

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Plan—Approval of State Poster and Management Information System

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State Plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 10, 1973, a notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah Plan and of the adoption of Subpart E of the Part 1952 containing the decision of approval.

The supplements include:

(a) The Utah State poster which is to be posted at all covered workplaces in the State. The poster, among other things, contains provisions notifying employees of their obligations and protections under the Utah Occupational Safety and Health Act, their right to request inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under the Federal and State laws and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. In cases where a State has a poster informing employees of their protections and obligations as defined in § 1952.10, such poster may be substituted for the Federal poster.

(b) Utah's Management Information System, which will operate as a manual system. The system will provide, among other things, data on inspection type, employee participation, employee discrimination complaints, special State programs, number and type of violations, proposed penalties, and collection of penalties, employee complaints, safety and health complaints, serious and non-serious penalties and violations, training, time utilization, and contested cases.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Regional Administrator, Oc-

cupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Utah Industrial Commission, Occupational Safety and Health Division, 488 South 400 East, Salt Lake City, Utah 84111.

3. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the State poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036 November 5, 1974). Further, the Utah Management Information System substantially meets the assurances given by the State when the plan was approved and was reviewed in three semi-annual evaluations by the Assistant Secretary and found to be acceptable.

4. *Decision.* After careful consideration, the Utah plan supplements are hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the above, Subpart E of Part 1952 is amended by adding a new § 1952.114 which reads as follows:

§ 1952.114 Completed developmental steps.

(a) In accordance with the requirements of 29 CFR 1952.110, the Utah State poster was approved by the Assistant Secretary on January 7, 1976.

(b) In accordance with § 1952.113(g), the State has developed and implemented a Management Information System.

(Secs. 8(g)(2), 18 Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 7th day of January, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-993 Filed 1-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

California Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act

employer is required by the laws of any State to pay compensation weekly in any calendar year prior to 1976, the return of tax with respect to such compensation may, at the election of such employer, cover all payroll weeks which, or the major part of which, fall within the period for which a return of tax is required by paragraph (a)(1) of this section. * * *

PAR. 3. Paragraph (a)(2)(i) of § 31.6011(a)-6 is amended by revising the first sentence thereof to read as follows:

§ 31.6011(a)-6 Final returns.

(a) *In general.* * * *

(2) *Railroad Retirement Tax Act—*
(i) *Form CT-1.* An employer required to make returns on Form CT-1 who in any return period ceases to pay taxable compensation shall make the return on Form CT-1 for such period as a final return. * * *

PAR. 4. Section 31.6011(a)-7 is amended as follows:

1. Paragraph (a) is amended by deleting "district director" and inserting in lieu thereof "internal revenue office with which such person is required to file his returns" in the fourth sentence.

2. Paragraph (b)(1) is amended by revising the first and third sentences thereof to read as follows:

§ 31.6011(a)-7 Execution of returns.

(b) *Use of prescribed forms—*(1) *In general.* Copies of the prescribed return forms will so far as possible be regularly furnished taxpayers by the Internal Revenue Service. * * * Taxpayers not supplied with the proper forms should make application therefor to an internal revenue office in ample time to have their returns prepared, verified, and filed on or before the due date with the internal revenue office with which they are required to file their returns. * * *

Because this Treasury decision will not be detrimental to any taxpayer or employer, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954 68A Stat. 917 (26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 5, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-1027 Filed 1-12-76;8:45 am]

and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, has a sufficient number of qualified enforcement personnel and provisions for review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. Notice of California Operational Agreement. (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that it has been determined that California has met the following conditions for operational status:

(1) Enactment of Assembly Bill No. 150 (California Occupational Safety and Health Act of 1973) effective October 2, 1973, and amendments which became effective January 1, 1975.

(2) Promulgation of State standards covering all issues as defined by Subparts B through S of 29 CFR Part 1910 and by 29 CFR Part 1926, which have been found in the professional judgment of the Assistant Regional Director for Occupational Safety and Health (hereinafter referred to as the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues.

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, one hundred sixty-six (166) Compliance Safety Engineers and twenty-four (24) Industrial Health Engineers as of March 31, 1975.

(4) Operation since early 1974, of a review and appeals system before the Occupational Safety and Health Appeals Board, providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates. Emergency rules and regulations concerning the Appeals Board became effective January 10, 1974, and were replaced by permanent rules, effective May 3, 1974.

(5) State enforcement of State standards since May 1, 1973, under the State occupational safety and health plan and since January 1, 1974, under the California Occupational Safety and Health Act, including three semi-annual evaluations covering the period from January 1, 1974, through June 30, 1975.

(b) In addition the State has provided under its plan for:

(1) Notification to employers and employees since May 1, 1974, of rights and responsibilities under the California Occupational Safety and Health Act by requiring display in all work places covered by the plan of a State poster which was approved by the Assistant Secretary on August 27, 1975 (40 FR 40156).

