

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11535

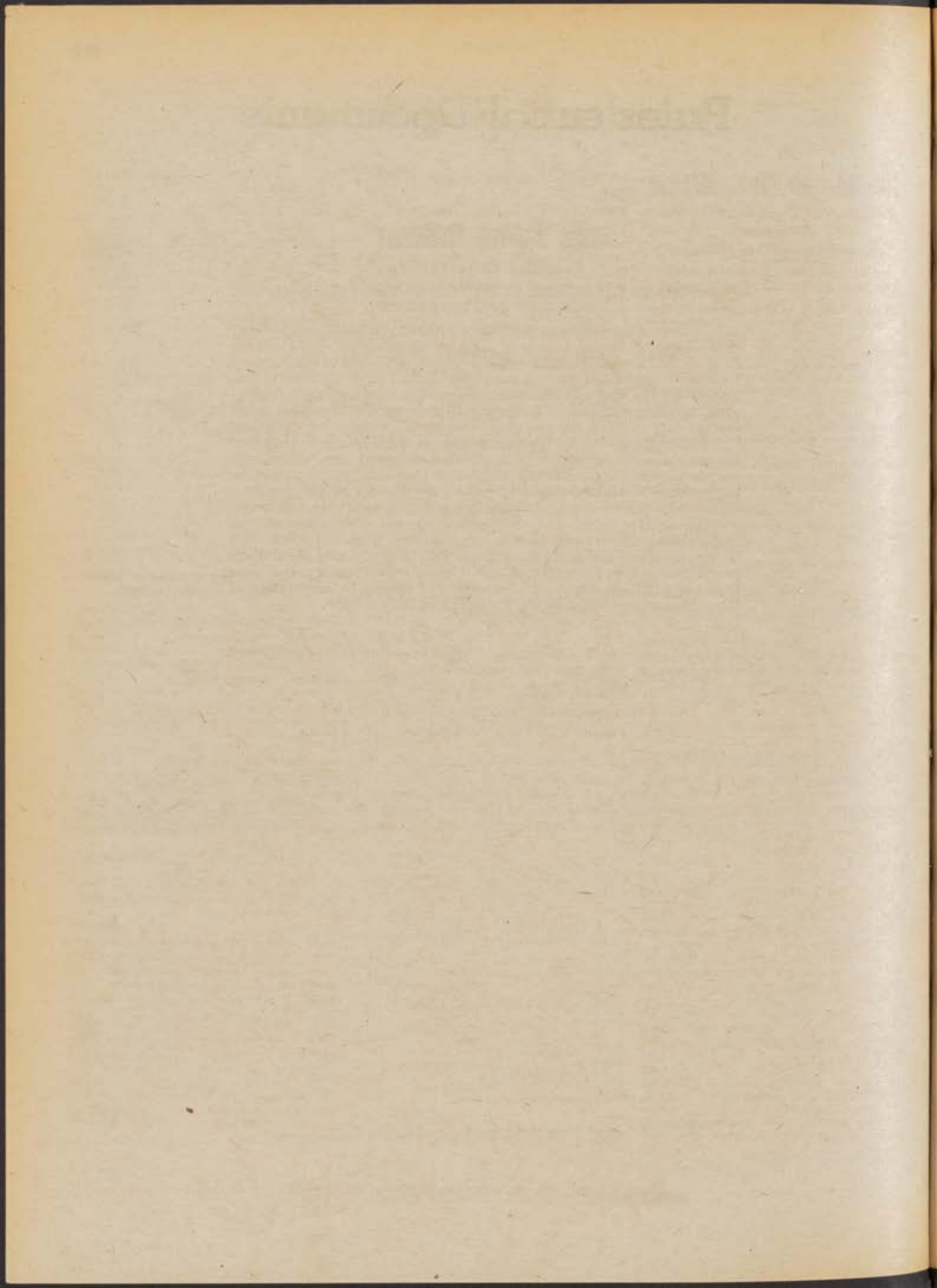
INSPECTION OF TAX RETURNS BY THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by sections 55(a) and 1604(c) of the Internal Revenue Code of 1939, as amended (26 U.S.C. (1952 Ed.) 55(a), 1604(c)), and by sections 6103(a) and 6106 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a), 6106), it is hereby ordered that any income, excess-profits, estate, gift, unemployment, or excise tax return, including all reports, documents, or other factual data relating thereto, shall, during the Ninety-first Congress, be open to inspection by the Committee on the Judiciary, House of Representatives, or any duly authorized subcommittee thereof, in connection with its consideration of House Resolution 920, a resolution impeaching William O. Douglas, Associate Justice of the Supreme Court of the United States. Whenever a return is open to inspection by such Committee or subcommittee, a copy thereof shall, upon request, be furnished to such Committee or subcommittee. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

Richard Nixon

THE WHITE HOUSE,
June 12, 1970.

[F.R. Doc. 70-7596; Filed, June 15, 1970; 9:01 a.m.]



Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 888d—ENLISTMENT AND DISCHARGE OF AFROTC CADETS

A new Part 888d is added to read as follows:

Sec.	Purpose.
888d.0	Definitions.
888d.2	Student obligation to enlist.
888d.4	Prerequisites for enlistment of applicant.
888d.6	Terms (years) of enlistment.
888d.8	Who may enlist applicants.
888d.10	Grade of enlistee with no prior service.
888d.12	Grade of enlistee with prior military service.
888d.14	Failure of cadet to complete training or accept commission.
888d.16	Basis for discharge.
888d.18	Reporting names to ARPC.
888d.20	Actions required of ARPC regarding discontinued cadets reported for EAD in their enlisted grade.

AUTHORITY: The provisions of this Part 888d issued under 10 U.S.C. 2101 et seq.; 10 U.S.C. 8012.

§ 888d.0 Purpose.

This part prescribes the enlistment requirements for students selected for membership in the College Scholarship Program (CSP) and the Professional Officer Course (POC), AFROTC, under chapter 103, 10 U.S.C. It also prescribes the policies and procedures for enlistment in the U.S. Air Force Reserve (USAFR), for discharge from the USAFR, and for ordering certain discontinued members to extended active duty (EAD) involuntarily in their enlisted grade. It applies to major commands, AFROTC (Maxwell AFB AL), Air Reserve Personnel Center (ARPC), and AFROTC detachments.

§ 888d.2 Definitions.

