

It is ordered, That the proceedings in this matter be reopened and that subparagraphs (c), (d), and (g) of paragraph 3 of the Order to Cease and Desist issued against respondents on November 3, 1971, be modified to read as follows:

(c)(1) Legal action will be taken against a delinquent debtor unless payment is made on a delinquent account; provided, however, that it shall be a defense in any enforcement proceeding brought hereunder for respondents to establish that they do, in fact, take such legal action when payment is not made in all cases in which the representation is made.

(c)(2) Legal action may be taken against a delinquent debtor unless payment is made on a delinquent account; provided, however, that it shall be a defense in any enforcement proceeding brought for respondents to establish that they do in fact take such legal action against a majority of debtors to whom the representation is made who do not make payment on such delinquent accounts; and provided further that it shall not be a violation of this subsection for respondents to represent that they may refer the account of a delinquent debtor to an attorney to determine what action is appropriate, if, in fact, they can establish that they do in fact refer the accounts of delinquent debtors to an independent attorney for evaluation of what action is appropriate in a majority of cases in which such representation is made and payment is not made on an account.

(d) Legal action has been taken and suit filed against a delinquent debtor; provided, however, that it shall be a defense in any enforcement proceeding brought hereunder for respondents to establish that prior to making the representation respondents had, in fact, taken legal action and filed suit against the delinquent debtor.

(g) Accounts are or may be turned over to collection agencies; provided, however, that it shall be a defense in any enforcement proceeding brought hereunder for respondents to establish that they do, in fact, turn a majority of delinquent accounts over to independent collection agencies in cases in which such representations are made and payment is not made on the account.

Issued September 25, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-22176 Filed 10-17-73;8:45 am]

[Docket No. C-2457]

PART 13—PROHIBITED TRADE PRACTICES

Lear Siegler, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits*; § 13.175 *Quality of product or service*; § 13.195 *Safety*; § 13.195-60 *Prod-*

uct. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits*; § 13.1710 *Qualities or properties*.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46) Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Lear Siegler, Inc., Santa Monica, California, Docket C-2457, September 24, 1973.]

In the matter of Lear Siegler, Inc., a corporation.

Consent order requiring a Santa Monica, California, manufacturer of safety helmets and other products, among other things to cease making unsubstantiated claims regarding the safety and/or superiority of its polycarbonate motorcycle helmets. Respondent is further required to send to each of its customers a sufficient quantity of new cartons to replace those cartons bearing the statement "World's Finest Helmet" in their possession and to reimburse its customers for their expenses incurred in repacking the helmets in the new cartons.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Lear Siegler, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, shall forthwith cease and desist from representing orally, in writing, visually or in any other manner, directly or by implication that:

1. Its polycarbonate motorcycle helmets are the finest, safest, or best motorcycle helmets;
2. Any product presently manufactured or manufactured in the future by Bon-Aire Division of Lear Siegler, for as long as such product is manufactured by Bon-Aire or any other division or subsidiary of Lear Siegler, is comparable or superior to any other product with respect to safety or has met or passed any safety standard or test;

Provided, however, such representations may be made if they are fully substantiated by competent, controlled scientific tests conducted by experts, the results of which are available for inspection by the general public.

It is further ordered, That respondent shall forthwith send by certified mail return receipt requested to each of its customers, including wholesalers, distributors and retailers that have purchased motorcycle helmets packaged in cartons bearing the statement "World's Finest Helmet" or words of similar import and meaning, a sufficient quantity of new cartons to replace those cartons bearing the statement "World's Finest Helmet" in the possession of respondent's customers. Respondent shall also send, together with the new cartons, instructions that:

1. The new cartons are to replace cartons bearing the statement "World's Finest Helmet";
2. Respondent will reimburse its customers for their reasonable expenses in-

curred in repacking the motorcycle helmets in the new cartons;

