This amendment was proposed in Notice 69–8, issued on March 4, 1969, and published in the FEDERAL REGISTER on March 12, 1969 (34 F.R. 5111). Seven public comments were received on the notice, all of which concurred in the proposal. One comment suggested that the 75 percent Federal participation in acquisition costs for a parcel of land within a clear zone should also apply to any excess portion of that parcel lying outside the clear zone boundary. However, this comment is outside the scope of the notice.

As proposed in the notice, this amendment provides for the same percent of Federal participation in the acquisition costs of land needed for medium intensity approach lighting systems and like systems with runway alignment indicator lights that are now incorporated into the National Airspace System, as has been previously applied to high intensity approach lighting systems.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 151.13 of the Federal Aviation Regulations is amended, effective July 21, 1969, by striking out the words "high intensity" from the flush sentence at the end of paragraph (a) of that section.

(Secs. 9, 10, Federal Airport Act; 49 U.S.C. 1108, 1109; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.4(b)(2), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on June 16, 1969.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 69–7336; Filed, June 20, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CARBARSONE (NOT U.S.P.)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (10–285V) filed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, and other relevant material, concludes that § 121.310 should be amended to provide for the safe use of a lower level of carbarsone (not U.S.P.) in the feed of turkeys for the prevention of blackhead.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.310 *Carbarsone (not U.S.P.)* is amended in the second column of the table in paragraph (b) by changing "340.5 (0.0375%)" to read "227–340.5 (0.025–0.375%)."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7321; Filed, June 20, 1969; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CLOPIDOL; CORRECTION

In F.R. Doc. 69–5588 appearing at page 7612 in the issue of Tuesday, May 13, 1969, the text under "Limitations" for item 3 of the table in § 121.325 (b) is corrected to read: "For replacement chickens intended for use as caged layers; do not feed to laying chickens; do not feed to chickens over 16 weeks of age."

Dated: June 13, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69–7322; Filed, June 20, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER C—AGE DISCRIMINATION IN EMPLOYMENT

PART 860—INTERPRETATIONS

Miscellaneous Amendments

Pursuant to the Age Discrimination in Employment Act of 1967 (81 Stat. 602; 29 U.S.C. 620) and Secretary's Orders No. 10–68 (33 F.R. 9729) and No. 11–68 (33 F.R. 9690), 29 CFR Part 860 is amended as set forth below.

As these are interpretive rules and are not substantive, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delay in effective date do not apply. I do not believe such procedure and delay will serve a useful purpose here. Accordingly, these rules shall be effective immediately.

1. A new § 860.30 is added to read as follows:

§ 860.30 Definitions.

Considering the purpose of the proviso to section 7(c) of the Act as indicated in the reports of both the Senate and House Committees (see S. Rept. No. 723, 90th Cong., 1st Sess., and H. Rept. No. 805, 90th Cong., 1st Sess.) it was clearly the intent of Congress that the term "employee" in that proviso should apply to any person who has a right to bring an action under the Act, including an applicant for employment.

2. Paragraph (b) of § 860.92 is revised to read as follows:

§ 860.92 Help wanted notices or advertisements.

* * * * *

(b) When help wanted notices or advertisements contain terms and phrases such as "age 25 to 35," "young," "boy," "girl," "college student," "recent college graduate," or others of a similar nature, such a term or phrase discriminates against the employment of older persons and will be considered in violation of the Act. Such specifications as "age 40 to 50," "age over 50," or "age over 65" are also considered to be prohibited. Where such specifications as "retired person" or "supplement your pension" are intended and applied so as to discriminate against others within the protected group, they too are regarded as prohibited, unless one of the exceptions applies.

* * * * *

3. In § 860.95, the existing language is designated as paragraph (a), and a new paragraph (b) is added to read as follows:

§ 860.95 Job applications.