(a) *AFROTC category agreement (AF Form 1056)*. A contractual agreement jointly executed by a student and the Department of the Air Force which establishes membership in CSP or POC.

(b) *College Scholarship Program (CSP)*. A program in which selected cadets of the 4-year program receive educational financial assistance to include tuition, fees, laboratory expenses, book allowances, and a monthly subsistence allowance. This program is prescribed under 10 U.S.C. 2107.

(c) *Professional Officer Course (POC)*. The third and fourth years of the 4-year program of Aerospace Studies, Aerospace Studies 300 and 400 comprise the first and second years, respectively, of the 2-year program. This advanced

training is prescribed under 10 U.S.C. 2104.

§ 888d.4 Student obligation to enlist.

Those students selected by the Commandant, AFROTC, for award of scholarships and those selected to participate in POC are required to enlist in the USAFR under this part prior to enrollment as members of POC or CSP.

§ 888d.6 Prerequisites for enlistment of applicant.

Applicant must meet the prerequisites for enlistment prescribed in Part 888b of this chapter and meet eligibility requirements for admission to membership in POC or CSP as contained in Part 870 of this chapter.

§ 888d.8 Terms (years) of enlistment.

Rule	A If applicant has—	B Then years of enlistment are—
1	Enrolled in CSP.....	8
2	Less than 24 months of active or inactive military service and is enrolled in POC.....	6
3	24 months or more of active or inactive military service and is enrolled in POC.....	4

§ 888d.10 Who may enlist applicants.

Professors of Aerospace Studies (PAS) and other officers assigned to AFROTC may enlist eligible applicants in the USAFR.

§ 888d.12 Grade of enlistee with no prior service.

Rule	A If enlistee—	B Then grade authorized is—
1	Is credited with over 90 days of active duty service and was last separated in pay grade E-2 or higher.....	
2	Presents General Billy Mitchell Award Certificate from CAP-USA, Maxwell AFB AL 36112, or letter from CAP unit commander showing successful completion of CAP Training Program.....	
3	Has successfully completed 2 or more years of college AFROTC.....	
4	Has satisfactorily completed the entire high school Junior ROTC program, is a high school graduate, and presents an official certificate of completion issued by the Armed Force conducting the program.....	
5	Is a Service academy ex-cadet with over 90 days of service.....	
6	Is none of the above.....	

NOTE: Documents presented after enlistment is completed may not be used to change the enlistee's grade.

§ 888d.14 Grade of enlistee with prior military service.

Rule	A If applicant enlists—	B And he last served in—	C Then enlistment grade is grade in which last separated, but not higher than (see note)
1	Before 1st anniversary of DOS.....	Air Force, including Reserve components.....	SSgt (E-5).
2		Other than Air Force.....	Sgt (E-4).
3	On or after 1st anniversary of DOS, but before 2d anniversary of DOS.....	Air Force, including Reserve components.....	
4		Other than Air Force.....	A1C (E-3).
5	On or after 2d anniversary of DOS.....	Any of the Armed Forces.....	

NOTE: Enlistment grade cannot exceed the grade in which last separated.

§ 888d.16 Failure of cadet to complete training or accept commission.

(a) *CSP*. A cadet who does not complete this program of instruction or who completes the program, but declines to accept a commission when offered, may be ordered to active duty to serve in his enlisted status for 4 years.

(b) *POC*. A cadet who does not complete the course of instruction or who completes the course, but declines to accept a commission when offered, may be ordered to active duty to serve in his enlisted status for 2 years.

§ 888d.18 Basis for discharge.

Discharge is accomplished by ARPC:
(a) Upon successful completion of the AFROTC program and upon acceptance of a commission and is:

(1) Effective the day preceding acceptance of the commission.

(2) For the convenience of the Government. Cite this paragraph as authority for discharge.

(b) Upon discontinuance of AFROTC membership for any reason unless reported for order to active duty involuntarily under § 888d.20. A request for discharge must be accompanied by DD Form 785, "Record of Disenrollment from Officer Candidate-Type Training," for permanent inclusion in the Cadet's Master Personnel Record Group. Discharge for any of the reasons cited in AFR 45-43, paragraphs 20 through 28, April 14, 1959, will be instituted when applicable. All other discharges are for the convenience of the Government; cite this paragraph as authority for the discharge.

(c) Upon termination of a scholarship when the student remains a member of the General Military Course (GMC) or has completed GMC instruction, but has not begun POC instruction. Discharge occurs the day of scholarship termination and is for the convenience of the Government. Cite this paragraph as authority for the discharge.

NOTE: Discharge under paragraph (b) or (c) of this section does not relieve the cadet from draft liability under the Military Selective Service Act of 1967.

§ 888d.20 Reporting names to ARPC.

(a) The Commandant, AFROTC, reports to ARPC at least once a week the names of AFROTC cadets or former cadets who qualify for administrative discharge under this part.

(b) The Commandant, AFROTC, may, with the approval of the Commander, Air University (AU), report the name of a discontinued cadet to ARPC for order to involuntary active duty in his enlisted grade if the cadet was discontinued for indifference to training, disciplinary reasons, breach or anticipatory breach of the terms of the category agreement, and/or declining to accept a commission. The period of involuntary active duty will be as described in § 888d.16 and re-stated in the cadet's AF Form 22. A DD Form 785 will also be sent to AFPC in such cases.

§ 888d.22 Actions required of ARPC regarding discontinued cadets reported for EAD in their enlisted grade.

(a) ARPC, upon receipt of notification from the Commandant, AFROTC, that a discontinued cadet has been approved for order to EAD involuntarily in his enlisted grade, will advise him that:

(1) He will be ordered to EAD involuntarily in his enlisted grade for the period prescribed by his AF Form 22, not later than 45 days after his scheduled date of obtaining his baccalaureate degree or the date he leaves school either voluntarily or involuntarily, whichever is sooner. (Exception to this policy requires approval of Hq USAF. Submit requests to USAFMPC (AFPM RED), Randolph AFB TX 78148.)

(2) He may request an earlier reporting date at any time.

(3) He must keep ARPC informed of any change in his status which may have a bearing on his availability for EAD or affect his status in the USAFR.

(b) ARPC will publish appropriate orders and dispatch the discontinued cadet's copies by registered mail, return receipt requested, within 45 to 60 days prior to his scheduled EAD date.