3. Respondent's customers are requested to send new cartons and instructions to their customers, if their customers possess respondent's helmets in cartons bearing the statement "World's Finest Helmet" for purposes of sale, directly or indirectly, to the public. These materials will be furnished by respondent;

4. The old cartons are to be destroyed; and

5. Respondent is taking this action pursuant to a consent agreement with the Federal Trade Commission.

Respondent shall also send a follow-up letter to its customers to ascertain the extent of their compliance with the above-stated instructions.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent shall forthwith distribute, to each of the wholesale customers of Bon-Aire Division of Lear Siegler, a copy of this order and the accompanying complaint.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

Issued: September 24, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-22177 Filed 10-17-73;8:45 am]

[Docket No. 8901]

PART 13—PROHIBITED TRADE PRACTICES

Trans-American Collections, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1888 *Respondent's interest*. Subpart—Simulating another or product thereof: § 13.2210 *Designs, emblems or insignia*. Subpart—Threatening suits not in good faith: § 13.2264 *Delinquent debt collection*.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).) [Cease and desist order, Trans-American Collections, Inc., et al., Bloomington, Illinois, Docket 8901, September 26, 1973.]

In the matter of Trans-American Collections, Inc., a corporation, and Wayne E. Martin and Eleanor G. Martin, individually and as officers of said corporation.

Consent order requiring a Bloomington, Illinois, seller of debt collection services, among other things to cease using materials which simulate telegraphic communications; using materials which misrepresent the nature, content or purpose of any communication; threatening debt collection suits, not in good faith; failing to include a notice to the effect that communications are only a reminder notice and that respondent, Trans-American, cannot accept monies nor will it take any action regarding this claim; and furnishing to others means and instrumentalities of misrepresentation or deception.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Trans-American Collections, Inc., a corporation, its successors and assigns, and its officers, and Wayne E. Martin and Eleanor G. Martin, individually and as officers of said corporation, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division or other device in connection with the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce, the payment of delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, envelopes, letters, forms, or any other materials which appear to be, or simulate, telegraphic communications;

2. Using, or placing in the hands of others for use, envelopes, letters, forms, or any other materials which misrepresent the nature, contents, or purpose of any communication;

3. Representing directly or by implication that:

(a) Respondents are prepared to institute, or cause to be instituted, legal proceedings in the collection of delinquent debts.

(b) Legal action with respect to an allegedly delinquent account has been, or is about to be, or may be initiated.

(c) Nonpayment of the delinquent account will adversely affect the credit rating of the debtor.

Provided, however, that it shall be a defense in any enforcement proceeding initiated under this Paragraph 3 for the respondents to establish that such representations are factually correct.

4. Failing clearly and conspicuously to disclose in each letter, form or notice to delinquent, or alleged delinquent, debtors the following statement:

This communication is only a reminder notice. Trans-American Collections, Inc., cannot accept monies nor will it take any

action, legal or otherwise, regarding this claim.

This statement shall be made in prominent type, of a size no smaller than the basic body copy in the letter, form or notice, and in red ink to contrast with the text of the letter to be printed or written in black or blue ink, or in black or blue ink if the text of the letter is printed or written in red.

The respondents may use the term "collections" in their corporate name.

5. Making any statement or statements in any letter, form or notice to delinquent, or alleged delinquent, debtors which is/are inconsistent with, negate/s or contradict/s, the affirmative disclosure required by Paragraph 4.

6. Placing in the hands of others the means and instrumentalities to represent any of the matters prohibited in Paragraph 3 or which fail to comply with the requirements of Paragraph 4 or 5 of this Order.

It is further ordered, That the respondent corporation shall distribute a copy of this Order to each of its operating officers, agents, representatives or employees engaged in any aspect of the offering for sale, sale or distribution of any service or printed matter for use in the collection, or attempting to collect, or assisting in the collection of or inducing or attempting to induce the payment of delinquent accounts, and that said respondent secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered, That the respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance with obligations arising out of the Order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, signed by the respondents, setting forth in detail the manner and form in which they have complied with this Order.

