federal Reserve Bank	Address
Boston	30 Pearl Street (Boston, MA 02106)
New York	33 Liberty Street (Federal Reserve Post Office Station, New York, NY 10045)
Buffalo Branch	160 Delaware Avenue (Post Office Box 961, Buffalo, NY 14240)
Philadelphia	925 Chestnut Street (Philadelphia, PA 19101)
Cleveland	1455 East Sixth Street (Post Office Box 6367, Cleveland, OH 44101)
Cincinnati Branch	105 West Fourth Street (Post Office Box 999, Cincinnati, OH 45201)
Pittsburgh Branch	717 Grant Street (Post Office Box 897, Pittsburgh, PA 15230)
Richmond	100 North Ninth Street (Post Office Box 37622, Richmond, VA 23261)
Baltimore Branch	114-120 East Lexington Street (Post Office Box 1378, Baltimore, MD 21203)
Charlotte Branch	401 South Tryon Street (Charlotte, NC 28201)
Culpeper Communications Center	Post Office Drawer 20 (Culpeper, VA 22701)
Atlanta	104 Marietta Street NW (Atlanta, GA 30303)
Birmingham Branch	1801 Fifth Avenue North (Post Office Box 2574, Birmingham, AL 35202)
Jacksonville Branch	515 Julia Street (Post Office Box 929, Jacksonville, FL 32203)
Nashville Branch	301 Eighth Avenue North (Nashville, TN 37203)
New Orleans Branch	525 St. Charles Avenue (Post Office Box 61630, New Orleans, LA 70161)
Miami Office	Post Office Box 847 (Miami, FL 33152)

Federal Reserve Bank

Chicago	230 South La Salle Street (Post Office Box 634, Chicago, IL 60690)
Detroit Branch	160 Fort Street West (Post Office Box 1059, Detroit, MI 48231)
St. Louis	411 Locust Street (Post Office Box 442, St. Louis, MO 63166)
Little Rock Branch	325 West Capital Avenue (Post Office Box 1261, Little Rock, AR 72203)
Louisville Branch	410 South Fifth Street (Post Office Box 899, Louisville, KY 40201)
Memphis Branch	200 North Main Street (Post Office Box 467, Memphis, TN 38101)
Minneapolis	73 South Fifth Street (Minneapolis, MN 55480)
Helena Branch	400 North Park Avenue (Helena, MT 59601)
Kansas City	925 Grand Avenue (Federal Reserve Station, Kansas City, MO 64198)
Denver Branch	1620 15th Street (Post Office Box 5228, Terminal Annex, Denver, CO 80217)
Oklahoma City Branch	228 North West Third Street (Post Office Box 25122, Oklahoma City, OK 73125)
Omaha Branch	102 South 17th Street (Omaha, NE 68102)
Dallas	400 South Akard Street (Station K, Dallas, TX 75222)
El Paso Branch	301 East Main Street (Post Office Box 100, El Paso, TX 79999)
Houston Branch	1701 San Jacinto Street (Post Office Box 2578, Houston, TX 77001)
San Antonio Branch	126 East Nueva Street (Post Office Box 1471, San Antonio, TX 78285)
San Francisco	400 Sansome Street (Post Office Box 7702, San Francisco, CA 94130)
Los Angeles Branch	409 West Olympic Boulevard (Post Office Box 2077, Terminal Annex, Los Angeles, CA 90051)
Portland Branch	915 South West Stark Street (Post Office Box 3436, Portland, OR 97206)
Salt Lake City Branch	120 South State Street (Post Office Box 780, Salt Lake City, UT 84110)
Seattle Branch	1015 Second Avenue (Post Office Box 3567, Seattle, WA 98124)

[FR Doc. 73-4906 Filed 3-12-73; 8:45 am]

CONNECTICUT RIVER BANCORP, INC.
Formation of One-Bank Holding Company

Connecticut River Bancorp, Inc., Charlestown, N.H., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Connecticut River National Bank; Charlestown, N.H. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in

writing to the Reserve Bank to be received not later than March 26, 1973. Board of Governors of the Federal Reserve System, March 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc. 73-4719 Filed 3-12-73; 8:45 am]

TENNESSEE VALLEY BANCORP, INC.
Acquisition of Banks

Tennessee Valley Bancorp, Inc., Nashville, Tenn., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire not less than 90 percent of the voting shares of: (1) The First National Bank of Greeneville, Greeneville; and (2) Citizens Bank, Eliz-

abethon, both in Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 2, 1973.

Board of Governors of the Federal Reserve System, March 5, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.
[FR Doc.73-4720 Filed 3-12-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Administrator

[Notice 73-20]

ESTABLISHMENT OF ADVISORY COMMITTEES

Notice of Determinations

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of the following advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

1. Post Viking Mars Science Advisory Committee.

The functions of this committee will include the review of the objectives and strategy of NASA's Mars exploration program and the development of guidelines for post-Viking missions and their payloads. The reason for establishing this committee is to obtain advice in connection with current planning for continued Martian exploration following the flyby, orbiter, and lander sequence of missions.

2. Comets and Asteroids Science Advisory Committee.

The functions of this committee will include reevaluation of existing comet and asteroid mission objectives and proposed instrumentation, and the definition of those projects which would represent a scientifically optimum program. The reason for establishing this committee is to obtain advice in connection with developing the first balanced comet and asteroid program for NASA, in anticipation of favorable flight opportunities in the near future.

3. Outer Planets Science Advisory Committee.

The functions of this committee will include the formulation of Outer Planet mission designs and suggested science payloads, and the development of alternative mission strategies. The reason for establishing this committee is to obtain advice for NASA on outer planet exploration which will be initiated by the Mariner Jupiter Saturn mission, and also to obtain a review of the science objectives of this first flight.

Dated: March 7, 1973.

JAMES C. FLETCHER,
Administrator.

[FR Doc.73-4760 Filed 3-12-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units, and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4748 Filed 3-12-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

MARCH 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value and all other securities of First Leisure Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 7, 1973, through March 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4749 Filed 3-12-73;8:45 am]

[File No. 500-1]

INDECON, INC.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Indecon, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

10 a.m. (e.s.t.) on March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-4750 Filed 3-12-73;8:45 am]

[812-3385; Rel. No. 7711]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Notice of Filing of Application

MARCH 6, 1973.

Notice is hereby given that Massachusetts Mutual Life Insurance Co. (the Insurance Company), and MassMutual Corporate Investors, Inc., 1295 State Street, Springfield, MA 01101 (the Fund), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 (Act) (hereinafter collectively referred to as Applicants), have filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting Applicants to participate jointly in the purchase of a package of securities consisting of a new issue of 8 $\frac{3}{4}$ percent 16-year senior notes (the Senior Notes) and 7 $\frac{1}{4}$ percent 16-year convertible subordinated debentures (the Debentures) of Aberdeen Manufacturing Corp. (Aberdeen), or, in the event the Insurance Company purchases such securities before the issuance of such order, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the sale of one-half of such securities to the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges, and other rights at the same time. This order is subject to several conditions. One condition generally requires that purchases at direct placement of securities, which would be consistent with the investment policies of the Fund, be shared equally by the Insurance Company and the Fund. Another condition limits the order to situations in which neither the Insurance Company nor the Fund have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person, other than interests in all respects identical.