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. 70-7359; Filed, June 15, 1970; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XV—Federal Reserve System

REG. V—LOAN GUARANTEES FOR DEFENSE PRODUCTION

Maximum Rate of Interest

1. Effective June 4, 1970, section 7(a) of Regulation V is amended to read as follows:

Sec. 7 Supplement.

(a) *Maximum rate of interest.* The maximum interest rate charged a borrower by a financing institution with respect to a guaranteed loan shall not exceed 7½ percent per annum, except that the agency guaranteeing a particular loan may from time to time prescribe a higher rate if it determines the loan to be necessary for the purpose of financing any contractor, subcontractor, or other person in connection with the performance of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense.

2a. The purpose of this amendment is to permit the governmental agency guaranteeing a loan under the Defense Production Act of 1950, as amended, to prescribe from time to time a higher interest rate than otherwise payable on such loan if the agency determines that such higher rate is necessary in obtaining V-loan financing of a contract or

other operation essential to the national defense.

b. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment. Functions exercised under the Defense Production Act are exempt from such requirements (50 App. U.S.C. 2159). It was considered impracticable under the circumstances to consult with industry representatives.

(50 App. U.S.C. 2091(c), 2153; E.O. 10480, secs. 302(c) (2), 602(b) (1))

By order of the Board of Governors,
June 4, 1970.

[SEAL]

KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7429; Filed, June 15, 1970; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Miscellaneous Amendments

Part 21 is amended as follows:

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

1. Section 21.133 is revised to read as follows:

§ 21.133 Rates.

Subsistence allowance is payable for periods commencing on and after February 1, 1970, at the following monthly rates:

Type of training	Monthly rate of subsistence allowance			
	No dependent	One dependent	Two dependents	For each additional dependent ¹
Institutional:				
Full-time	\$135	\$181	\$210	\$6
¾ time	98	133	156	None
½ time	67	91	102	None
Institutional on-farm (IOF), apprentice or other on-job (OJT) ² (full time only):	118	153	181	6
Combination (institutional and OJT) (Full time only):				
Institutional ¾ time or more	135	181	210	6
Institutional less than ¾ time	118	153	181	
Cooperative (full time only):				
Institutional full time	135	181	210	6
Business/industry full time	118	153	181	6

¹ \$6 will be added for each dependent over two, except for the veteran with a disability rating of 50 percent or more (38 U.S.C. 1504(b)).

² For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.

(38 U.S.C. 1504(b))

Subpart B—Veterans' Educational Assistance Under 38 U.S.C. Chapter 34

2. In § 21.1021, paragraph (e) is added to read as follows:

§ 21.1021 Definitions.

(e) "Unit" means not less than one hundred and twenty 60-minute hours or

their equivalent of study in any high school subject in 1 academic year (38 U.S.C. 1684; Public Law 91-219, 84 Stat. 76).

3. Immediately following § 21.1021(e), a cross reference is added to read as follows:

Cross Reference: Measurement of courses. See § 21.4270(b).

4. In § 21.1040(e), subparagraph (2) is amended and subparagraph (3) is added so that the amended and added material reads as follows:

§ 21.1040 Basic eligibility.

(e) *Persons on active duty.* Educational assistance may be afforded a person while on active duty if he:

(2) Meets the requirements of paragraphs (a) and (b) of this section, and has served a total of 2 or more years (730 days or more) on active duty, any part of which occurred on or after February 1, 1955, excluding periods of time specified in § 3.15 of this chapter. Educational assistance otherwise payable may be provided under this subparagraph so long as he continues on active duty, or

(3) Has completed 181 consecutive days or more of active duty, any part of which was on or after February 1, 1955, but such assistance shall be limited to that provided by § 21.4235(a)(1). (38 U.S.C. 1695(b))

5. In § 21.1041, paragraphs (a) (4) and (d) (2) are amended to read as follows:

§ 21.1041 Periods of entitlement.

(a) *General.* * * *

(4) The 36-month limitation may be exceeded where an extension is authorized under paragraph (d) of this section, or where no charge against entitlement is made based on a course or courses pursued at a secondary school level, as provided in § 21.1045(a) or pursued by a veteran under the Program of Special Assistance for the Educationally Disadvantaged or by a serviceman under the Predischarge Education Program.

(d) *Extension.* The period of entitlement, including the 36-month period, may be extended, but not beyond the 8-year delimiting date specified in § 21.1042:

(2) To the end of the course or for 12 weeks, whichever is less, in all other schools, when the period of entitlement ends after more than half of the course has been completed. In a course consisting exclusively of flight training and in a course pursued exclusively by correspondence, the period of entitlement will be extended to the end of the course or for the total additional amount of instruction that \$490 will provide, whichever is less. (38 U.S.C. 1661)

6. In § 21.1045, paragraphs (a), (b), and (d) are amended to read as follows:

§ 21.1045 Entitlement charges.

(a) *Residence courses—(1) High school courses; chapter 34.* No charge will be made against a veteran's entitlement based on a course pursued on or after June 1, 1966, at a secondary school level under the circumstances outlined in § 21.4235. Any charge made against such veteran's entitlement because of pursuit of a course at a secondary school level between June 1, 1966, and Septem-

ber 30, 1967, both dates inclusive, will be restored. (38 U.S.C. 1696(c); Public Law 91-219, 84 Stat. 76)

(2) *Flight training courses; chapter 34.* A charge against the period of entitlement for a program consisting exclusively of flight training will be made on the basis of 1 month for each \$175 which is paid to the veteran as an educational assistance allowance for such course. Where the computation results in a period of time other than a full month, or other than exactly three-quarters, one-half, or one-quarter fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1677(b))

(3) *Other courses; chapter 34.* Except as provided in subparagraphs (1) and (2) of this paragraph, and except where the courses are pursued under the program of Special Assistance for the Educationally Disadvantaged or the Predischarge Education Program, charges against a period of entitlement will be made in terms of full months and fractions of a month for periods during which the veteran is enrolled in an approved course. Where a program of education is pursued on a full-time basis the total elapsed time will be charged. Where a program is pursued on a three-fourths, one-half time, or less than half-time basis, a proportionate rate of the elapsed time will be charged. Where the computation results in a period of time other than a full month, or other than exactly three-quarters, one-half, or one-quarter fractional part of a month, the figure will be reduced to the next lower quarter fraction of a month.