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective July 1, 1975.

(3) Responding to complaints filed with or referred to the California Agriculture and Services Agency for violation of the prohibition against discrimination by employers against employees for exercising their rights under the California Occupational Safety and Health Act.

(4) Assurances of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective September 30, 1975, and incorporated as part of the California plan has been entered into between Rose E. Bird, Secretary, California Agriculture and Services Agency, and Gabriel J. Giltotti, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered under 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918, and Part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal Government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issues covered by Subpart B—Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States; enforcement activity regarding private employers on Federal installations where the Federal agency has claimed exclusive Federal jurisdiction, challenged State jurisdiction and refused entry, such Federal enforcement to continue at least until the jurisdictional question is resolved at the National level between the Occupational Safety and

Health Administration and the cognizant Federal agency; and investigations and inspections for the purpose of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of September 30, 1975, Subpart K of 29 CFR Part 1952 is hereby amended as set forth below.

§ 1952.172 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with California, effective September 30, 1975, and based on a determination that California is operational in the issues covered by the California occupational safety and health plan, discretionary Federal enforcement activity under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as California shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; Federal standards contained in the issues covered by Subpart B, 29 CFR Part 1910, Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, insofar as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States; enforcement activity regarding private employers on Federal installations where the Federal agency has claimed exclusive Federal jurisdiction, challenged State jurisdiction and refused entry, such Federal enforcement to continue at least until the jurisdictional question is resolved at the National level between the Occupational Safety and Health Administration and the cognizant Federal agency; and investigations and inspections for the purpose of the evaluation of the California plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of the

exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree necessary to assure occupational safety and health protection to employees in the State of California.

(Secs. 8(g) (2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g) (2), 667).)

Signed at Washington, D.C. this 6th day of January, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-972 Filed 1-12-76;8:45 am]

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2509—INTERPRETIVE BULLETINS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Redesignation

In order to provide a concise and ready reference to its interpretations of provisions of Title I of the Employee Retirement Income Security Act of 1974, the Department of Labor will hereafter publish all of its interpretive bulletins in Part 2509—Interpretive Bulletins Relating to the Employee Retirement Income Security Act of 1974, of Subchapter A—General. Interpretive Bulletins IB 75-1 through IB 75-8 relating to fiduciary responsibility, and IB RD 75-1 relating to reporting and disclosure, which were previously published in the Federal Register in Parts 2555 and 2556, respectively, have been redesignated and are now included in Part 2509.

Accordingly, 29 CFR Chapter XXV is amended by adding a new Subchapter A—General, and thereunder a new Part 2509—Interpretive Bulletins Relating to the Employee Retirement Income Security Act of 1974. Interpretive Bulletins formerly found in 29 CFR Parts 2555 and 2556 are redesignated as follows:

Old section	New section
2555.75-1 (40 FR 31598)-----	2509.75-1
2555.75-2 (40 FR 31598)-----	2509.75-2
2555.75-3 (40 FR 31598)-----	2509.75-3
2555.75-4 (40 FR 31598)-----	2509.75-4
2555.75-5 (40 FR 31598)-----	2509.75-5
2555.75-6 (40 FR 31755)-----	2509.75-6
2555.75-7 (40 FR 34587)-----	2509.75-7
2555.75-8 (40 FR 47491)-----	2509.75-8
2556.75-1 (40 FR 53998)-----	2509.75-9

Signed at Washington, D.C. this 7th day of January, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and
Welfare Benefit Programs.

[FR Doc.76-966 Filed 1-12-76;8:45 am]

PART 2555—INTERPRETIVE BULLETINS RELATING TO FIDUCIARY RESPONSIBILITY

PART 2556—INTERPRETIVE BULLETINS RELATING TO REPORTING AND DISCLOSURE

Redesignation and Vacation of Parts

Interpretive bulletins formerly appearing in 29 CFR Parts 2555 and 2556 are

transferred to 29 CFR Part 2509 and redesignated.¹ Accordingly, Parts 2555 and 2556 of Chapter XXV of Title 29 are hereby vacated and reserved.

Signed at Washington, D.C. this 7th day of January, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and
Welfare Benefit Programs.

[FR Doc.76-965 Filed 1-12-76;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER C—PUBLIC RELATIONS

PART 820—AIR FORCE BANDS

Revision of Part

This revision of Part 820 updates and incorporates the complete testing and upgrading program for Air Force instrumentalists; establishes new training requirements for the Air Force band career field; standardizes requests for music support; updates criteria for Air Force band performances; revises information required on the Band Personnel and Performance Report; establishes the area concept of operations; establishes mandatory musical capabilities for Air Force bands; reassigns the responsibility for assignment recommendations from major commander to departmental level; establishes the organizational level and responsibilities of the office having operational control; and establishes command supervisory responsibility for all band commanders.