Issued: September 26, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-22178 Filed 10-17-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-474; Order 493]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Order Adopting Certain Definitions To Standardize End Use Classification; Correction

SEPTEMBER 27, 1973.

In FR Doc. 73-20957, Issued September 21, 1973 and published in the FEDERAL

REGISTER October 3, 1973 (38 FR 27351), on page 27353 in line 3 of the paragraph in § 2.78 labeled *Commercial*, insert a comma after "local"; in line 4, insert "state," before the word "and."

In the paragraph of § 2.78 labeled *Process gas*, line 2, insert the word "not" between the words "are" and "technically."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22205 Filed 10-17-73;8:45 am]

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 D—Food Additives Permitted in Food for Human Consumption

SUCCINIC ACID 2,2-DIMETHYLHYDRAZIDE

A petition (FAP 4H5041) was filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in dried prunes at 135 parts per million resulting from application of the plant regulator to growing plums. (For a related document, see this issue of the FEDERAL REGISTER, page 28937.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348). Pesticide and food additive tolerances for residues of the plant regulator succinic acid 2,2-dimethylhydrazide have previously been established.

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1253 Succinic acid 2,2-dimethylhydrazide.

A tolerance of 135 parts per million is established for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in dried prunes resulting from application of the plant regulator to the growing raw agricultural commodity plums.

Any person who will be adversely affected by the foregoing order may at any time Nov. 19, 1973 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto 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 Oct. 18, 1973.

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

Dated October 15, 1973.

HENRY J. KOPF,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 73-22280 Filed 10-17-73; 8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1602—RECORDS AND REPORTS

Extension of Deadline for Filing Apprenticeship Information Report EEO-2

Notice is hereby given that the deadline for filing Apprenticeship Information Report EEO-2 as required by 29 CFR 1602.15 is extended from September 30, 1973 to November 30, 1973. The period during which statistics for Report EEO-2 must be obtained remains unchanged. Signed at Washington, D.C. this 15th day of October 1973.

WILLIAM H. BROWN III,
Chairman, Equal Employment
Opportunity Commission.

[FR Doc. 73-22225 Filed 10-17-73; 8:45 am]

PART 1602—RECORDS AND REPORTS

Extension of Deadline for Filing Local Union Report EEO-3

Notice is hereby given that the deadline for filing Local Union Report EEO-3 as required by 29 CFR 1602.22 is extended from November 30, 1973 to December 31, 1973. The period during which statistics for Report EEO-3 must be obtained remains unchanged. Signed at Washington, D.C., this 15th day of October 1973.

WILLIAM H. BROWN III,
Chairman, Equal Employment
Opportunity Commission.

[FR Doc. 73-22226 Filed 10-17-73; 8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DE- PARTMENT OF LABOR

PART 1912a—NATIONAL ADVISORY COM- MITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Pursuant to authority in sections 7 and 8 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656, 657), a new 29 CFR Part 1912a is hereby established to revise and codify the procedures used by the National Advisory Committee on Occupational Safety and Health (see 36 FR 23277). The Committee was established by the Act to make recommendations to the Secretary of Labor and the Secretary of Health, Education, and Welfare, relating to the administration of the Act. The new Part is intended to comply with the provisions of the recently enacted Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63, which require advisory committees used by federal agencies to adhere to certain basic methods of operation and administration.

Notice of proposed rule making, public rulemaking procedures, and delay in effective date have been omitted in the adoption of this new Part 1912a as it relates solely to agency management and procedure.

The new Part 1912a reads as follows:

Sec.	
1912a.1	Purpose and scope.
1912a.2	Membership.
1912a.3	Terms of membership.
1912a.4	Meetings.
1912a.5	Advice and recommendations.
1912a.6	Quorum.
1912a.7	Notice of meetings.
1912a.8	Contents of notice.
1912a.9	Assistance to the committee.
1912a.10	Presence of OSHA officer or employee.
1912a.11	Minutes; transcript.
1912a.12	Charter.
1912a.13	Subcommittees and subgroups.
1912a.14	Petitions for change in the rules; complaints.