(4) *Chapter 35.* Charges against a period of entitlement will be made in terms of full months and fractions of a month for periods during which the eligible person is enrolled in an approved course. Where a program of education is pursued on a full-time basis the total elapsed time will be charged. Where a program is pursued on a three-fourths, one-half time, or less than half-time basis, a proportionate rate of the elapsed time will be charged. Where the computation results in a period of time other than a full month, or other than exactly three-quarters, one-half, or one-fourth fractional part of a month, the figure will be reduced to the next lower quarter fraction of a month.

(b) *Correspondence courses; chapter 34—(1) High school courses.* The provisions of paragraph (a)(1) of this section are applicable, except to servicemen on active duty, to correspondence courses at a secondary school level.

(2) *Other courses.* Except as provided in subparagraph (1) of this paragraph, the period of entitlement of any eligible veteran who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each \$175 paid to the veteran as an educational assistance allowance for such course. Where the computation results in a period of time other than a full month, or other than exactly three-quarters, one-half, or one-fourth fractional part of a month, the figure will be reduced to the next lower quarter. (38

U.S.C. 1682(c)(2); Public Law 91-219, 84 Stat. 76)

(d) *Active duty.* A charge against the period of entitlement for a program of education pursued by a veteran or serviceman on active duty will be made on the basis of the credit hours for which enrolled or clock hours of attendance, except that no charge against entitlement will be made where the courses are pursued under the program of Special Assistance for the Educationally Disadvantaged or the Predischarge Education Program. See § 21.4270.

Subpart C—War Orphans' Educational Assistance Under 38 U.S.C. Chapter 35

7. In § 21.3041(d), subparagraph (1) is amended to read as follows:

§ 21.3041 Periods of eligibility; child.

(d) *Modified ending date.* * * *

(1) Effective date of permanent total rating of veteran-parent or the date of notification to him of such rating, whichever is the more advantageous to the eligible person. (38 U.S.C. 1712; Public Law 91-219, 84 Stat. 76)

8. In § 21.3042, paragraph (a) is amended to read as follows:

§ 21.3042 Service with Armed Forces.

(a) No educational assistance under chapter 35 may be provided an otherwise eligible person during any period he is on duty with the Armed Forces. See § 21.3021 (c) and (d). This does not apply to brief periods of active duty for training. See § 21.4135(n). (38 U.S.C. 1701(d)). For chapter 34 benefits see § 21.4235.

9. Section 21.3046 is revised to read as follows:

§ 21.3046 Periods of eligibility; wives and widows.

The period of eligibility cannot exceed 8 years and can be extended only as provided in paragraph (c) of this section. The period of eligibility of a wife computed under the provisions of paragraph (a) of this section, however, will be recomputed under the provisions of paragraph (b) of this section if her status changes to that of widow.

(a) *Wives.* (1) If the permanent total rating is effective before December 1, 1968, the beginning date of the 8-year period of eligibility is December 1, 1968.

(2) If the permanent total rating is effective on or after December 1, 1968, or the notification to the veteran of such rating was on or after that date, the beginning date of the 8-year period of eligibility is the effective date of the rating or the date of notification, whichever is more advantageous to the wife.

(b) *Widows.* (1) If the veteran's death occurred before December 1, 1968, the beginning date of the 8-year period is December 1, 1968.

(2) If the veteran's death occurred on or after December 1, 1968, the beginning date of the 8-year period is the date of death.

(c) *Extension to ending date.* Wife is enrolled and eligibility ceases for a reason specified in subparagraph (1) or (2) of this paragraph: Extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 9 weeks, whichever is earlier, but not to exceed maximum entitlement or beyond the 8-year delimiting date specified in paragraph (a) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached.

(1) Veteran is no longer rated permanently and totally disabled.

(2) Wife is divorced from veteran without fault on her part. (38 U.S.C. 1711(b), 1712(b))

10. Section 21.3333 is revised to read as follows:

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rate except as provided in paragraph (c) of this section.

Course	Monthly rate	Accelerated charges
Special restorative training.	\$175	If costs for tuition and fees average in excess of \$55 per month rate may be increased by such amount in excess of \$55.

(b) *Accelerated charges.* The additional monthly rate may be paid if the parent or guardian concurs in having the eligible person's period of entitlement reduced by 1 day for each \$6.80 that the special training allowance exceeds the basic monthly rate of \$175. Fractions of more than one-half day will be charged as 1 day; fractions of one-half or less will be disregarded. Charges will be recorded when the eligible person is entered into training. (38 U.S.C. 1742)

(c) *Payments in Philippine pesos.* Special training allowance will be payable at a rate in Philippine pesos equivalent to \$0.50 for each dollar authorized in those instances in which:

(1) Entitlement is based on the service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in § 3.8 (b), (c), or (d) of this chapter; or

(2) The training is pursued at an institution located in the Republic of the Philippines. (38 U.S.C. 1732, 1742, 1765; Public Law 91-219, 84 Stat. 76)

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

11. Section 21.4025 is revised and cross references are added to read as follows:

§ 21.4025 Nonduplication; Federal programs.

(a) *Chapter. 35.* Payment of educational assistance allowance and special

training allowance are prohibited to an otherwise eligible person:

(1) Who is on active duty; or
(2) Who is employed by the United States and whose full salary is being paid to him while attending a course of education or training which is paid for by the United States under the Government Employees' Training Act.

(b) *Chapter 34.* Payment of educational assistance allowance is prohibited to an otherwise eligible veteran:

(1) Who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces; or

(2) Who is on active duty in the Public Health Service and is pursuing a course of education which is being paid for by the Department of Health, Education, and Welfare; or

(3) Who is employed by the United States and whose full salary is being paid to him while attending a course of education or training which is paid for by the United States under the Government Employees' Training Act. (38 U.S.C. 1701(d), 1781; Public Law 91-219, 84 Stat. 76)

CROSS REFERENCES: See §§ 21.1025, 21.3024, and 21.3025.

12. In § 21.4135(e), subparagraph (1) is amended to read as follows:

§ 21.4135 Discontinuance dates.

(e) *Course discontinued; course interrupted; intervals between terms.* (1) Last day of attendance, or at institutions of higher learning the official date of change in status under the practices of the institution, or if enrollment certified for ordinary school year and veteran or eligible person has completed one or more terms, but does not return for the next term, discontinuance will be effective the end of the term completed.