Applicants expect the total issue of Senior Notes to be \$2,215,000 and the total issue of Debentures to be \$1 million. The Debentures will be convertible into Aberdeen common stock at a price of \$13.50 per share. (The closing price on the American Stock Exchange for a share of Aberdeen common stock was \$11 $\frac{1}{8}$ on January 24, 1973.) The Insurance Com-

pany understands that Aberdeen is willing to sell a portion of the Senior Notes and Debentures to the Fund and, as the adviser for the Fund, the Insurance Company believes that the Senior Notes would be an attractive investment for the Fund. Applicants would like to invest concurrently in these securities, but such investment would not be consistent with the terms of the order of August 19, 1971, because the Insurance Company already holds the following debt securities of Aberdeen: 5% percent notes due 1980 in the aggregate unpaid principal amount of \$1,400,000; 6½ percent promissory notes due 1982 in the aggregate unpaid principal amount of \$384,000; and 5% percent convertible subordinated notes due 1988 in the aggregate unpaid principal amount of \$400,000, which are convertible into Aberdeen common stock at \$16.59 per share. The Insurance Company and Aberdeen have agreed to a consolidation of the indebtedness represented by the notes due in 1980 and 1982 into a single note which will bear interest at an annual rate of 7% percent, and which will mature in 1989. Because the Fund owns no securities of Aberdeen, Applicants cannot comply with the condition that they have no prior interests in an issuer other than interests in all respects identical. Therefore, Applicants have applied for an order of the Commission pursuant to section 17(d) of the Act and Rule 17d-1 thereunder permitting the acquisition by each Applicant of \$1,107,500 principal amount of the Senior Notes and \$500,000 principal amount of the Debentures, subject to the conditions imposed on such joint transactions in the Commission's order of August 19, 1971.

Should such an order not be issued before the issuance of the Senior Notes and the Debentures, the Insurance Company proposes to acquire them for its general account, subject to an obligation to transfer one-half of the issue to the Fund at cost, plus accrued interest, should such order issue within 3 months of such acquisition. Applicants seek an exemptive order pursuant to section 17(b) of the Act in the event the requested order pursuant to section 17(d) of the Act is not granted before acquisition of the Senior Notes and Debentures by the Insurance Company.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * * acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It is also provided that in passing upon such application, the Com-

mission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Section 17(a) of the Act, as here pertinent, prohibits the Insurance Company as an affiliated person of the Fund from selling the Fund any securities unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a) of the Act upon finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of Fund and with the general purposes of the Act.

Applicants submit that the terms of such a transfer would be fair and reasonable and would not involve overreaching on the part of any person, and that the proposed transaction would be consistent with the policies of the Fund and the general purposes of the Act.

Notice is further given that any interested person may, not later than March 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 6-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc. 73-4751 Filed 3-12-73; 8:45 am]

[812-3405; Rel. No. 7709]

PACIFIC AMERICAN INCOME SHARES,
INC.

Notice of Filing of Application

MARCH 5, 1973.

Notice is hereby given that Pacific American Income Shares, Inc., 108 West Sixth Street, Los Angeles, CA 90014, a diversified, closed-end management investment company (Applicant), in connection with a proposed public offering of shares of its common stock, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), for an order of exemption from sections 15(a) and 16(a) of the Act to the extent necessary to permit Western Asset Management Co. to serve as investment adviser of the Applicant pursuant to a written investment advisory contract approved by the Applicant's Board of Directors even though such contract has not been approved by a vote of the stockholders of the Applicant, and to permit directors of Applicant to serve as directors without having been elected to such positions by the stockholders of the Applicant, such exemptions to be effective until the meeting of stockholders to be held within 180 days after the effective date of Applicant's Form S-4 Registration Statement filed under the Securities Act of 1933 (1933 Act).

Applicant, at present, has no stockholders but it proposes to issue up to 6,600,000 shares of its common stock when its 1933 Act Registration Statement becomes effective. Applicant also proposes to enter into an investment advisory agreement with Western Asset Management Co. which will constitute that company as adviser of the Applicant.

Section 15(a) of the Act provides, in part, that a person may not serve as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such registered investment company, and section 16(a) of the Act provides, with limited exceptions not here relevant, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company. Inasmuch as the Applicant has no stockholders to date, the present Board of Directors of the Applicant has not been elected by the stockholders.

The application states that the proposed investment advisory contract will comply with the provisions of the Act in all respects except as to necessary advance stockholder approval provided in section 15(a) of the Act, and that the persons serving as directors of the Applicant will meet all of the requirements of the Act except the requirements of section 16(a) that they be elected to that office by holders of the outstanding voting securities of the Applicant and that at least two-thirds of the directors in office have been elected by stockholders of the Applicant.

The application also states that the entire Board of Directors will stand for election, and the investment advisory contract will be presented for approval, at a meeting of stockholders to be held within 180 days after the effective date of Applicant's 1933 Act Registration Statement, and that the prospectus to be used by the Applicant in connection with the sale of its shares will contain full appropriate information concerning the directors and the investment advisory contract.

Applicant submits that the requested exemptions from the provisions of sections 15(a) and 16(a) of the Act are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 20, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

The notice period above provided for is deemed reasonable in light of the nature of the application and the necessity for action prior to the date which has been planned for the sale of Applicant's shares.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-4752 Filed 3-12-73;8:40 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

MARCH 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.10 par value, and all other securities of Pelorex Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to Section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 7, 1973 through March 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-4753 Filed 3-12-73;8:45 am]

[File No. 500-1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

MARCH 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on March 5, 1973, through March 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-4754 Filed 3-12-73;8:45 am]

TARIFF COMMISSION

[22-31]

**CHEESES AND SUBSTITUTES FOR
CHEESE**

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the U.S. Tariff Commission, on the 9th day of March 1973,

instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), with respect to cheeses and substitutes for cheese presently subject to section 22 quantitative limitations as described in items 950.07 through 950.10E of Part 3 of the Appendix of the Tariff Schedules of the United States, to determine whether each of the annual quota quantities for the above-described articles, and for each of the supplying countries wherever applicable, may be increased by 50 percent for the calendar year 1973, such additional quantities to be entered during a temporary period ending July 31, 1973, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The text of the President's letter of March 8, 1973, to the Commission follows:

Pursuant to section 22(d) of the Agricultural Adjustment Act, as amended, I have reason to believe that additional quantities of cheese and substitutes for cheese may be imported for a temporary period without rendering or tending to render ineffective, or materially interfering with the price support program for milk now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the articles presently subject to section 22 quantitative limitations as described in items 950.07 through 950.10E of part 3 of the Appendix to the Tariff Schedules of the United States.

The United States Tariff Commission is therefore directed to make an investigation under section 22 of the Agricultural Adjustment Act, as amended. The investigation shall be for the purpose of determining whether each of the annual quota quantities for the above-described articles, and for each of the supplying countries wherever applicable, may be increased by fifty percentum for the calendar year 1973, such additional quantities to be entered during a temporary period ending July 31, 1973, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk. The effect of this increase would be to allow the importation of additional quantities of such articles of not more than 63,894,729 pounds.

The Commission shall report its findings and recommendations at the earliest practicable date, but not later than thirty days from receipt of this letter.

Sincerely,

RICHARD NIXON

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 9:30 a.m., e.s.t., on March 19, 1973. All parties will be given

opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least by the close of business on March 15, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on March 23, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential," as provided for in § 201.6 of the Commission's rules of practice and procedure.

Issued: March 9, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-4939 Filed 3-12-73; 8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order No. 37-72]

ASSISTANT SECRETARY FOR ADMINISTRATION

Approval of Sole Source Procurements

1. Purpose. To establish policy and procedures for the approval of sole source contracts and grants for supplies and services in the Department of Labor.