AUTHORITY: Secs. 7(a), 8(g), Pub. L. 91-596, 84 Stat. 1597, 1600 (29 U.S.C. 656(a), 657(g)).

§ 1912a.1 Purpose and scope.

(a) Section 7(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 establishes a National Advisory Committee on Occupational Safety and Health (hereinafter referred to as the Committee), to advise, consult with, and make recommendations to the Secretary of Labor and the Secretary of Health, Education, and Welfare, on matters relating to the administration of the Act.

(b) This Part 1912a sets forth the procedures used by the Committee in fulfilling its responsibilities. They are intended to comply with the requirements of the Federal Advisory Committee Act (Pub. L. 92-463), which obligates ad-

visory committees used by federal agencies to adhere to certain basic methods of operation and administration.

§ 1912a.2 Membership.

The Committee is a continuing advisory body of 12 members. Two members will represent management, two members will represent labor, two members will represent the occupational health professions, two members will represent the occupational safety professions, and four members will represent the public. The Secretary of Health, Education, and Welfare will designate the two members representative of the occupational health professions and two of the members representative of the public. All the members will be selected upon the basis of their experience and competence in the field of occupational safety and health. All the members will be appointed by the Secretary of Labor, who will designate one of the public members as Chairman.

§ 1912a.3 Terms of membership.

Commencing on July 1, 1973, the terms of membership shall be divided into two classes, each consisting of six members. Members of the first class shall be appointed for a term of one year. Members of the second class shall be appointed for a term of two years. Thereafter, members shall be appointed for regular terms of two years. At all times the Committee shall be composed of representatives of management, labor, and occupational safety and health professions, and of the public. Each member of the Committee shall serve his full term unless he resigns or becomes unable to serve in the judgment of the Secretary of Labor because of disability or because he ceases to be qualified to serve on the Committee because he is found by the Secretary of Labor no longer to meet the representational requirements of the Act. In such cases, the Secretary of Labor may appoint for the remainder of the unexpired term a new member who meets the same representational requirements, and is designated in the manner, of his predecessor.

§ 1912a.4 Meetings.

(a) The Committee shall hold no fewer than two meetings during each calendar year and, it is contemplated that no more than six meetings a year will be held. No meeting shall be held except at the call of or with the advance approval of:

(1) The Secretary of Labor, or his duly authorized representative; or
(2) The Secretary of Health, Education, and Welfare, or his duly authorized representative.

(b) An agenda shall be approved in advance by the person calling or approving the meeting, in consultation with the Chairman or his delegate. No particular form for the agenda is prescribed. Members of the Committee may propose items for the agenda to the Chairman.

§ 1912a.5 Advice and recommendations.

Any advice or recommendations of the Committee shall be given or made with approval of a majority of all Committee members present. The Chairman shall include in any report of such advice or recommendations any concurring or dissenting views as well as abstentions and absences. Any member may submit his own advice and recommendations in the form of individual views with respect to any matter which has been considered by the Committee.

§ 1912a.6 Quorum.

(a) A majority of the members of the Committee shall constitute a quorum, except that at least one management representative-member, one labor representative-member and one member representing the public must be included in the majority which constitutes the quorum.

(b) In an absence of brief duration of its Chairman, the Committee may designate a public member to preside at any meeting thereof. In case of an extended absence, the Secretary of Labor or his delegate shall appoint a public member to preside.

§ 1912a.7 Notice of meetings.

Public notice of any meeting of the Committee shall be given by the person calling the meeting in accordance with § 1912a.4 or at his direction at least seven (7) days in advance of the meeting; except when it is impractical to do so, or in an emergency situation, in which event shorter advance notice may be given. Such notice shall be given by publication in the FEDERAL REGISTER as much in advance of the meeting as circumstances will permit. In addition, notice may be given by such other means as press releases.