13. In § 21.4136, paragraphs (a) and (c) are amended and paragraph (h) is added so that the added and amended material reads as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

(a) *Rates.* Educational assistance allowance is payable for periods commencing on or after February 1, 1970, at the following monthly rates.

Type of courses	Monthly rate			
	No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional:				
Full time	\$175	\$205	\$230	\$13
¾ time	128	152	177	10
½ time	81	100	114	7
Less than ½, but more than ¼ time	181			
¼ time or less	141			
Cooperative, other than farm cooperative (full time only)	141	167	192	19
Apprentice or on-job (full time only) payment designated training assistance allowance:				
1st 6 months	108	120	133	None
2d 6 months	81	92	105	None
3d 6 months	54	66	79	None
4th 6 months and succeeding periods	27	39	52	None
Correspondence				
Established charge for number of lessons completed by veteran and serviced by school—				
Allowance paid quarterly.				
90 per centum of the established charges for tuition and fees which similarly circum-				
stanced nonveterans enrolled in the same				
flight course are required to pay—Allowance				
paid monthly based on actual flight training				
received.				
Flight training:				
Farm cooperative:				
Full time	141	165	190	19
¾ time	101	119	138	7
½ time	67	79	92	4

¹ See paragraph (b) of this section.

² Established charge means the established charge before addition of interest or the actual cost to the veteran, whichever is lesser.

(38 U.S.C. 1677, 1682, 1683; Public Law 91-219, 84 Stat. 76)

(c) *Active duty.* The monthly rate for an individual who is pursuing a program of education while on active duty may not exceed the monthly rate of the cost of the course as specified in paragraph (b) of this section. For the purpose of a course pursued under the provisions of § 21.4235(a)(1), "cost of the course" shall include the cost of books and supplies peculiar to the course which the institution requires similarly circumstanced nonveterans enrolled in the same or a similar course to have. Subject to these limitations, the rate will be:

Measurement:	Rate
Full time	\$175
¾ time	128
½ time	81
Less than ½ but more than ¼ time	181
¼ time or less	141

(38 U.S.C. 1682; Public Law 91-219, 84 Stat. 76)

(h) *Payment.* Educational assistance allowance at the rates specified in paragraphs (b) and (c) of this section will be paid to or on behalf of the trainee enrolled in an institution operating on

a term, quarter, or semester basis in a lump sum for the entire quarter, semester, or term. These payments will be made during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at the institution.

14. In § 21.4137, paragraphs (a), (b), and (d) are amended to read as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. chapter 35.

(a) Rates. Effective February 1, 1970, educational assistance allowance is payable at the following monthly rates except as provided in paragraphs (b) and (d) of this section.

Type of courses:

	Monthly rate
Institutional:	
Full time.....	\$175
¾ time.....	128
½ time.....	81
Less than ½, but more than ¼ time.....	81
¼ time or less.....	41
Cooperative (full time only).....	141

(38 U.S.C. 1732)

(b) Less than half time. The monthly rate for an individual who is pursuing an institutional course on less than one-half time basis may not exceed the monthly rate of the cost of the course, computed on the total cost for tuition and fees which the school requires similarly circumstanced individuals enrolled in the same course to pay. "Cost of the course" does not include the cost of books or supplies which the student is required to purchase at his own expense. (38 U.S.C. 1732(a)(2))

(d) Payments in Philippine pesos. Educational assistance allowance will be payable at a rate in Philippine pesos equivalent to \$0.50 for each dollar authorized in those instances in which:

(1) Entitlement is based on the service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in § 3.8 (b), (c), or (d) of this chapter; or

(2) The program of education is pursued at an institution located in the Republic of the Philippines.

15. Section 21.4138 is revised and a cross reference is added to read as follows:

§ 21.4138 Certifications.

Educational assistance allowance will be paid to or on behalf of a veteran or eligible person under chapter 34 or 35 on the basis of a certification as required in §§ 21.4203, 21.4204, and 21.4205 concerning enrollment in or the pursuit of a course during the reporting period.

(a) Chapter 34; courses not leading to a standard college degree. (1) Where a course is pursued in an institution operating on a term, quarter, or semester basis on a less than half-time basis or while on active duty, a certification by the institution that the eligible individual has enrolled in and is pursuing

a program of education will be sufficient for release of a lump-sum payment to or on behalf of the individual computed for the entire quarter, semester, or term.

(2) Where a course is pursued by an eligible veteran not on active duty and on a half time or greater basis, a certification by the institution that the veteran has enrolled will be sufficient to release payment of educational assistance allowance representing the initial payment of an enrollment period, not to exceed one full month. Subsequent payments will be made only after the Veterans Administration has received a report from the veteran and the school which shows that the veteran has been pursuing his course.

(b) Chapter 35; courses not leading to a standard college degree. The educational assistance allowance will be paid only after the Veterans Administration has received a report from the eligible person and the school which shows that the eligible person has been pursuing his course. (See §§ 21.4203, 21.4204, and 21.4205 on certifications of enrollment, periodic certifications and absences.)

CROSS REFERENCE: Payments. See § 21.4136 (h).

16. In § 21.4150, paragraph (e) is added to read as follows:

§ 21.4150 Designation.

(e) The Administrator shall act as State approving agency for programs of apprenticeship, the standards for which have been approved by the Secretary of Labor pursuant to section 50a of title 29, United States Code as a national apprenticeship program for operation in more than one State and the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State. (38 U.S.C. 1772(c))

17. In § 21.4200, paragraphs (a) and (b)(1) are amended to read as follows:

§ 21.4200 Definitions.

(a) School, educational institution, institution. (1) For chapter 34 these terms mean any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults. It also includes training establishments as defined in paragraph (c) of this section. (38 U.S.C. 1652)

(2) For chapter 35 these terms mean any public or private secondary school, vocational school, business school, junior college, teachers' college, college, normal school, professional school, university or scientific or technical institution or any other institution if it furnishes education at the secondary school level or above. They include institutions which provide specialized vocational courses for the mentally or physically handicapped generally recognized as on the secondary school level or above. (38 U.S.C. 1701 (a)(6))

(b) Divisions of the school year. (1) "Ordinary school year" is generally a period of two semesters or three quarters which is not less than 30 nor more than 39 weeks in total length, but the ordinary school year may include a summer session where such session is designated as a third semester or fourth quarter and the intervals between all semesters or all quarters are approximately the same.