* * * * *

(b) An employer may limit the active period of consideration of an application so long as he treats all applicants alike regardless of age. Thus, for example, if the employer customarily retains employment applications in an active status for a period of 60 days, he will be in compliance with the Act if he so retains those of individuals in the 40 to 65 age group for an equal period of consideration as those of younger persons. Further, there is no objection to the employer advising all applicants of the above practice by means of a legend on his application forms as long as this does not suggest any limitation based on age. If it develops, however, that such a legend is used as a device to avoid consideration of the applications of older persons, or otherwise discriminate against them because of age, there would

then appear to be a violation of the Act. It should be noted that this position in no way alters the recordkeeping requirements of the Act which are set forth in Part 850 of this chapter.

4. In § 860.104, a new paragraph (c) is added to read as follows:

§ 860.104 Differentiations based on reasonable factors other than age—Additional examples.

* * * * *

(c) *Refusal to hire relatives of current employees.* There is no provision in the Act which would prohibit an employer, employment agency, or labor organization from refusing to hire individuals within the protected age group not because of their age but because they are relatives of persons already employed by the firm or organization involved. Such a differentiation would appear to be based on "reasonable factors other than age."

5. Section 860.110 is revised to read as follows:

§ 860.110 Involuntary retirement before age 65.

(a) Section 4(f)(2) of the Act provides that "It shall not be unlawful for an employer, employment agency, or labor organization * * * to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." Thus, the Act authorizes involuntary retirement irrespective of age, provided that such retirement is pursuant to the terms of a retirement or pension plan meeting the requirements of section 4(f)(2). The fact that an employer may decide to permit certain employees to continue working beyond the age stipulated in the formal retirement program does not, in and of itself, render an otherwise bona fide plan invalid insofar as the exception provided in section 4(f)(2) is concerned.

(b) This exception does not apply to the involuntary retirement before 65 of employees who are not participants in the employer's retirement or pension program. It should be noted that section 5 of the Act directs the Secretary of Labor to undertake an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and report his findings and any appropriate legislative recommendations to the President and to Congress.

6. Section 860.120 is revised to read as follows:

§ 860.120 Costs and benefits under employee benefit plans.

(a) Section 4(f)(2) of the Act provides that it is not unlawful for an employer, employment agency, or labor organization "to observe the terms of * * * any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." Thus, an employer is not required to provide older workers who are otherwise protected by the law with the same pension, retirement or insurance benefits as he provides to younger workers, so long as any differential between them is in accordance with the terms of a bona fide benefit plan. For example, an employer may provide lesser amounts of insurance coverage under a group insurance plan to older workers than he does to younger workers, where the plan is not a subterfuge to evade the purposes of the Act. A retirement, pension, or insurance plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred, in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may thereby receive a lesser amount of pension or retirement benefits, or insurance coverage. Further, an employer may provide varying benefits under a bona fide plan to employees within the age group protected by the Act, when such benefits are determined by a formula involving age and length of service requirements.

(b) Profit-sharing plans: Not all employee benefit plans but only those similar to the kind enumerated in section 4(f)(2) of the Act come within this provision and a profit-sharing plan as such would not appear to be within its terms. However, where it is the essential purpose of a plan financed from profits to provide retirement benefits for employees, the exception may apply. The "bona fides" of such plans will be considered on the basis of all the particular facts and circumstances.

(c) Forfeiture clauses in retirement programs: Clauses in retirement programs which state that litigation or participation in any manner in a formal proceeding by an employee will result in the forfeiture of his rights are unlawful insofar as they may be applied to those who seek redress under the Act. This is by reason of section 4(d) which provides that it "shall be unlawful for an employer to discriminate against any of his employees * * * because such individual * * * has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this Act."

(81 Stat. 602; 29 U.S.C. 620. Secretary's Order No. 10-68, 33 F.R. 9729; Secretary's Order No. 11-68, 33 F.R. 9690)

Signed at Washington, D.C., this 17th day of June 1969.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions.