§ 1912a.8 Contents of notice.

(a) Notices of meetings shall describe fully or summarize adequately the agenda.

(b) The notice shall announce that the meeting is open to the public.

(c) The notice shall indicate that interested persons have an opportunity to file statements in written form with the Committee. The notice shall specify when the statements are to be filed with the Committee.

(d) In the discretion of the Chairman of the meeting, oral statements may be made before the Committee by interested persons after taking into consideration the number of persons in attendance, the nature and extent of their proposed individual participation, and the time, resources, and facilities available to the Committee. As a general policy, time for such presentations will be made available only at subcommittee meetings. The time for a meeting of the full committee does not normally permit the reception of such presentations without substantially intruding upon the frequently limited time that the members may be able to devote to

the meeting. The person calling the meeting may provide in the notice of the meeting that summaries of any proposed oral presentations be filed in advance of the meeting.

§ 1912a.9 Assistance to the committee.

(a) At the request of the Committee or the person calling a meeting, the Assistant Secretary of Labor for Occupational Safety and Health may make available to the Committee any needed experts or consultants. Any expert or consultant so made available may participate in the deliberations of the Committee with the consent of the Committee.

(b) The Assistant Secretary shall furnish the Committee an executive secretary. He shall also furnish such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(c) The Solicitor of Labor shall provide such legal assistance as may be necessary or appropriate for the Committee to carry out its functions in accordance with the requirements of this part.

§ 1912a.10 Presence of OSHA officer or employee.

The meetings of all advisory committees shall be in the presence of an officer or employee of the Federal Government referred to in § 1912a.4. Such officer or employee shall be empowered to adjourn any meeting whenever he determines adjournment to be in the public interest.

§ 1912a.11 Minutes; transcript.

(a) Detailed minutes of the Committee meetings shall be prepared, and shall be certified as accurate by the Chairman. In addition to the minutes there shall be kept verbatim transcripts of the Committee meetings.

(b) The minutes shall include at least the following:

(1) A list of the Committee members and agency employees who were present at the meeting;

(2) Any significant conclusions reached which are not recommendations;

(3) Any written information made available for consideration by the Committee, including copies of all reports received, issued, or approved by the Committee;

(4) Any recommendations made by the Committee and the reasons therefor;

(5) an explanation of the extent, if any, of public participation, including a list of interested persons who presented oral or written statements; and an estimate of the number of the members of the public who attended the meeting.

§ 1912a.12 Charter.

The Committee shall operate in accordance with its charter. In accordance with section 14(b) (2) of the Federal Advisory Committee Act, there shall be filed on behalf of the Committee a charter in

accordance with section 9(c) thereof upon the expiration of each successive two-year period following December 28, 1970, the date of enactment of the Occupational Safety and Health Act.

§ 1912a.13 Subcommittees and subgroups.

(a) The Chairman may appoint from among the members of the Committee any number of subcommittees for the purpose of assisting the Committee in carrying out its functions. All the provisions of this part regarding the conduct of Committee meetings are applicable to the conduct of subcommittee meetings. For example, any meeting of subcommittees shall be open to the public, and notice of subcommittee meetings shall be published in the FEDERAL REGISTER.

(b) The purpose of any subcommittee is to give advice and make recommendations solely to the full Committee and under no circumstances may any subcommittee act outside this purpose. The Chairman may appoint any member of a Subcommittee to act as Chairman.

(c) Subcommittee shall operate in accordance with the Committee's charter and the procedures set forth in this Part.

(d) The Chairman may appoint temporary informal subgroups from among the members to perform such services as assisting the Committee or the Chairman by gathering technical information or for suggesting schedules, plans, agenda, terms or methods of operation.

§ 1912a.14 Petitions for changes in the rules; complaints.