18. In § 21.4203, paragraphs (b)(1), (c), (d), and (f)(1) are amended to read as follows:

§ 21.4203 Reports by schools; requirements.

(b) Entrance or reentrance. . . .

(1) Schools organized on a term, quarter or semester basis may generally report enrollment for the term, quarter, or semester, or for the ordinary school year. Certifications for the ordinary school year may include a summer session where such session is designated as a third semester or fourth quarter and the intervals between quarters or semesters are about the same length as during the regular school year. Enrollment certifications for the ordinary school year are encouraged, except where the student is a veteran pursuing a program on a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter, or semester.

(c) Course changes. Any changes in the number of credit hours or the clock hours of attendance or instruction or any other modification in the course as certified at enrollment must be reported promptly to the Veterans Administration. In institutions of higher learning this reporting requirement will be satisfied if the official date of the change of status is reported in accordance with the practices of the institution.

(d) Interruptions and terminations. When a veteran or eligible person interrupts or terminates his training for whatever reason, including unsatisfactory conduct or progress, this fact must be reported promptly to the Veterans Administration.

(1) Where the school is required to submit monthly certifications, the information required by this paragraph and paragraph (c) of this section should be included in the endorsement to the veteran's or eligible person's certification.

(2) In other cases the school will initiate the certification. Information regarding any changes or an interruption or termination of training must be reported during or immediately after the end of the month in which the event occurred. In institutions of higher learning this reporting requirement will be satisfied if the official date of change of status or interruption or termination is reported in accordance with the practices of the institution.

(f) Monthly certification—(1) Courses not leading to a standard college

degree. A certification must be submitted monthly, except for those courses pursued by servicemen while on active duty or on less than one-half time basis, and except as provided in paragraphs (e) and (g) of this section, for each veteran and eligible person enrolled in a course which does not lead to a standard college degree (see § 21.4204). The report will consist of a certification containing the information required for release of payment, signed by the veteran or eligible person and the school on or after the final date of the reporting period. The date on which each person signed must be clearly shown. The only exception to the requirement of two signatures is a certification of interruption of training when the veteran or eligible person is not available for signature.

19. In § 21.4204, paragraphs (a) and (c) (1) are amended to read as follows:

§ 21.4204 Periodic certifications.

(a) *Reports by schools, veterans and eligible persons.* A veteran or eligible person enrolled in a course which leads to a standard college degree, excepting those on active duty and veterans pursuing the course on a less than half-time basis, must submit a report as required by the Veterans Administration, certifying as to continued enrollment in and pursuit of his course for the entire enrollment period. The report shall be completed and signed by the veteran or eligible person, except that in the case of a veteran or eligible person who completed, interrupted or terminated his course, any communication from an authorized official of the school notifying the Veterans Administration of the veteran's or eligible person's completion of course as scheduled or earlier termination date, will be accepted to release and terminate payments accordingly. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203 (e), (f), or (g).

(c) *Term, quarter, or semester.* For a course which does not lead to a standard college degree, if a school organized on a term, quarter, or semester basis has reported enrollment:

(1) For the ordinary school year, the periodic certification will show the intervals between terms, quarters, or semesters as absences.

20. In § 21.4230, the introductory portion preceding paragraph (a) and paragraph (c) are amended to read as follows:

§ 21.4230 Requirements.

A program of education will consist of a combination of subjects or unit courses pursued at a school which is generally acceptable to meet requirements for a predetermined educational, professional or vocational objective. Under chapter 34 it may also consist of such subjects or courses which are generally acceptable to meet requirements for more than one such objective if all the objectives

pursued are generally recognized as being related to a single career field. (38 U.S.C. 1670, 1691(a); Public Law 91-219, 84 Stat. 76)

(c) *Selection; chapter 34.* A program of education under chapter 34 selected by an eligible veteran will be approved if it meets the requirements of paragraph (a) or (b) of this section and the veteran is not already qualified for the objective for which the program of education is offered. A course or courses at the secondary school level for persons who have previously received a secondary school diploma or an equivalency certificate and deficiency courses needed or required to qualify for an educational or training program may be authorized under the provisions of § 21.4235.

21. Section 21.4235 is revised to read as follows:

§ 21.4235 Pre-discharge Education Program (PREP) and Special Assistance for Educationally Disadvantaged Veterans; chapter 34.

(a) *Enrollment.* Enrollment of a veteran may be approved in any elementary, secondary, preparatory, refresher, remedial, deficiency, or special educational assistance course not otherwise prohibited, regardless of his previous educational experience:

(1) While he is on active duty and meets the eligibility requirements of § 21.1040 (e) (3), if such course or courses (but not including correspondence courses) are required to receive a secondary school diploma, or if such course or courses are required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment; or

(2) After discharge or release from active duty without receipt therein of a secondary school diploma or equivalency certificate, if such course or courses (but not enrollment in adult evening secondary school courses in excess of half-time) are required to receive a secondary school diploma; or

(3) After discharge or release from active duty, if such course or courses (but not enrollment in adult evening secondary school courses in excess of half-time) are necessary to the pursuit of a program of education for which he would be eligible but for that lack.

(b) *Measurement.* Courses will be measured as provided in § 21.4270 et seq.

(c) *Educational assistance allowance.* Educational assistance allowance will be at the monthly rates specified in § 21.4136.

(d) *Entitlement charge.* No charge will be made against the period of the veteran's entitlement because of enrollment in courses under the provisions of this section. (38 U.S.C. 1690, 1691, 1693, 1695, 1696; Public Law 91-219, 84 Stat. 76)

(e) *Certifications.* Certifications to course requirements under paragraph (a) (1), (2), and (3) of this section are to be made by the educational institution

administering the course, or to which the student has made application for admission.

22. Section 21.4236 is added to read as follows:

§ 21.4236 Special supplemental assistance (tutorial); chapter 34.

(a) *Enrollment.* A veteran pursuing a postsecondary educational program on a half-time or more basis at an educational institution who has a marked deficiency in a subject which is indispensable to the satisfactory pursuit of an approved program of education may receive special supplemental monetary assistance to provide tutorial services.

(b) *Certification.* Approval will be granted upon certification by the educational institution:

(1) That individualized tutorial assistance is essential to correct a marked deficiency in a specified subject or subjects required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of an approved program of education;

(2) That the tutor selected is qualified; and

(3) That the charges for such assistance do not exceed the customary charges for such tutorial assistance. Approval will not be given unless it is established that the assistance to be furnished is on an individualized basis.