[F.R. Doc. 69-7374; Filed, June 20, 1969; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICE

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

Part 813 is revised to read as follows:

Sec.
813.0 Purpose.
813.2 Policy on fees.
813.4 Restrictions on copying.
813.6 Services provided without charge.
813.8 Reviewing schedule of fees.
813.10 Schedule of fees and rates.

AUTHORITY: The provisions of this Part 813 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 12-32, April 28, 1969.

§ 813.0 Purpose.

This part establishes the schedule of fees to be collected by the Air Force for copying, certifying, and searching records and other documentary material.

§ 813.2 Policy on fees.

The Air Force collects fees for copying, certifying, and searching records and other documentary materials to make these services as self-sustaining as possible. (Services and fees are listed in § 813.10.) Requests for information and copies of records are subject to AFR 11-30 (Disclosure of Unclassified Records and Use of the Term "For Official Use Only"). When the fee can be determined in advance, the activity concerned will collect it before performing the service. However, exceptions may be made for unusual requests.

§ 813.4 Restrictions on copying.

The copying or sale of copyright material contained in Air Force documents may violate exclusive rights granted to a copyright owner. See AFR 110-8 (Inventions, Patents, Copyright, and Trademarks) prior to copying or sale. For other restrictions on the copying or reproduction of material, see AFR 6-1 (Policies and Procedures Governing AF Printing and Duplicating).

§ 813.6 Services provided without charge.

Fees are not collected when requests for the following types of services are received from the sources specified: (The term "Armed Forces" includes the Air Force, Army, Navy, Marine Corps, and their civilian components.)

(a) Any service requested by members of the Armed Forces who require the document or information in their capacity as members of the Armed Forces of the United States.

(b) Any service requested by members of the Armed Forces who are in a casualty status, or by their next of kin

or legal representatives; and requests for information from any source relating to a casualty.

(c) Any service requested by members (or retired members) of the Armed Forces for copies of or information from their own medical or dental records.

(d) Information from or copies of medical and dental records and/or X-ray films of patients or former patients of military medical or dental facilities. The information must be required for further medical or dental care and be requested by an accredited medical facility, physician, or dentists, or by the patient, his next of kin, or legal representative.

(e) Any service requested by members (or retired members) of the Armed Forces or their dependents for copies of or information from the dependents' medical or dental records.

(f) The 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 local directory (locator) reference and is requested by:

(1) A member (or retired member) of the Armed Forces of the United States, or

(2) A relative or legal representative of a member of the Armed Forces of the United States, or

(3) Any source when the address is required to pay money or forward property to a member or former member of the Armed Forces of the United States, or

(4) A custodian or manager of property owned by the member or former member who seeks to communicate with the member regarding the property.

(g) Any service requested by or on behalf of a member or former member of the Armed Forces, or, if deceased, his next of kin or legal representative, pertaining to requests for:

(1) Information required to obtain financial benefits.

(2) Document showing membership and military record in the Armed Forces, if discharge or release was under honorable conditions.

(3) Information relating to a decoration or award or information required for memorial purposes.

(4) Review or change in type of discharge or correction of records.

(5) Personal documents, e.g., birth certificates, when such documents are required to be furnished by the individual.

(h) Those services furnished free in accordance with statutes or Executive orders.

(i) Any service that relates to or furthers the Armed Forces recruiting programs and any service furnished representatives of public information media or the general public in the interest of public understanding of the Armed Forces.

(j) Any service involving confirmation of employment or salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(k) Any service requested by and furnished to a Member of Congress for official use.

(l) Any service requested by a State, U.S. possession, county, or municipal government, or an agency thereof, which is carrying on a function that is related to or furthers the public safety, health or welfare.

(m) Any service requested by a court that will serve as a substitute for the personal court appearance of a military or civilian employee of the Department of Defense.

(n) Any service requested by a nonprofit organization which is carrying on a function that is related to or furthers an objective of public safety, health, and welfare.