2. Background. By law and regulation Federal agencies are required to award contracts on a competitive basis to the maximum practicable extent. There are provisions which permit contracts to be awarded on a sole source basis when the supplies or services are available from only one person or firm. These provisions are set forth in the Federal Procurement Regulations, FPR 1-3.210, 41 CFR 1-3.210, and require a written justification supporting the selection of a sole source. Based on the free enterprise system of this country, it can be assumed that the largest percentage of the products or

services on the market are available from more than a single source. Yet, recent studies indicate that many of the sole source contracts awarded by the Department are for supplies and services that appear to lend themselves to the competitive process.

3. Policy. In order to ensure that the Department utilizes the competitive procurement process to the maximum practicable extent, all proposed sole source contracts or grants of the types identified in paragraph 4 below, exclusive of contracts with other Federal agencies, shall be reviewed by the Assistant Secretary for Administration and Management. No requirement which is expected to amount to \$25,000 or more shall be broken down into several requirements which are less than \$25,000, merely for the purpose of circumventing this order.

4. Applicability. This order is applicable to all original contracts, grants or agreements, or amendments thereto, when the amount of each action is \$25,000 or more, and the procurement falls within one of the following categories:

(a) Procurements under contracting officer authority redelegated to the Associate Assistant Secretary for Systems Development and Administrative Services, OASA, and the Regional Directors.

(b) Procurements for technical assistance, research, and evaluation studies pursuant to the Economic Opportunity Act, the Manpower Development and Training Act, the Social Security Act, all as amended, and the Emergency Employment Act. (Experimental and demonstration projects are excluded.)

(c) Procurements for statistical and economic research.

(d) Procurement for operation of Job Corps Centers.

5. Responsibility. (a) All contracting officers proposing to enter into contracts, grants or agreements falling within the categories enumerated in paragraph 4 above, shall submit a written justification to the Assistant Secretary for Administration and Management. This justification shall include all pertinent information so as to permit a decision on this record.

(b) The Assistant Secretary for Administration and Management shall review the justification for a sole source procurement and shall either approve or disapprove the proposed action within five working days after receipt of the request.

6. Directives affected. This order affects contracting officer authority delegated under Secretary's Order 19-71 dated June 18, 1971, and Secretary's order 35-72 dated October 26, 1972.

7. Effective date. This order became effective on December 13, 1972.

TOM KOUZES,
Deputy Assistant Secretary for
Administration and Management.

[FR Doc.73-4808 Filed 3-12-73; 8:45 am]

Wage and Hour Division

FULL-TIME STUDENTS

Certificates Authorizing Employment at Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Aland's, Inc., apparel store; 12 Western Hills Mall, Fairfield, AL; 11-30-73.

Archer Avenue Big Store, Inc., variety-department store; 4181-4193 Archer Avenue, Chicago, IL; 12-2-73.

Babcock's IGA Foodliner, Inc., foodstore; 425 West Vienna Street, Clio, MI; 12-19-73.

The Bargain Center, Inc., variety-department store; 2 Washington Street, Quincy, MA; 11-23-73.

A. J. Bayless Markets, Inc., foodstores, 12-15-72 to 11-30-73, except as otherwise indicated: No. 34, Tucson, Ariz. (11-30-73); Nos. 44, 47, 49, and 56, Tucson, Ariz.

Bell's Drug Store, Inc., drugstore; Beaufort, N.C.; 12-3-73.

Ben Franklin Store, variety-department store; 1250 North Green Street, McHenry, IL; 12-14-73.

Bidigare Hardware, hardware store; 19550 Kelly Road, Harper Woods, MI; 12-14-73.

Big John Store, foodstores; No. 6, Effingham, Ill., 12-6-73; No. 10, Olney, Ill.; 11-30-73.

The Blue Bird, apparel store; 2506 13th Street, Columbus, NE; 11-30-73.

Callaway's Yard and Garden Center, retail nurseries, 12-4-72 to 11-30-73; Westland Plaza, Jackson, Miss.; 422 North Mart Plaza, Jackson, MS.

Coast to Coast, variety-department store; 626 Sixth Street, Rapid City, SD; 12-18-73.

Cohen's, Inc., variety-department store; 712-16 Park Avenue, Morton, VA; 12-9-73.

Dillon Companies, Inc., foodstores, 11-30-73; No. 38, Arkansas City, Kans.; Nos. 1, 8, 10, and 25, Hutchinson, Kans.; No. 39, Junction City, Kans.; No. 37, Winfield, Kans.

A. L. Duckwall Stores Co., variety-department store; No. 90, Pampa, Tex.; 8-7-73.

Edward's, variety-department store; Lake City Plaza, Lake City, S.C.; 12-15-73.

The Fair Co., Inc., apparel store; Union Springs, Ala.; 11-21-73.

Family Thrift Center, foodstore; 11th West and Fourth Avenue, Williston, N. Dak.; 11-23-73.

Farmer's Market, Inc., foodstore; Waukon, Iowa; 12-10-73.

M. H. Fishman Co., Inc., variety-department store; 88-90 Merchants Row, Rutland, VT; 11-20-73.

Foodway, Inc., foodstore; Fayette, Ala.; 11-30-73.

Forrest Keeling Nursery, Inc., retail nursery; Elaberry, Mo.; 12-9-73.

Fred M. Nye, Co., apparel store; 2422 Washington Boulevard, Ogden, UT; 11-20-73.

Gail's Fashions, apparel store; East Hills Shopping Center, St. Joseph, Mo.; 11-30-73.

Gartin's, foodstore; Franklin, Nebr.; 11-26-73.

W. T. Grant Co., variety-department stores; No. 663, Somersville, N.J.; 12-13-73; No. 157, Uniontown, Pa.; 11-30-73.

Grubbs Food Store, foodstore; 543 North Broad, Fremont, Nebr.; 12-5-73.

Guin Supermarkets, Inc., foodstore; Spanish Plaza Shopping Center, Guin, Ala.; 12-15-72 to 11-30-73.

Haines Super Market, foodstores, 12-1-72 to 10-31-73; 551 State Street, Clairton, Pa.; Route 51, Pleasant Hills, Pittsburgh, Pa.

Hall's Food Market, foodstore; Wiggins, Miss.; 12-9-73.

Hamilton Supermarkets, Inc., foodstore; U.S. Highway 78, Hamilton, Ala.; 11-30-73.

Handy-Andy, Inc., foodstore; No. 61, Ker-ville, Tex.; 7-31-73.

H. E. B. Food Store, foodstore; No. 106, San Antonio, Tex.; 11-28-73.

Holding's Little America, restaurant; Little America, Wyo.; 12-8-73.

Horn's Big Star, foodstore; 207 South Jackson Street, Houston, Miss.; 11-20-73.

Hy Wellbacher & Sons, Inc., variety-department store; 207 North Main Street, Columbia, IL; 12-9-73.

Jack & Jill Food Center, foodstore; Sauk Centre, Minn.; 12-14-73.

Jenny Lee Bakery, foodstore; 219 Forbes Avenue, Pittsburgh, PA; 12-14-73.

Kenlar, Inc., restaurant; 2921 Brady Street, Davenport, IA; 11-30-73.

Kentom, Inc., restaurant; 550 Wilson Avenue, Cedar Rapids, IA; 12-14-73.

Key Drug Store, drugstore; 600 Fourth Street, Sioux City, IA; 11-30-73.

Kistler-Collister Co., Inc., apparel store; 1100 San Mateo NE., Albuquerque, NM; 11-11-73.