(a) Any interested person shall have the right to petition for the issuance, amendment, or repeal of rules published in this part. Any such petition will be considered in a reasonable time. Prompt notice shall be given of the denial in whole or in part of any petition. Except in affirming a prior denial or when the denial is self-explanatory the notice shall be accompanied by a brief statement of the reasons therefor.

(b) Any advisory committee member or any other aggrieved person may file a written complaint with the Assistant Secretary alleging noncompliance with the rules in this Part. Any complaint must be timely filed, but in no case shall any complaint be filed later than thirty (30) days following the day on which the act of alleged noncompliance occurred. Any complaint shall be acted upon promptly and a written notice of the disposition of the complaint shall be provided to the complainant.

(c) Complaints and petitions should make reference to this § 1912a.14 and be filed and addressed as follows:

Assistant Secretary of Labor for Occupational Safety and Health
United States Department of Labor
Washington, D.C. 20210.

Signed at Washington, D.C. this 6th day of July, 1973.

PETER J. BRENNAN,
Secretary of Labor.

Signed at Washington, D.C. this 12th day of October, 1973.

FRANK CARLUCCI,

Acting Secretary of Health, Education, and Welfare

[FR Doc. 73-22224 Filed 10-17-73; 8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 290—AVAILABILITY TO THE PUBLIC OF DEFENSE CONTRACT AUDIT AGENCY INFORMATION

Release of Records

The purpose of this amendment to § 290.6 (a), (b), (c), and (f) is to delete the title Executive Officer and substitute Deputy for Resources Management.

Section 290.6 Procedures for the release of records has been revised to read as follows:

§ 290.6 Procedures for the release of records.

(a) Requests for access to, or copying of, Defense Contract Audit Agency records which are not available to the public in public reference facilities of the Defense Contract Audit Agency may be filed in person, or by mail, with the Deputy for Resources Management, DCAA, between 8:15 a.m. and 4:15 p.m., Monday through Friday, or with any Regional Manager, DCAA, during the local working hours of the DCAA Region involved. Requests must be in writing.

(b) Upon receipt of a request for a record, the Deputy for Resources Management, or Regional Manager to whom the request is made, shall make an initial determination within ten working days as to whether the requested record is:

(1) Described with sufficient specificity to make it an identifiable record pursuant to 5 U.S.C. 552(a)(3).

(2) Exempt from public inspection and copying under the provisions of 5 U.S.C. 552(b).

(c) Prior to making an initial determination, the Deputy for Resources Management, or Regional Manager, shall consult with Counsel, DCAA. Requests for documents containing potentially newsworthy material shall be brought to the attention of appropriate Department of Defense public affairs officers.

(d) If it is determined that the record is adequately identified and releasable pursuant to 5 U.S.C. 552, it shall be made available promptly to the requesting party.

(e) In the event that the record is not identified with sufficient specificity, the person making the request shall be so advised and requested to further identify the record. For a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of several records at several

locations, the applicant should be referred to those sources if gathering the information would be burdensome.

(f) Where it is determined that the record is subject to exemption under 5 U.S.C. 552(b), and that in the public interest should be withheld from public disclosure, the Deputy for Resources Management, DCAA, or the Regional Manager concerned, shall notify the applicant that the request is denied, and inform him fully of the statutory basis for the denial and of the applicant's right to appeal to the Director, DCAA, in accordance with § 290.9.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Comptroller).

OCTOBER 15, 1973.

[FR Doc. 73-22257 Filed 10-17-73; 8:45 am]

Rule	A	B
	If an applicant—	Then he may not be tendered an appointment until (note 1)—
1.-----	Is an immigrant alien physician or dentist.	A report of a background investigation (BI) under AFR 205-32, USAF Personnel Security Program, has been completed and a favorable report rendered.
2.-----	Has a father, mother, sisters, brothers, spouse, or children residing in one of the countries listed in AFR 205-32, atch 6.	
3.-----	Is a U.S. citizen and has resided or traveled in a country listed in AFR 205-32, atch 6, for 30 or more continuous days after dates indicated (note 2).	
4.-----	Made entries on DD Form 98 that provide reasons for belief that the appointment may not be clearly consistent with the interest of National security.	
5.-----	Is not listed in rules 1-4.	A National Agency Check (NAC) has been completed and a favorable decision rendered.
6.-----	Is an Air Force member under consideration for appointment with a Limited National Agency Check (LNAC).	
7.-----	Has a break in service or employment after a prior investigation under AFR 205-32.	A NAC has been completed and a favorable decision rendered if the break in service or employment exceeds 1 year.