(c) *Educational assistance allowance.* In addition to payment of educational assistance allowance at the monthly rates specified in § 21.4136 the cost of such tutorial assistance in an amount not to exceed \$50 per month will be authorized.

(d) *Entitlement charge.* No charge will be made against the period of the veteran's entitlement as computed under § 21.1041. Special supplemental assistance provided under this section will not be authorized for a period or periods exceeding a total of 9 months. A payment of special supplemental assistance in any amount for a calendar month or for a fraction of a calendar month constitutes the use of a month of entitlement to special supplemental assistance. (38 U.S.C. 1690, 1692, 1693; Public Law 91-219, 84 Stat. 76)

23. In § 21.4250 (c), subparagraph (6) is added to read as follows:

§ 21.4250 Approval of courses.

(c) *Veterans Administration approval.*

(6) Any program of apprenticeship the standards for which have been approved by the Secretary of Labor pursuant to section 50a of title 29, United States Code as a national apprenticeship program for operation in more than one State and for which the training establishment is a carrier directly engaged in interstate commerce and providing training in more than one State. (38 U.S.C. 1772(c); Public Law 91-219, 84 Stat. 76)

24. Immediately following § 21.4250, a cross reference is added to read as follows:

CROSS REFERENCE: State approving agencies. See § 21.4150(e).

25. In § 21.4252, paragraphs (a) and (b) (2) are amended and paragraph (h) is added so that the amended and added material reads as follows:

§ 21.4252 Courses precluded.

(a) *Bartending and personality development.* Enrollment will not be approved in any bartending or personality development course.

(b) *Avocational and recreational.* Enrollment will not be approved in any course which is avocational or recreational in character. The courses identified in subparagraphs (1), (2), and (3) of this paragraph are presumed to be avocational or recreational in character and require justification for their pursuit.

(2) Any music course, instrumental or vocal, public speaking course, or course in dancing, sports or athletics, such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective, or

(h) *Sales and sales management courses; chapters 34 and 35.* Enrollment in such courses which do not provide specialized training within a specific vocational field will not be approved unless the veteran or eligible person, or the institution offering such course, establishes that at least one-half of the persons completing such course over the preceding 2-year period have been employed in the sales or sales management field. (38 U.S.C. 1673(a), 1723(a); Public Law 91-219, 84 Stat. 76)

26. In § 21.4262(c), subparagraph (1) is amended to read as follows:

§ 21.4262 Other training on-the-job courses; 38 U.S.C. chapter 34.

(c) *Approval criteria.*

(1) The job which is the objective of the training is one in which progression and appointment to the next higher classification are based upon skills learned through organized and supervised training on-the-job and not on such factors as length of service and normal turnover;

27. In § 21.4263, paragraph (a) is amended to read as follows:

§ 21.4263 Flight training; 38 U.S.C. chapter 34.

(a) *General.* Flight training courses are courses generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation or as ancillary to the pursuit of a vocational objective other than aviation. Enrollment under this section in a

program which does not lead to a standard college degree will be approved only if the veteran holds a private pilot's license or higher rating and meets the medical requirements necessary for a commercial pilot's license (38 U.S.C. 1677(a); Public Law 91-219, 84 Stat. 75).

28. Section 21.4270 is revised to read as follows:

§ 21.4270 Measurement of courses.

Clock hours and class sessions mentioned in this table mean clock hours and class sessions per week.

Courses		Full time	¾ time	½ time	Less than ¼, more than ¼ time	¼ time or less
Kind of school	Kind of course					
(a) Trade or technical (includes college courses not leading to a standard degree).	Shop practice an integral part of course.	30 clock hours attendance with not more than 2½ hours rest period allowance.	22 to 30 clock hours attendance with not more than 2 hours rest period allowance.	15 to 22 clock hours attendance with not more than 1½ hours rest period allowance.	8 to 15 clock hours attendance with not more than ¾ hour period allowance.	Less than 8 clock hours attendance.
	Theory and class instruction predominates. ¹	25 clock hours net instruction.	18 to 25 clock hours net instruction.	12 to 18 clock hours net instruction.	7 to 12 clock hours net instruction.	Less than 7 clock hours net instruction.
(b) High school.	High school diploma or equivalent.	25 clock hours net of instructions or 4 units per year or equivalent. ²	18 to 25 clock hours net of instruction or 3 units per year or equivalent.	12 to 18 clock hours net of instruction or 2 units per year or equivalent.	7 to 12 clock hours net of instruction or 1 unit per year or equivalent.	Do.
(c) Collegiate undergraduate.	Standard collegiate courses including cooperative.	14 semester hours or equivalent. ³	10 to 14 semester hours or equivalent.	7 to 10 semester hours or equivalent.	4 to 7 semester hours or equivalent.	Less than 4 semester hours or equivalent.
(d) Collegiate graduate.	Standard collegiate graduate courses including law.	As in paragraph (c) of this section or as certified by responsible official of school.	As in paragraph (c) of this section or as certified by responsible official of school.	As in paragraph (c) of this section or as certified by responsible official of school.	As in paragraph (c) of this section or as certified by responsible official of school.	As in paragraph (c) of this section or as certified by responsible official of school.
(e) Professional (non-accredited).	Law only. ⁴	12 class sessions per week.	9 to 12 class sessions per week.	6 to 9 class sessions per week.	4 to 7 class sessions per week.	Less than 4 class sessions per week.
(f) Professional (accredited and equivalent).	Internships and residencies: Medical, dental, osteopathic.	As established by accrediting association.	Full time only.	Full time only.	Full time only.	Full time only.
	Nursing, X-ray, medical technology, medical records librarian, physical therapy.	25 clock hours or 14 semester hours, as appropriate.	18 to 25 clock hours or 10 to 14 semester hours, as appropriate.	12 to 18 clock hours or 7 to 10 semester hours, as appropriate.	7 to 12 clock hours or 4 to 7 semester hours, as appropriate.	Less than 7 clock hours or less than 4 semester hours, as appropriate.
(g) Training establishment.	Apprentice or other on-the-job. ⁵	Standard workweek.	Full time only.	Full time only.	Full time only.	Full time only.
(h) Agricultural.	Farm cooperative. ⁶	12 clock hours net instruction in institutional training scheduled within 44 weeks of the year plus agricultural employment.	9 clock hours net instruction in institutional training scheduled within 44 weeks of the year plus agricultural employment.	6 clock hours net instruction in institutional training scheduled within 44 weeks of the year plus agricultural employment.	No provision.	No provision.
(i) Elementary school.	High school preparatory.	25 clock hours net instruction.	18 to 25 clock hours net instruction.	12 to 18 clock hours net instruction.	7 to 12 clock hours net instruction.	Less than 7 clock hours net instruction.