S. S. Kresge Co., variety-department stores, 12-5-73, except as otherwise indicated: No. 12-5-73, except as otherwise indicated: No. 783, 4392, Huntsville, Ala. (11-21-73); No. 783, Merritt Island, Fla. (12-9-73); No. 4298, Miami, Fla. (11-30-73); No. 4451, Atlanta, Ga. (11-20-72 to 11-14-73); No. 4456, Rome, Ga. (11-21-72 to 10-31-73); No. 4386, Arlington Heights, Ill. (9-30-73); No. 551, Chicago, Ill. (12-4-73); No. 4543, Chicago, Ill. (12-18-73); No. 4076, Evansville, Ind. (12-9-73); No. 4268, Muncie, Ind. (12-1-73); Nos. 4171 and 4174, Wichita, Kans. (12-4-73); No. 670, St. Clair Shores, Mich. (12-18-73); No. 4177, St. Clair Shores, Mich. (11-26-73); No. 4520, Duluth, Minn. (12-14-73); No. 4611, Sedalia, Mo. (12-17-73); No. 4026, St. Joseph, Mo. (11-27-73); No. 4567, Cleveland, Ohio (12-11-73); No. 564, Pistoria, Ohio, (12-11-73); No. 600, Northfield, Ohio (11-20-73); No. 4003, Aberdeen, S.C. (12-17-73); No. 4307, Corpus Christi, Tex.; No. 4402, Fort Worth, Tex. (11-30-73); No. 4309, McAllen, Tex.; No. 4398, Pasadena, Tex.; No. 4186, Texarkana, Tex.

Lake City Super Valu, foodstore; Lake City, Minn.; 12-14-73.

M & D Food Store, foodstore; 2501 East Genesee, Saginaw, Mich.; 12-3-73.

Martin's variety-department stores; 3100 Quintard Avenue, Anniston, Ala.; 12-8-73; 1219 Wilmer Avenue, Anniston, Ala.; 11-21-73.

May's Drug Store, drugstore; No. 201, Peru, Ill.; 11-17-73.

McCrory-McLellan-Green Store, variety-department stores; No. 638, South Norwalk, Conn., 12-14-73; No. 1138, Silver Spring, Md., 12-12-73; No. 374, Framingham, Mass., 11-13-73; No. 56, Worcester, Mass., 11-30-73; No. 328, Yazoo City, Miss. 11-21-73; No. 140, Wilkes-Barre, Pa., 11-30-73; No. 76, Pittston, Pa., 11-30-73; No. 392, North Riverside, Ill., 11-2-73.

McDonald's Hamburgers, restaurant; 1115 Sassafras Street, Erie, Pa.; 12-14-73.

Melwood Drug Co., drugstore; 4631 Centre Avenue, Pittsburgh, Pa.; 12-2-73.

Memorial Hospital, hospital; 107 Swift Street, Refugio, Tex.; 12-9-73.

Meyer's Rexall Drugs, drugstore; West Bremer Avenue, Waverly, Iowa; 12-8-73.

Mickels's, Inc., restaurant; 12th and Chaburn, Harlem, Iowa; 12-8-73.

Millport Supermarkets, Inc., foodstore; Millport, Ala.; 11-30-73.

Moncrief's, apparel store; 303 Barnett, Tallahassee, Ala.; 11-29-73.

Morgan & Lindsey, variety-department store; No. 3123, Monroe, La.; 12-4-72 to 11-30-73.

M. E. Moses Co., Inc., variety-department stores; No. 37, Dallas, Tex., 9-16-73; No. 36, Hurst, Tex., 8-6-73.

G. C. Murphy Co., variety-department store; No. 98, Beckley, W. Va.; 11-20-73.

J. J. Newberry Co., variety-department store; No. 218, Newport, Vt.; 11-8-73.

Parisian, Inc., apparel stores, 11-23-73; 2217 Bessemer Road, Birmingham, AL; 702 Montgomery Highway, Birmingham, AL; 1924 Second Avenue North, Birmingham, AL; Eastwood Mall, Birmingham, Ala.; Gateway Shopping Center, Decatur, Ala.

Parsons & Co., variety-department store; Cumming, Ga.; 12-12-73.

Peabody's Market, foodstore; 154 South Hunter Boulevard, Birmingham, Mich.; 12-17-73.

Piggly Wiggly, foodstores; No. 9, Russellville, Ark., 12-19-73; 121 High Street, Eufaula, Okla. 9-22-73; No. 51, St. George, S.C.; 12-15-73.

Reams Bargain Annex, foodstore; American Fork, Utah; 12-13-73.

Rogers Pharmacy, drugstore; 124 West Walnut, Rogers, Ark.; 12-5-73.

Rose Drug, drugstores, 12-5-73; 103 Main Street, Bentonville, Ark.; 1050 West Walnut, Rogers, Ark.

Roth Bros. Co., variety-department store; 1321-27 Tower Avenue, Superior, Wis.; 12-5-73.

Royal Chef Cafeteria, restaurant; 5064 West Main Street, Kalamazoo, Mich.; 10-14-73.

St. Luke's Hospital, hospital; South Avenue and First Street West, Crosby, N. Dak.; 12-10-73.

St. Luke's Sunset Home, nursing home; Bowman, N. Dak.; 12-15-72 to 12-9-73.

Schensul's Cafeteria, Inc., restaurants; 3235 North Plainfield Avenue, Grand Rapids, Mich., 11-28-73; Woodland Mall, Kentwood, Mich.; 11-30-73.

Schneider's Dept. Store, variety-department store; 806-810 Main Street, Jasper, Ind.; 12-14-73.

Schulte & Treide, variety-department store; 7816 Harford Road, Baltimore, Md.; 11-23-73.

A. G. Shannon Hardware Co., hardware store; Buckhannon, W. Va.; 12-14-73.

Sovine Brothers Super Market, Inc., foodstore; Culloden, W. Va.; 12-14-73.

Spurgeon's, variety-department stores; 204-206 East Main Street, Hoopston, Ill., 12-7-73; 429 Lincoln Highway, Rochelle, Ill., 11-5-73; 14-16 West Third, Sterling, Ill., 11-20-73; 117-119 First Avenue West, 11-21-73; 13 North Frederick, Oelwein, Iowa, 12-4-73; 1013 16th Avenue, Monroe, Wis., 12-10-73.

Sterling's Men's and Boys', Inc., apparel store; 218 Southwest First Avenue, Fort Lauderdale, FL; 12-12-73.

Style Shop, apparel store; 316 Norfolk Avenue, Norfolk, NE; 11-30-73.

Sumiton Supermarkets, Inc., foodstore; Sumiton, Ala.; 11-30-73.

T. G. & Y. Stores Co., variety-department stores, 11-30-73, except as otherwise indicated: No. 179, Mesa, Ark.; No. 188, Tempe, Ariz.; No. 2103, Little Rock, Ark.; No. 513, Pico River, Calif.; No. 562, West Covina, Calif.; No. 321, Gonzales, La.; No. 452, Independence, Mo. (12-14-73); No. 474, Independence, Mo. (12-1-73); No. 303, Lee's Summit, Mo. (12-1-73); No. 299, St. Joseph, Mo. (12-7-73); No. 465, Blackwell, Okla. (11-21-73); No. 1016, Durant, Okla. (12-14-73); No. 89, Moore, Okla. (12-6-73); No. 411, Oklahoma City, Okla. (12-6-73); No. 425, Oklahoma City, Okla.; No. 438, Oklahoma City, Okla. (12-14-73); No. 422, Tulsa, Okla. (12-14-73); No. 1004, Woodward, Okla.; No. 80, Yukon, Okla. (12-4-73); No. 395, Jasper, Tex. (11-22-73).

T-Mart Drug Corp., drugstore; Churchville Avenue, Staunton, Va.; 11-25-73.

Variety Stores, Inc., variety-department store; 5711 North Broad Street, Philadelphia, PA; 12-14-73.