(o) Any service requested when the cost of such services ultimately would be charged to the Federal Government.

(p) Any service requested by donors regarding their gifts.

(q) Any request that results in an unsuccessful search of records, other than requests to determine the existence or nonexistence of a record.

(r) Requests for service 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.

(s) Any request when furnishing the service without charge 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 § 813.12.

(t) Any request from Federal employees to complete forms applicable to claims for reimbursement under the Federal Employees Health Benefit Act of 1959 (5 U.S.C. 8901 et seq.).

(u) Administrative services normally provided in reference or reading rooms or libraries for public inspection of records, except for copies of records or documents furnished.

§ 813.8 Reviewing schedule of fees.

The schedule of fees is reviewed whenever costs change significantly. It is reviewed at least once each year to determine whether the Air Force should collect a fee for any other services rendered the public or change or discontinue any of the existing fees. Activities concerned will submit their recommendations to Hq USAF (AFDASB). Costs are determined or estimated in accordance with cost standards in AFR 177-8 (User Charges and User Charges Report).

§ 813.10 Schedule of fees and rates.

This schedule 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 § 813.6. Except as provided in special cases prescribed below, a minimum fee of $1.50 is levied for processing any chargeable case. Normally only one copy of any record is provided.

Requests involving:

1. Training and education:

a. Transcripts:	
Original Copy	$1.50
Each additional copy (Includes requests for transcripts of graduation from military academies and schools)	.25
b. Certificates:	
Original Copy	1.50
Each additional copy (Includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities)	.25

2. Medical and dental records of patients and former patients when requested for purposes other than further treatment. Covers requests for information from or 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-rays.

a. Searching and processing (per hour)	$5.00
Minimum charge	2.50
b. Each typewritten page	1.50
c. Office copy reproductions (per image)	.25
d. Loan of each X-ray	1.50

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

a. Address of record, each	$1.50
b. Copies of releasable military personnel records, such as effectiveness reports for officers and enlisted men, reproduced for the personal use of active, retired and former member or next of kin of missing in action or deceased member of the Armed Forces.	
(1) Minimum charge (up to six office copy reproductions)	1.50
(2) Each additional image	.25
(3) Statement of verification of service or report of separation, for individuals other than honorable discharges	2.50

4. Claims, Litigation (includes court-martial records, furnishing information from Investigative Reports, e.g., automobile collision investigations, etc.). Requests pertaining to private litigation and to cases in which the United States is a party are made at the following rates where court rules provide for reproduction of records without cost to the Government (if not covered in paragraphs 2 or 3 of this section):

a. Searching and processing (per hour)	$5.00
Minimum charge	2.50

NOTE. Charges for professional search or research will be made in accordance with paragraph 8b below.

b. Office copy reproduction (minimum up to six reproduced images)	$1.50
c. Each additional image	.25
d. Certification and validation with seal, each	2.50

5. Publications and forms. A search and/or processing fee as prescribed in paragraph 8a of this section will be made for requests requiring extensive time (1 hour or more).

a. Shelf Stock. (Requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage.)

(1) Minimum fee per request plus	$1.50
(a) Forms, per copy	.05
(b) Publications, per printed page	.01

(Examples: Cost of 20 forms, $2.50; cost of a publication with 100 pages, $2.50.)

b. Office copy reproduction (when shelf stock is not available).

(1) Minimum charge (up to six reproduced pages)	$1.50
(2) Each additional image	.25
6. Engineering data (microfilm).	
a. Aperture cards:	
(1) Silver duplicate negative, per card	.35
When key punched and verified, per card	.40
(2) Diazo duplicate negative, per card	.30
When key punched and verified, per card	.35
b. 35mm roll film, per frame	.30
c. 16mm roll film, per frame	.20
d. Paper prints (engineering drawings), each	.50
e. Paper reprints of microfilm indices, each	.05
7. Photography and magnetic tape.	
8 x 10 single weight glossy finish, 1st print	.90
2d and 3d prints each	.40

See AFR 95-4 (Sale of Documentary Still Photographs) for fees applicable to other still picture services and AFR 95-12 (Sale or Release of Motion Picture and Second-Track Stock-footage) for those pertaining to motion picture photography and magnetic tape.