NOTE 1. Individuals applying for appointment in any of the corps of the medical services for assignment to Ready Reserve units (USAFR and ANGUS) may be appointed prior to completion of the appropriate personnel security investigation provided the following Certificate of Understanding is submitted with the application:

I understand that my appointment as a commissioned officer in the Reserve of the Air Force is being accomplished prior to completion of the required security investigation. I further understand that if as a result of completion of the postcommissioning investigative procedures I am determined unacceptable for appointment as a commissioned officer, I will be discharged from the United States Air Force and that I will receive an Honorable Discharge Certificate.

NOTE 2. Travel or residence in these countries under the auspices of the U.S. Government will not be considered.

4. In the seventh line of § 881.53(d) "this" should read "his".

PART 881—APPOINTMENT IN COMMISSIONED GRADES—RESERVE OF THE AIR FORCE AND UNITED STATES AIR FORCE (TEMPORARY)

Corrections

Part 881, Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations, as published, FR Doc. 73-20444,

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT IN COMMISSIONED GRADES—RESERVE OF THE AIR FORCE AND UNITED STATES AIR FORCE (TEMPORARY)

Correction

In FR Doc. 73-20444 appearing at page 26891 in the issue for Thursday, September 27, 1973, make the following changes:

1. At the end of the form in § 881.30 (a) (14) insert "(Date)" under the lead-ers to the right of the signature line.

2. Section 881.32(b)(2)(iii) should read as follows:

(iii) Individuals applying under Subparts E, F, and H of this part, and § 881.72.

3. The table in § 881.34 should read as follows:

Rule	A	B
	If an applicant—	Then he may not be tendered an appointment until (note 1)—
1.-----	Is an immigrant alien physician or dentist.	A report of a background investigation (BI) under AFR 205-32, USAF Personnel Security Program, has been completed and a favorable report rendered.
2.-----	Has a father, mother, sisters, brothers, spouse, or children residing in one of the countries listed in AFR 205-32, atch 6.	
3.-----	Is a U.S. citizen and has resided or traveled in a country listed in AFR 205-32, atch 6, for 30 or more continuous days after dates indicated (note 2).	
4.-----	Made entries on DD Form 98 that provide reasons for belief that the appointment may not be clearly consistent with the interest of National security.	
5.-----	Is not listed in rules 1-4.	A National Agency Check (NAC) has been completed and a favorable decision rendered.
6.-----	Is an Air Force member under consideration for appointment with a Limited National Agency Check (LNAC).	
7.-----	Has a break in service or employment after a prior investigation under AFR 205-32.	A NAC has been completed and a favorable decision rendered if the break in service or employment exceeds 1 year.

38 FR 26891, Thursday, September 27, 1973, is corrected as follows:

1. Section 881.22(d)(5) is redesignated to § 881.22(d)(4).

2. Section 881.30 is corrected as follows:

a. The third sentence of paragraph (a) is changed to read "Officers already designated as judge advocates or assigned to the Judge Advocate General's Department who apply for reappointment under Subpart D need not submit documents previously submitted if they are still current."

b. The word "autmentee" in subparagraph (22) of paragraph (a) should be changed to read "augmentee."

3. Section 881.50 is corrected by changing the paragraph (c) subparagraphs as follows:

§ 881.50 [Amended]

- (c) Qualification and requirements.
(1) (i) Age and grade: * * *
(ii) * * *
(2) * * *