Vernon Supermarkets, Inc., foodstore; 201 North Pond Street, Vernon, AL; 11-30-73.

Viewcrest Nurseries, agriculture; 9617 Northeast Burton Road, Vancouver, WA; 11-30-73.

Waconia Super Valu, foodstore; Waconia, Minn.; 12-16-73.

Wakefield's, Inc., variety-department store; 1212 Quintard Avenue, Anniston, AL; 11-21-73.

A. Weitzenkorn's Sons, Inc., apparel store; 145 High Street, Pottstown, PA; 12-3-73.

Western Auto Associate Store, automobile supply store; 386 West Hidalgo, Raymondville, TX; 11-23-73.

Whitaker, Inc., foodstore; Harrah, Okla. 9-28-73.

Wild Willies, Inc., variety-department store; 3401 South Topeka Boulevard, Topeka, KS; 11-30-73.

Worth's apparel stores; 95 Bank Street, Waterbury, CT, 11-17-73; 920-75 Wolcott Road, Waterbury, CT, 11-23-73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Keltsch Bros., Inc., drugstore; 6121 North Clinton Street, Fort Wayne, IN; checker, fountain clerk; 11 to 15 percent; 12-14-73.

S. S. Kresge Co., variety-department store; No. 3020, Baton Rouge, La.; salesclerk, stock clerk, maintenance, checker-cashier, office clerk; 2 to 15 percent; 12-14-73.

Lesh's 5-10-1.00 Store, variety-depart-

ment store; 7-9-11 North Seventh Street, Perkasie, PA; salesclerk, stock clerk; 15 to 25 percent; 12-14-73.

Magic Mart, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 12-14-73; Indlandale Shopping Center, Hot Springs, AR; 2520 West 28th Street, Pine Bluff, AR.

McCrary-McLellan-Green Store, variety-department stores; No. 16, Port Richey, Fla., salesclerk, stock clerk, office clerk porter; 8 to 28 percent, 12-14-73; No. 3, Marrow, Ga., salesclerk, stock clerk, office clerk, 7 to 19 percent, 12-14-73.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial, 12-14-73; No. 806, Pittsburgh, Pa., 9 to 25 percent; No. 343, Nacogdoches, Tex., 10 to 28 percent.

Singley's Supermarket, foodstore; Columbia, Miss.; bagger, cleanup; 18 to 20 percent; 12-14-73.

Sublett's, Inc., apparel store; 415 Wesleyan Park Plaza, Owensboro, KY; teen board representative, salesclerk, wrapper; 10 to 30 percent; 12-8-73.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before April 12, 1973, pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 6th day of March 1973.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[FR Doc.73-4767 Filed 3-12-73; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 196]

ASSIGNMENT OF HEARINGS

MARCH 8, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 124211 Sub 218, Hilt Truck Line, Inc., and MC 135874 Sub 1, LTL Perishables, Inc., now being assigned continued hearing June 4, 1973 (2 weeks), at the Hilton Hotel, 1618 Dodge Street, Omaha, NE.

MC 115841 Sub 437, Colonial Refrigerated Transportation, Inc., application dismissed. No. 35533, Petroleum Products, Williams Brothers Pipe Line Co., No. 35533 Sub 1, petroleum products to Illinois, Iowa, and Missouri, Williams Brothers Pipe Line Co., No. 35533 Sub 2, petroleum products, Williams Brothers Pipe Line Co., and No. 35540, petroleum products, Louisiana and Texas to Midwest, continued to April 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35768, Cornnuts, Inc. v. All-American Transport, Inc. et al., now being assigned hearing May 14, 1973 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

No. 35717, Southern Railway Co. v. Union Pacific Railroad Co., and the Denver and Rio Grande Western Railroad Co., and No. 35717 Sub 1, Louisville and Nashville Railroad Co. v. Union Pacific Railroad Co., and the Denver and Rio Grande Western Railroad Co., now being assigned for prehearing conference April 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35757, Port of Seattle v. Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., No. 35758, Port of Seattle v. Union Pacific Railroad Co., and No. 35759, Port of Seattle v. Burlington Northern, Inc., now being assigned hearing May 21, 1973 (1 week), at Seattle, Wash., in a hearing room to be later designated.

No. 35641, The Chesapeake and Ohio Railway Co. v. Atlantic and East Carolina Railway Co. et al., now assigned hearing on March 26, 1973, at Washington, D.C., is postponed to April 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-5 Sub 91, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co., Debtor, abandonment between Duff Junction and Washington, Davless County, Ind., now assigned April 23, 1973, at Washington, Ind., is canceled.

MCC-7939, M & R Transport, Inc., Sun Oil Co., Miller Gas Co., Inc., and Garst L. P. Gas—Investigation of operations and practices, now assigned April 2, 1973, will be held in Room 2, State Office Building, 65 South Front Street, Columbus, OH.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4783 Filed 3-12-73; 8:45 am]

[Rev. S.O. 994; ICC Order 85, Amdt. 1]

CHICAGO, ROCK ISLAND, & PACIFIC RAILROAD CO. ET AL.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 85 (Chicago, Rock Island, & Pacific Railroad Co., the Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 85 be, and it is hereby, amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This order shall expire at 11:59 p.m., March 6, 1973,

unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 3, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 2, 1973.

[SEAL] INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-4789 Filed 3-12-73; 8:45 am]

[Notice 230]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 2, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74149. By order entered on March 1, 1973, the Motor Carrier Board approved the transfer to B.T.L., Inc., Kansas City, Mo., of the operating rights set forth in Certificate No. MC-67315, issued March 22, 1968, to Triangle Truck Line, Inc., North Kansas City, Mo., authorizing the transportation of general commodities, with the usual exceptions, between Kansas City and North Kansas City, Mo., Kansas City, Kans., and points within 15 miles of the named points. Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105, attorney for applicants.

No. MC-FC-74221. By order entered February 20, 1973, the Motor Carrier Board approved the transfer to Robert J. Martin, Ellicott City, Md., of the operating rights set forth in Permit No. MC-88268, issued February 6, 1940, to O. A. Diamond, Ellicott City, Md., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food busi-

ness houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points and places in the territory bounded by a line beginning at Cape Charles, Va., and extending in a southerly direction along the Chesapeake Bay to the Atlantic Ocean, thence in a northerly direction along the Atlantic Coast to the Delaware Bay, thence along the west shore of the Delaware Bay and Delaware River to Delaware City, Del., thence in a northwesterly direction through Newark, Del., to the point of intersection of the Maryland-Delaware-Pennsylvania State lines, thence in a westerly direction along the Maryland-Pennsylvania State line to the Susquehanna River, thence in a northwesterly direction along the Susquehanna River to Columbia, Pa., thence in an easterly direction to Lancaster, Pa., thence in a northwesterly direction to Lebanon, Pa., thence in a westerly direction to Newport, Pa., thence in a southwesterly direction through McConnellsburg, Pa., to Hancock, Md., thence in a southerly direction to Winchester, Va., and thence in a southeasterly direction through Fredericksburg, Va., to Cape Charles, including points and places on the above-described boundary line. V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109, attorney for applicants.

No. MC-FC-74222. By order of February 20, 1973, the Motor Carrier Board approved the transfer to David R. Free, doing business as National Cartage Co., Salt Lake City, Utah, of Certificate of Registration No. MC 120402 (Sub-No. 1) issued to R. Price Morsley, doing business as National Cartage Co., Salt Lake City, Utah, evidencing a right to engage in interstate or foreign commerce covering the transportation of: General commodities, within a specified area solely within the State of Utah. William S. Richards, Attorney, 900 Walker Bank Building, Salt Lake City, UT 84111.