8. General services. Charges for any additional services not specifically provided above, and consistent with this part and AFR 177-8 (User Charges and User Charges Report), are made at the following rates:

a. Clerical search and processing per hour	$5.00
Minimum charge	2.50
b. Professional searching or researching	
(To be established at actual hourly rate prior to search. A minimum charge is established at one half of the hourly rate.)	
c. Minimum charge for office copy reproduction (minimum up to six images)	1.50
d. Each additional image	.25
e. Each typewritten page	1.50
f. Certification and validation with seal, each	2.50
g. Hand drawn plots and sketches, each hour or fraction thereof	6.00

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69-7310; Filed, June 20, 1969; 8:45 a.m.]

PART 818—PRIVATE INDEBTEDNESS

Part 818 is revised to read as follows:

Subpart A—Private Indebtedness

Sec:

818.0 Purpose.
818.2 Financial responsibility of member.
818.4 Payment of debts.

Subpart B—General Requirements for Debt Complaints To Be Accepted

818.6 Standards of fairness and full disclosure.
818.8 Previous efforts to resolve the matter.
818.10 Nonconforming complaints.

Subpart C—Processing Debt Complaints

818.12 Action required when complaint is received.

AUTHORITY: The provisions of this Part 818 issued under sec. 8012, 70A Stat. 488; U.S.C. 8012.

SOURCE: AFR 35-10, April 15, 1969.

Subpart A—Private Indebtedness

§ 818.0 Purpose.

This part establishes standards for considering the financial responsibility of Air Force military members. It states conditions a complainant must meet before requests for assistance in collecting debts are accepted, and tells how to process accepted requests. The rules and regulations are effective immediately, except that § 818.8 will not be enforced until 30 days after the date of this publication.

§ 818.2 Financial responsibility of member.

Air Force military members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment that conforms to the Soldiers' and Sailors' Civil Relief Act (50 U.S. Code Appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner in which the immediate commander determines is in good faith.

§ 818.4 Payment of debts.

The Air Force is without legal authority to require a member to pay a private debt, or to divert any part of his pay for the satisfaction thereof, even though the indebtedness may have been reduced to judgment by a civil court. The enforcement of the private obligations of Air Force members is a matter for civil authorities.

Subpart B—General Requirements for Debt Complaints To Be Accepted

§ 818.6 Standards of fairness and full disclosure.

AF Form 459, or its equivalent, must be provided by the complainant. If an equivalent of AF Form 459 is not provided by the seller or lender, locally reproduce AF Form 459 on 8" x 10½" paper. Produce part I on one sheet, produce parts II and III (continued) head to foot on another sheet. Complaints of the following types need not meet the requirements of this section:

(a) Claims from companies furnishing utility, milk, laundry, and similar services when credit is extended solely to facilitate the service.

(b) Claims by accommodation indorsers, comakers, or lenders against the party primarily liable on obligations not intended to benefit the accommodating party through payment of interest or otherwise.

(c) Contracts for the purchase, sale, or rental of real estate.

(d) Claims in which the total unpaid amount does not exceed $50.

(e) Claims for support of dependents.

(f) Claims based on a revolving or open end credit account if the account shows the periodic interest rate and its annual rate equivalent and the balance to which it is applied to compute the charge.

(g) Purchase money liens on real property (this does not include other liens on real property and related obligations such as those that represent obligations for improvement or repair).

(h) Claims by local, State, or Federal Government agencies unless the claim is based on subrogation to rights arising under a private contract not excluded from processing by this section.

(i) Those in which the debt has been reduced to a judgment.

§ 818.8 Previous efforts to resolve the matter.