¹ In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practice, except for supervised instruction periods in school's shop in farm cooperative programs, and rest periods are excluded.

² Diploma course or equivalent based on completion of 16 instruction units. High school diploma courses or equivalent available only under chapter 34.

³ Cooperative courses may be pursued on full-time basis only. Where the institution certifies that all undergraduate students enrolled for a minimum of 12 or 13 semester hours or the equivalent are (1) charged full-time tuition, or (2) considered full-time for other administrative purposes, such minimum hours will establish the criteria for full-time measurement. The minimum for full-time in either instance is 12 such hours. Such criteria is for full-time only and does not affect the measurement of less than full-time under § 21.4270(c).

Upon request of a beneficiary, an increase in rates warranted under this criteria may be authorized to him effective March 26, 1970, if he was enrolled prior to that date and effective the date of enrollment if he was enrolled on or after March 26, 1970. The request of the beneficiary will not be required for other payments under this criteria.

To meet criteria for full-time measurement under 38 U.S.C. ch. 34 in standard collegiate courses which included required noncredit deficiency courses, the credit hour equivalent of such noncredit courses may not exceed one-half the number of required hours. In the absence of a certification under § 21.4272(f) noncredit deficiency courses may be converted to credit hour equivalent on the basis of the applicable measurement criteria, that is, 25 or 30 clock hours, 4 "Carnegie Units", or 14 semester hours equals full-time.

⁴ Class sessions measured on basis of not less than 50 minutes of classroom instruction. Supervised study periods, class breaks and rest periods are excluded.

⁵ Full-time training will consist of the number of hours which constitute the standard workweek of the training establishment, but not less than 36 hours, unless a lesser number of hours is established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

29. In § 21.4271, paragraph (c) is amended to read as follows:

§ 21.4271 Trade or technical; high schools.

(c) *High schools; chapter 34.* Courses offered at the secondary school level which lead to a high school diploma or the equivalent will be measured on the basis of clock hours of instruction per week, or on the number of units required per year. Enrollment in adult evening secondary school courses will be measured as not more than half-time. Enrollment in courses at a secondary school level leading to a high school diploma will not be approved for eligible persons under chapter 35.

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

These VA regulations are effective March 26, 1970, except §§ 21.133, 21.1041 (d) (2), 21.1045 (a) (2) and (b) (2), 21.3333 (a) and (b), 21.4136 (a) and (c), and 21.4137 (a) and (b) which are effective February 1, 1970.

Approved: June 2, 1970.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[F.R. Doc. 70-7344; Filed, June 15, 1970;
8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Assistant to the Commissioner (Public Affairs) excepted under Schedule C has been abolished. Effective on publication in the FEDERAL REGISTER, paragraph (c) (2) is revoked. (5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE
COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-7459; Filed, June 15, 1970;
8:47 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Deputy Assistant Director for Special Programs and Special Assistant to the Director is excepted under Schedule C; the Schedule C position of Executive Adviser (Programs) has been retitled Special Assistant to the Director; and the title of the Executive Adviser's Confidential Assistant has been changed to correspond. Effective on publication in the FEDERAL REGISTER, sub-

paragraph (3) is amended, subparagraph (9) is revoked under paragraph (a) and subparagraph (6) is added to paragraph (d) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(3) One Special Assistant to the Director and one Confidential Assistant to this Special Assistant.

(9) [Revoked]

(d) *Office of the Assistant Director for Special Programs.* * * *

(6) Deputy Assistant Director for Special Programs and Special Assistant to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE
COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-7460; Filed, June 15, 1970;
8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Lettuce¹

On April 3, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 5552) regarding the revision of United States Standards for Grades of Lettuce (7 CFR 51.2510-51.2531). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the grade standards. Following publication of the proposal in the FEDERAL REGISTER copies were distributed to industry organizations and individuals for comment.

The few letters of comment received in response to the proposal were about equally divided. Western lettuce growers and shippers supported the proposal. Receivers and receiver organizations opposed it. The principal argument advanced by the latter was that addition of the U.S. Commercial grade would

See footnotes at end of document.

confuse rather than clarify the purchasing of lettuce.

Further study of the proposal shows that the U.S. Commercial grade could permit a total of 20 percent condition defects en route or at destination. The PACA Good Delivery Standards would permit an additional 3 percent condition defects or a total of 23 percent when purchased on the basis of U.S. Commercial, if no permanent defects were present. If the lettuce was purchased with no grade specified the PACA Good Delivery Standards would permit only 15 percent condition defects at destination.

In order to correct this inequity the U.S. Commercial grade is changed to restrict the percentage of condition defects en route or at destination to 12 percent. The tolerance for serious damage is increased to 6 percent at shipping point with corresponding increases en route or at destination.

After consideration of all relevant matters presented by interested persons, the revision as so proposed is hereby adopted, subject to changes in § 51.2512.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1970 shipping season for lettuce is well underway and it is in the interest of the public and the industry that this revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this revision on the part of members of the lettuce industry or of others.

Accordingly, this revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: June 11, 1970.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

GRADES

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51.2510	U.S. Fancy.
51.2511	U.S. No. 1.
51.2512	U.S. Commercial.
51.2513	U.S. No. 2.
APPLICATION OF TOLERANCES	
51.2514	Application of tolerances.
TEMPERATURE	
51.2515	Temperature.
STANDARD PACK	
51.2516	Standard pack.
SOLIDITY CLASSIFICATION	
51.2517	Solidity classification.
DEFINITIONS	
51.2518	Similar varietal characteristics.
51.2519	Fresh.
51.2520	Green.
51.2521	Overgrowth.
51.2522	Burst.
51.2523	Ribby.
51.2524	Doubles.
51.2525	Injury.
51.2526	Damage.
51.2527	Fairly well trimmed.
51.2528	Closely trimmed.
51.2529	Permanent defects.
51.2530	Condition defects.
51.2531	Serious damage.