No. MC-FC-74229. By order of February 20, 1973, the Motor Carrier Board approved the transfer to Atlas Transport, Inc., Cranston, R.I., of Certificate of Registration No. MC-85817 (Sub-No. 1) issued to Thomas F. McDevitt, doing business as Atlas Transport, Cranston, R.I., evidencing the right to engage in interstate or foreign commerce in the transportation of: General commodities, solely within the State of Rhode Island. Francis A. Kelleher, Attorney, 508 Hospital Trust Building, Providence, R.I. 02903.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4786 Filed 3-12-73;8:45 am]

[Notice 29]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 5, 1973.

The following are notices of filing of applications¹ for temporary authority

¹ Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of assigned original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4687 (Sub-No. 12 TA), filed February 26, 1973. Applicant: BURGESS & COOK, INC., Post Office Box 458, 21 North Second Street, Fernandina Beach, FL 32304. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Paper and paper products, from points in Sumter County, Fla., to points in Alabama, Florida, Georgia, and South Carolina, and (2) Materials and supplies used in the manufacturing of paper and paper products, from points in Alabama, Florida, Georgia, and South Carolina to points in Sumter County, Fla., for 180 days. Supporting shipper: Containers Corporation of America, Post Office Box 957, Atlanta, GA 30301. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 51146 (Sub-No. 311 TA), filed February 26, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298 (Box Zip 54306), Green Bay, WI 54304. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic products, from Lewiston, Utah to points in the United States (except Alaska and Hawaii) and returned shipments and equipment, materials and supplies used in the manufacture and distribution of the above-named commodities, from points in the United States (except Alaska and Hawaii) to Lewiston, Utah, for 180 days. Supporting shipper: Presto Products,

Inc., 1843 West Reeve Street, Appleton, WI (James K. Spanbauer, Distributing Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 65660 (Sub-No. 6 TA), filed February 26, 1973. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., Third Avenue, Post Office Box 96, Masury, OH 44438. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Titusville, Pa., and Farmers Valley, Pa., serving all intermediate points: From Titusville over Pennsylvania Highway 27 via Pleasantville, Pa., to junction U.S. Highway 6 to junction Pennsylvania Highway 59, thence over Pennsylvania Highway 59 to junction Pennsylvania Highway 770, thence over Pennsylvania Highway 770 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 46, thence over Pennsylvania Highway 46 to Farmers Valley, and return over the same routes; (2) between Oil City, Pa., and Tidioute, Pa., serving all intermediate points: From Oil City over U.S. Highway 62 to the junction of Pennsylvania Highway 127, thence over Pennsylvania Highway 127 to Tidioute and return over the same routes; (3) between Franklin, Pa., and Luthersburg, Pa., serving all intermediate points: From Franklin over U.S. Highway 322 to Luthersburg and return over the same route; (4) between Barkeyville (Venango County), Pa., and Frills Corners (Clarion County), Pa., serving all intermediate points: From Barkeyville over Pennsylvania Highway 208 to Frills Corners and return over the same route;

(5) Between Brookville, Pa. and Tionesta, Pa. serving all intermediate points: From Brookville over Pennsylvania Highway 36 to Tionesta and return over the same route; (6) Between Brookville, Pa. and Luthersburg, Pa. serving all intermediate points: From Brookville over Pennsylvania Highway 28 to junction U.S. Highway 219, thence over U.S. Highway 219 to Luthersburg and return over the same route. Service in connection with routes (1) through (6) above is authorized at all intermediate points and at the off-route points of Callensburg, East Hickory, Falls Creek, Foxburg, Lucinda, Marienville, North East, Parker, Rimersburg, Silgo, and Townville, Pa., for 180 days. NOTE: Applicant intends to tack the authority here applied for with its authority in Docket No. MC-65660 at Oil City, Franklin, Barkeyville, and Titusville, Pa., and applicant also intends to interline with other carriers at feasible points in the application areas as well as at present service and interline points under its authority in Docket No. MC-65660 and subnumbers thereto. Supporting shippers: There are approximately 58

statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 87103 (Sub-No. 7 TA), filed February 20, 1973. Applicant: MILLER TRANSFER AND RIGGING CO., Post Office Box 6077, Akron, OH 44312, and 3917 State Route 183, Edinburg, OH 58227. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Trusses, joists, and beams and supplies used in the installation thereof when moving in connection therewith, from the plantsite of Trus Joist Central, located at or near Delaware, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin and (B) Materials, equipment, and supplies used or useful in the production, manufacturing, assembly, or distribution of trusses, joists, and beams, and returned, rejected, or refused shipments of trusses, joists, and beams, from the above-specified destination States to the plantsite of Trus Joist Central, located at or near Delaware, Ohio, for 180 days. Supporting shipper: Trus Joist Corp., Post Office Box 357, Delaware, OH 43015. Send protests to: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 106688 (Sub-No. 19 TA) (Correction), filed February 12, 1973, published in the FEDERAL REGISTER issue of February 28, 1973, and republished as corrected this issue. Applicant: EDWARD M. RUDE CARRIER CORP., RFD No. 1, Falling Waters, W. Va. 25419. Applicant's representative: Francis J. Ortman, 1100 17th Street, NW., Suite 613, Washington, DC 20036. Note: The purpose of this republication is to indicate that the applicant's correct name is EDWARD M. RUDE CARRIER CORP., in lieu of EDWARD M. RUDER CARRIER CORP. which was inadvertently previously published in error.

No. MC 111170 (Sub-No. 199 TA), filed February 26, 1973. Applicant: WHEELING PIPE LINE, INC., 2811 North West Avenue, Post Office Box 1718, El Dorado, AR 71730. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dibromopropanol, in bulk, from El Dorado, Ark. to Salem, Ohio, for 180

days. Supporting shipper: Great Lakes Chemical Corp., Post Office Box 1878, El Dorado, AR 71730. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West-Capitol, Little Rock, AR 72201.

No. MC 111214 (Sub-No. 10 TA), filed February 23, 1973. Applicant: CLARK V. GRAHAM, doing business as CONTRACT TRUCKING COMPANY, Linde Road, Box 8778, Jackson, MS 39294. Applicant's representative: Fred W. Johnson, Jr., Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Animal and poultry feed and feed ingredients, between Vicksburg, Miss., and points in Louisiana, Mississippi, and Alabama, for 180 days. Supporting shipper: Valley Mills, Division of The Merchants Co., Vicksburg, Miss. 39180. Send protests to: District Supervisor Tarrant, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 117799 (Sub-No. 50 TA), filed February 22, 1973. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Top soil, potting soil and manufactured potting soil, manufactured mulches and commodities exempt from regulation under section 203(b) (6) of the Interstate Commerce Act, from Chillicothe and Schooleys, Ohio, and Clark County, Ohio, to point in Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Tennessee, Rhode Island, Virginia, West Virginia, Wisconsin, Georgia, and the District of Columbia, for 150 days. Supporting shipper: The Mead Corp., 118 West First Street, Dayton, OH 45402. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118989 (Sub-No. 91 TA), filed February 22, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53221. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic containers and parts related thereto, from the plantsite of Continental Can Co., Inc., at Burlington, Wis., to Rockford, Ill., for 180 days. Supporting shipper: Continental Can Co., Inc., 150 South Wacker Drive, Chicago, IL 60606 (David Kelly, Regional Traffic Manager). Send protests to: District Supervisor John E.

Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 119789 (Sub-No. 149 TA), filed February 22, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 Irving Boulevard, Post Office Box 6188, Dallas, TX 75223. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products (except in bulk), when moving in mechanically refrigerated equipment, from Howard County, Tex., to Phoenix, Ariz., and points in California, for 180 days. Note: Carrier does not intend to tack authority. Supporting shipper: American Petrofina Company of Texas, Mercantile Dallas Building, Dallas, Tex. 75201. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 124692 (Sub-No. 101 TA), filed February 26, 1973. Applicant: SAMMONS TRUCKING, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bentonite clay, in bags, from the plantsite of American Colloid near Belle Fourche, S. Dak., to points in Michigan, for 180 days. Supporting shipper: American Colloid Co., 5100 Sufferd Court, Skokie, IL 60076. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 124854 (Sub-No. 11 TA), filed February 20, 1973. Applicant: GRIM BROS. TRUCKING CO., 997 Loucks Mill Road, York, PA 17402. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Concrete, cinder, and slag products, in vehicles equipped with mechanical unloaders, from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shipper: United Glazed Products, Inc., Post Office Box 6077, Baltimore, MD. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 869, Harrisburg, PA 17108.

No. MC 126600 (Sub-No. 7 TA) (Amendment), filed February 15, 1973. Applicant: EHSAM TRANSPORT, INC., 108 North Factory, Enterprise, KS 67441. Applicant's representative: Bob W. Storey, Columbian Title Building, 820 Quincy Street, Topeka, KS 66612. Au-

authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical Transformers and parts* having value only for reconditioning or salvage and allied line equipment, between Solomon, Kans., and all points in the United States (except Alaska and Hawaii), for 180 days. Note: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Solomon Electric Supply, Inc., Solomon, Kans. 67480. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building Topeka, Kans. 66603.

No. MC 128642 (Sub-No. 9 TA), filed February 23, 1973. Applicant: SKYLINE TRANSPORT, INC., 1910 Russell Street, Baltimore, MD 21230. Applicant's representative: H. Neil Garson, 1400 North Uhle Street, Arlington, VA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid dextrose, corn syrup and blends thereof*, in bulk, from the site of Skyline Terminals, Inc., Baltimore, Md., to Altoona, Biglerville, Chambersburg, Gardners, Harrisburg, Lancaster, Norristown, Philadelphia, Sayre, Williamsport, and York, Pa.; Wilmington, Del.; Bridgeton, Cedarville, Paterson, and Vineland, N.J.; Alexandria, Norfolk, Petersburg, and Richmond, Va. and Washington, D.C., for 180 days. Supporting shippers: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632; A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, IL 62525; and Skyline Terminals, Inc., 1910 Russell Street, Baltimore, MD 21230. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 614-B Federal Building, Baltimore, Md. 21201.

No. MC 133777 (Sub-No. 7 TA), filed February 22, 1973. Applicant: METAL CARRIERS, INC., 7601 South Central, Dallas, TX 75216. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Scrap nonferrous metals*; (1) from Alton, Ill., to El Dorado, Harrison, and Paragould, Ark.; New Orleans and Shreveport, La.; Broken Arrow and Sapulpa, Okla.; Dallas, Houston, Longview, Garland, Fort Worth, and Lubbock, Tex.; (2) from Carthage, Tenn. to Russellville, Ala.; (3) from Columbia, Tenn. to Russellville, Ala.; Alton and Aurora, Ill.; East Chicago and Bedford, Ind.; South Haven, Mo.; Toledo, Ohio; (4) from Gallitan, Tenn. to Russellville, Ala.; East Chicago, Ind.; Toledo, Ohio; (5) from Hawesville, Ky. to Russellville, Ala.; Alton and Aurora, Ill.; East Chicago, Ind.; (6) from Grenado, Miss. to Russellville, Ala.; (7) from Monett, Mo. to Alton, Ill.; (8) from New Johnsonville, Tenn. to Russellville, Ala.; Alton and Aurora, Ill.; East Chicago,

Ind.; and (9) from New Madrid, Mo. to Chalmette, La. and Dallas, Tex.; and (B) *contaminated aluminum breakage* from points in Missouri to points in Oklahoma, for 180 days. Note: Carrier does not intend to tack authority. Supporting shippers: Republic Aluminum Co., 100 Spring Valley, Richardson, TX 75080; U.S. Reduction Co., 4610 Melville, East Chicago, IN 46312; Interstate Metals Corp., Post Office Box 24063, 1101 East Reno, Oklahoma City, OK 73124; and Federal Metallurgical Division, Post Office Box 219, Alton, IL 62002. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136529 (Sub-No. 1 TA), filed February 23, 1973. Applicant: MISSOURI BEEF EXPRESS, INC., 630 Amarillo Building, Amarillo, Tex. 79101. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, (a) from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in the United States (except Alaska and Hawaii), and (b) from points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Texas, Colorado, North Dakota, South Dakota, Washington, Oregon, and California, to the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho; and (2) *Such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in section D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from points in the United States (except Alaska and Hawaii), to the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, for 180 days. All transportation service hereunder is to be performed under a continuing contract or contracts with Missouri Beef Packers, Inc., of Amarillo, Tex. Supporting shipper: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 136848 (Sub-No. 2 TA), filed February 23, 1973. Applicants: JAMES BRUCE LEE AND STANLEY LEE, doing business as LEE CONTRACT CARRIERS, Old Route 66, Post Office Box 48, Pontiac, IL 61768. Applicant's representative: James Bruce Lee (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, leather and its byproducts, and materials, supplies, and equipment* used in the manufacture, sale, and

distribution of pulpboard (except commodities in bulk), between Bridgewater, Mass., and Madison, Ind., on the one hand, and, on the other, Belle and St. Louis, Mo., Bridgewater, Mass., Montgomery, Westfield, Williamsport, Hanover, and Akron, Pa., Columbus and Ash-tabula, Ohio, Endicott and Johnson City, N.Y., Nashville, Tenn., Milwaukee, Wis., and Madison, Ind., for 180 days. Supporting shipper: George O. Jenkins Co., Bridgewater, Mass. Send protests to: William J. Gray, Jr., Area Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138418 (Sub-No. 3 TA), filed February 20, 1973. Applicant: STANDARD CONTAINER TRANSPORT CORPORATION, 145 North Avenue East, Elizabeth, NJ 07201. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel beams*, from Bethlehem, Pa., to points on the New Jersey Turnpike in Kearny, N.J., for 180 days. Supporting shipper: Karl Koch Erecting Co., Inc., 400 Roosevelt Avenue, Carteret, NJ 07008. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 138439 TA, filed February 23, 1973. Applicant: V & J REFRIGERATED SERVICE, INC., 18121—88th Avenue West, Edmonds, WA 98020. Applicant's representative: J. A. Beaunau (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shingles, shakes, and trim*, from Grays Harbor, Skagit, and Snohomish Counties, Wash., to points in California and (2) *wine and alcoholic beverages*, between points in California and points in King, Pierce, and Snohomish Counties, Wash., for 180 days. Supporting shippers: Wesco Cedar Inc., Post Office Box 2566, Eugene, OR 97402, and J. W. Brpmw & Associates, 217 White Henry Stuart Building, Seattle, Wash. 98101. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138440 TA, filed February 22, 1973. Applicant: PINKY'S TRANSPORTATION, INC., 5936 Highway 115, Brawley, CA 92227. Applicant's representative: Robert F. Kempton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, dry, in bulk, having a prior movement by rail, between points in Imperial County, Calif., for 180 days. Supporting shippers: Rio Bend Cattle Co., 5004 Brandt Road, Brawley, CA 92207; Allied Cattle Feeders, Inc., Post Office Box 245, Heber, CA 90249; Frank P. Borchard Ranches, 4204 Green Road,

Brawley, CA 92227; Harriss Feed Yard, Post Office Box 510, Brawley, CA 92227; Del Charro Feed Lot, Post Office Box 95, Brawley, CA 92227; James E. Baker, Inc., 3200 Los Feliz Boulevard, Los Angeles, CA 90039; and V. Borchard Land & Cattle, Post Office Box 155, Brawley, CA 92227. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-4784 Filed 3-12-73; 8:45 am]

[Notice 30]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 6, 1973.