The complainant must show that he has attempted to adjust the debt by direct contact with the member.

§ 818.10 Nonconforming complaints.

Debt complaints received, but not in compliance with the requirements of this subpart, will be returned to the complainant with an explanation of the deficiency.

Subpart C—Processing Debt Complaints

§ 818.12 Action required when complaint is received.

(a) By the CBPO Quality Control Special Actions Unit (SA).

(1) Complaints that meet the requirements of Subpart B of this part are sent to the immediate commander of the individual concerned.

(2) Complaints that do not meet the requirements of Subpart B of this part will be returned to the complainant.

(3) Complaints concerning separated or reassigned members:

(i) *Retired.* Send these complaints to the Retired Activities Section, USAFM PC (AFPMSDF), Randolph AFB, TX 78148.

(ii) *Discharged.* Complaints concerning members with no known military status will be returned to the complainant.

(iii) *Released from active duty and assigned to the Reserve forces.* These complaints will be forwarded to the Air Reserve Personnel Center, with a copy to the complainant.

(iv) *Reassigned.* Forward such complaints to the current unit of assignment with a copy to the complainant.

(b) By the commander of the alleged debtor.

(1) Direct from the complainant: Send the complaint to the CBPO Quality Control Special Actions Unit (SA) for action under Subpart B of this part.

(2) From the CBPO Quality Control Special Actions Unit (SA).

(i) *Preliminary inquiry.* The commander thoroughly reviews all the available facts surrounding the transaction forming the basis of the complaint. These

facts are obtained from the complainant's correspondence and the member concerned. This inquiry also includes a general review of the member's financial situation over the life of the obligation complained of.

(ii) *Counseling.* The commander applies the Air Force policy to the facts of the situation, and advises the member what actions, if any, he should take to comply with the policy. In every case, the member is advised of his right to advice under the legal assistance program and to counseling available to members from the on-base credit union.

(iii) *Response to complainant.* The complainant is entitled to a courteous response from the commander. The response will not admit, nor in any way imply, an admission of liability of the member. Neither will it report any action taken against the member as a result of the complaint. The commander will not act as an intermediary for either party nor give that impression in his response. The following should be an adequate response to most complaints:

Subject: (Name of alleged debtor).
To: (Complainant).

1. I have received your letter of (date) concerning (name of alleged debtor) and have discussed the matter with him.

2. As a result of that discussion, I advised (name of alleged debtor) of the Air Force policy concerning matters of this nature as it applies to this situation. The policy is that Air Force members are expected to discharge their just financial obligations in a proper and timely manner. A "just financial obligation" means one in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act (50 United States Code appendix 501, et seq.), if applicable. "In a proper and timely manner" means a manner which the immediate commander determines is in good faith.

3. The Air Force has no authority to arbitrate, intervene in, or enforce settlement of matters of this type. They are of a private civil nature for resolution in the civil courts only. The Air Force may take action in cases of continued financial irresponsibility. Such action is designed to improve discipline and to maintain the standards of conduct expected of Air Force personnel, but cannot be used to enforce private civil obligations. I hope the above information clarifies the limits of Air Force authority in this matter.

(iv) *Report to the Armed Forces Disciplinary Control Board.* In every case where it appears that a complainant has engaged in usurious, fraudulent, misleading, or deceptive business practices, the commander will report the situation to the Armed Forces Disciplinary Control Board (AFR 125–11 (Armed Forces Disciplinary Control Boards)).

(v) *Return the file to the CBPO (SA).* The complaint letter and a copy of the commander's response to the complainant will be returned to the CBPO. In addition, a summary of the case will be prepared and included in the file in every case where it should be made part of the Unfavorable Information File (AFR 35–32 (Control Roster Procedures)). The summary will consist of a brief statement of the facts and the commander's evaluation of the case.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 69–7308; Filed, June 20, 1969; 8:45 a.m.]

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 846—SUPPORT OF DEPENDENTS

Part 846 is revised as follows:

Sec.
846.0 Purpose.
846.2 Policy.
846.4 Airmen in paygrade E–1 through E–4 (four or less years service).
846.6 Officers and airmen in pay grade E–4 (over four years service) through E–9.
846.8 Court orders and disputed claims.
846.10 Rights of personnel.
846.12 Processing complaints.
846.14 Counseling personnel.
846.16 Action by the commander.

AUTHORITY: The provisions of this Part 846 issued under sec. 8012, 70A Stat. 488, 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 35–29, April 15, 1969.

§ 846.0 Purpose.

This part sets forth Air Force policy pertaining to support of dependents. It provides guidance for all Air Force personnel and for commanders who process complaints of this nature.

§ 846.2 Policy.

Each Air Force member must provide adequate and regular support to the best of his financial ability to his dependents until relieved from such obligation by a civil court of competent jurisdiction. Pending or contemplated court action does not relieve an individual from this obligation. An Air Force member's obligation to support the dependent children of a marriage continues even though a divorce decree or other court order or decree is silent concerning their support. The assumption of additional responsibilities or remarriage does not relieve an Air Force member of his obligation to support his dependents and to comply with court orders relative thereto. Any unreasonable failure of an Air Force member to provide adequate and regular support to his dependents becomes a proper subject of command consideration for appropriate disciplinary or administrative action.

§ 846.4 Airman in pay grade E–1 through E–4 (four or less years service).

The Dependents Assistance Act of 1950 as amended (50 U.S.C. App. 2201, et seq.); and DOD Military Pay and Allowances Entitlements Manual (DODPM), paragraph 30235, provides airmen in pay grades of E–1, E–2, E–3, and E–4 with 4 or less years of service a means of furnishing support for eligible dependents through a Class Q allotment, provided Government quarters are not occupied in accordance with DODPM, part 6, chapter 2, section A. When the airman complies with the above act he will generally be considered as complying with the Air Force policy for support of such eligible dependents. However, the fact that the airman is not eligible for a class Q allotment or that a dependent is not considered an eligible dependent under the Dependents Assistance Act does not relieve the airman of his obligation to provide adequate support for his dependents. Also, additional factors, such as serious illness, may indicate an obligation for the airman to provide additional support over and above the class Q allotment. If the airman fails or refuses to initiate a class Q allotment for his eligible dependents, action will be taken according to DODPM, paragraph 60201b and table 6–2–1.

§ 846.6 Officers and airmen in pay grade E–4 (over four years service) through E–9.

The amount constituting adequate or reasonable support ordinarily should be determined by agreement between the parties or by a court order which specifies an amount to be paid for support. In the absence of a written and signed agreement or a court order, an Air Force member in this category is expected to provide at least an amount equal to his BAQ as minimum support for the dependents of his present marriage (unless a lesser amount is currently requested by or on behalf of such dependents) and to provide such additional amount as is reasonably necessary based on the following:

(a) The needs of the dependents.

(b) The support provided before controversy.

(c) The number and age of all dependents.

(d) The current pay and allowances of the member.

(e) The allowances received by the member by reason of his dependents.

(f) Any other facts pertaining to the individual case, such as serious illness if dependents, etc. Where children of more than one marriage and/or dependents of different categories claim support, Air Force members in this category are expected to apportion their income, in consideration of the factors noted in this section, to provide reasonable support for all dependents to the extent of the member's financial ability.

§ 846.8 Court orders and disputed claims.

As a general rule, a court order or decree issued by a municipal, State, or Federal court of the United States in a case involving support of dependents is a legal determination of any controversy concerning such support and the amount thereof. The Air Force expects a service member to comply with the support provisions of such court order or decree to the best of his financial ability. The Air Force has no authority to specifically enforce a court order or to relieve an individual of an obligation imposed by a court order or decree. Such enforcement or relief may only be obtained through a civil court of competent jurisdiction.