The following are notices of filing of applications¹ for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29392 (Sub-No. 20 TA) (Amendment), filed January 30, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, as MC 138369 TA and republished as amended this issue. Applicant: LES JOHNSON CARTAGE CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Truck washout machines*, from Port Washington, Wis., to Los Angeles, Calif.; Miami, Orlando, and Tampa, Fla.; Baltimore, Md.; Detroit, Mich.; Jackson, Miss.; Portland, Ore.; Philadelphia, Pa.; Memphis, Tenn.; Dallas, Fort Worth, and Houston, Tex., for 180 days. Supporting

¹ Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

shipper: Jadair, Inc., Post Office Box 89, Port Washington, WI 53074 (Jack Schmutzler, president). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203. Note: The purpose of this republication is to show that applicant now seeks to operate as a common carrier, in lieu of contract carrier, shown in error in the previous publication.

No. MC 116282 (Sub-No. 25 TA), filed February 21, 1973. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, ME 04210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Auburn, Maine, to the international boundary line between the United States/Canada at or near Derby Line, Vt., under a continuing bilateral contract with F. R. Lepage Bakery Inc., doing business as Country Kitchen Bakers, Auburn, Maine, for 180 days. Supporting shipper: F. R. Lepage Bakery, Inc., doing business as Country Kitchen Bakers, 60 Second Street, Auburn, ME 04210. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 117153 (Sub-No. 8 TA), filed February 26, 1973. Applicant: H. G. SNYDER TRUCKING, INC., 1111 Pittfield Boulevard, St. Laurent 384, PQ, Canada. Applicant's representative: Julius Braun, Room 21, Albany Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper labels and dogfood ingredients*, from Connecticut, New Jersey, Ohio, and Pennsylvania to Champlain, N.Y., on traffic destined to Gently, Quebec, Canada, for 180 days. Supporting shipper: J. Demers, Inc., Gently, Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 127505 (Sub-No. 54 TA) (Amendment), filed February 5, 1973, published in the FEDERAL REGISTER issue of February 22, 1973, as MC 138379 TA and republished as amended this issue. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum sheet and plate*, from Amax Aluminum Mill Products Inc., near Channahon, Ill., to Loveland, Colo., for 180 days. Supporting shipper: Robert S. Michalak, Traffic Manager Eastern Division, Amax Aluminum Mill Products Inc., Post Office Box 143, Morris, IL 60450. Send protests to: William J. Gray, Jr., Area Supervisor,

Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604. Note: The purpose of this republication is to show that applicant now seeks to operate as a common carrier, in lieu of contract carrier, shown in error in the previous publication.

No. MC 127527 (Sub-No. 13 TA), filed February 21, 1973. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8418 C. H. 18, R.F.D. 6, Ravenna, OH 44266. Applicant's representative: Robert N. Krier, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Conduit and other pipe (except iron and steel) and attachments parts and fittings therefor*, from the plantsite of the Flintkote Co., Pipe Products Group, located at near Ravenna, Ohio, in Rookstown Township, Portage County, Ohio, to points in Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, District of Columbia, Virginia, Kentucky, Illinois, Wisconsin, and Indiana and return of damaged or rejected shipments, for 180 days. Supporting shipper: Flintkote Co., Pipe Products Group, Ravenna, Ohio 44266. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199. Note: Applicant proposes to conduct operations under the applied-for authority under continuing contract with the Flintkote Co., Pipe Products Group.

No. MC 134890 (Sub-No. 1 TA) filed February 21, 1973. Applicant: MARION TRANSFER, INC., 2380 North 124th Street, Wauwatosa, WI 53226. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products, and cheese by-products*, from the plantsite of Grande Cheese Co., town of Le Roy, Dodge County, Wis., to points in New Jersey, New York, Ohio, Pennsylvania, Michigan, Massachusetts, Connecticut, Maine, Maryland, and Rhode Island, for the account of Grande Cheese Co., for 180 days. Supporting shipper: Grande Cheese Co., Post Office Box 455, Fond du Lac, WI 54935 (T. J. Brinkman). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 136121 (Sub-No. 2 TA), filed February 26, 1973. Applicant: BRISCOE TRUCKING COMPANY, INC., Post Office Box 45388, 8740 East 46th Street, Tulsa, OK 74145. Applicant's representative: Joe T. Briscoe (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bed-springs, bedstead rails, cots and cot frames, upholstery daybeds, bed frames, springs and spring assemblies*,

metal sleeper fixtures, and materials used in the manufacture of the foregoing commodities, (1) from Springfield, Mo., and Hominy, Okla., to Los Angeles, Calif., and points in Colorado and Arizona and (2) from Cathage, Mo., to Winchester, Ky., for 180 days. Supporting shipper: Frank E. Ford, Jr., Vice President, Leggett & Platt, Inc., 600 West Mound Street, Carthage, MO 64836. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 138436 TA, filed February 20, 1973. Applicant: GLEN AND ANNA BOCH, doing business as MERCHANTISE PICKUP & DELIVERY, 2828 North 83d Terrace, Kansas City, KS 66109. Applicant's representative: Frank W. Taylor, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Auto parts and accessories*, from the NAPA Distribution Center at 250 Osage, Kansas City, KS, to points in Missouri, for 150 days. (Damaged, returned or rejected shipments on return movement.) Supporting shipper: General Automotive Parts Corp., 250 Osage Avenue, Kansas City, KS 66105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, KS 64106.

No. MC 138437 TA, filed February 23, 1973. Applicant: J. T. R. TRUCKING COMPANY, INC., 489 Washington Street, New York, NY 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a contract carrier, by motor vehicle, over

irregular routes, transporting: *Components and supplies used in the manufacture of costume jewelry*, between the New York, N.Y., commercial zone as defined by the Interstate Commerce Commission and shipper's warehouse facility in Providence, R.I., for 180 days. Supporting shipper: Kittay & Blitz, Inc., 104 West 29th Street, New York, NY., Attention: Mr. Richard L. Blitz, President, telephone: 212-594-7900. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

By The Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4785 Filed 3-12-73; 8:45 am]

[Notice 231]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74337. By application filed March 6, 1973, TRANSTAR CORP., 79 Jacobus Avenue, South Kearny, NJ, seeks temporary authority to lease the operating rights of ROBERT W. MERRELL, doing business as MERRELL MOTOR LINE, 6 Darcy Street, Newark, NJ, under section 210a(b). The transfer to Transtar Corp., of the operating rights of Robert W. Merrell, doing business as Merrell Motor Line, is presently pending.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4787 Filed 3-12-73; 8:45 am]

[Ex Parte 241; Rule 19, Exemption 36]

SOUTHERN RAILWAY CO.

Exemption From Mandatory Car Service Rules

It appearing that there is an emergency movement of military impedimenta from Bynum, Ala., to Mobile, Ala.; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Southern Railway Co., the railroads designated by the Car Service Division are authorized to move to, and the Southern Railway Co., is authorized to accept, assemble, and load not to exceed 41 empty cars with military impedimenta from Bynum, Ala., to Mobile, Ala., regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective March 6, 1973.

Expires March 16, 1973.

Issued at Washington, D.C., March 6, 1973.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[FR Doc.73-4788 Filed 3-12-73; 8:45 am]

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