Part 820, Subchapter C of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

- Sec. 820.1 Purpose.
- 820.3 Air Force band explained.
- 820.5 Band mission.
- 820.7 How bands are classified.
- 820.9 Band capabilities.
- 820.11 How bands are programmed.
- 820.13 How bands are supervised.
- 820.15 Training and use of assigned airmen.
- 820.17 How bands procure, maintain, and dispose of musical equipment and supplies.
- 820.19 The Band Bulletin.
- 820.21 Direct communication authorized.
- 820.23 How commanders request band performances.
- 820.25 How civilian sponsors request a band performance.

Subpart B—Responsibilities; Uniforms and Accessories

- 820.27 Responsibility of the major commander.
- 820.29 Responsibility of the command band staff officer.
- 820.31 Responsibility of the commander having operational control.
- 820.33 Authorized accessories.
- 820.35 Special clothing allowance.

¹ See FR Doc. 76-966, Title 29, Supra.

Subpart C—Use of Bands On and Off Air Force Installations

- Sec. 820.37 Legal and other restrictions on use of bands.
- 820.39 Participation authorized for public events.
- 820.41 Criteria for participation in public events.
- 820.43 Air Force band participation on a military installation.
- 820.45 Area concept of operations.
- 820.47 Area concept of operations areas of responsibility.

Subpart D—Cost of Participation and Funding

- 820.49 Funding policy.
- 820.51 Cost of participation in open messes.

Subpart E—Volunteer Drum and Bugle Corps

- 820.53 How Corps are organized, staffed, and maintained.
- 820.55 Use of volunteer units.

Subpart F—Monthly Reporting Requirement

- 820.57 Band personnel and performance report.
 - 820.59 Supply of forms.
- AUTHORITY: Sec. 8012, 8634, 8635, 70A Stat. 488, 532; 10 U.S.C. 8012, 8634, 8635.

Subpart A—General Information.

§ 820.1 Purpose.

This part states the mission of Air Force bands and explains how bands are established, classified, programmed, and administered.

§ 820.3 Air Force band explained.

An Air Force band is a numbered or unnumbered musical unit established by an Air Force directive.

§ 820.5 Band mission.

It is the mission of each Air Force band to provide the support in paragraphs (a) through (d) of this section to all Air Force bases located within the assigned geographic area of the band without regard to command affiliation.

(a) Participate in, and provide music for, military formations and ceremonies.

(b) Provide musical support for recreation and entertainment programs at Air Force installations.

(c) Provide musical support for Air Force personnel procurement programs.

(d) Provide musical support for the Air Force community relations program.

§ 820.7 How bands are classified.

Air Force bands are classified as special bands or as numbered Air Force bands as indicated in paragraphs (a) and (b) of this section.

(a) Special bands include: (1) The USAF Band, Bolling Air Force Base, Washington, D.C. 20332, assigned to Headquarters Command United States Air Force. The Director of Information (SAF/OI) is responsible for its operational control.

(2) The USAF Academy Band, assigned to the USAF Academy, Colorado 80840. The Commandant of Cadets exercises operational control for Cadet activities. The Chief of Staff, USAF Academy, exercises administrative and logistical control for other than Cadet activities.

(b) Numbered Air Force bands are strategically located throughout the Air Force to support Air Force musical requirements. Air Force bands are listed in

AFM 190-9, Information Policies and Procedures. These bands may use titles for publicity purposes. However, these titles are unofficial and should not be used in official correspondence or as justification for committing a band outside its geographic area of responsibility.

§ 820.9 Band capabilities.

Each numbered Air Force band maintains the operational units in paragraph (a) of this section. Although manning has a definite effect on any band's operational capabilities, SAF/OI approval is required to eliminate any of these mission essential units. Every effort must be made to utilize these units to the maximum extent possible.

(a) The units in paragraphs (a) (1) through (6) of this section are mandatory units for all numbered Air Force bands.

(1) *Marching/ceremonial band.* Designed to fulfill all military ceremonial requirements. Additionally, it is capable of performing at official civil functions (defined in Part 824 of this chapter) and public parades.

(2) *Concert band.* Designed to perform high school, college, and civic concerts and patriotic programs in addition to support of base recreation activities.

(3) *Show/dance band.* Composed of 16 to 20 Instrumentalists, performs the variety of music necessary to satisfy Air Force requirements for musical support at the recreation and social events in § 820.43. Additionally, this unit performs high school, college, and civic concerts.

(4) *Protocol combo.* Composed of three to six Instrumentalists, provides background, dinner, and dance music, as required, at the recreation and social events in § 820.43.

(5) *Popular music combo.* Composed of four to eight Instrumentalists, performs the latest in popular music. It may be scheduled at school concerts in conjunction with recruiting programs in addition to support of recreation and social events in § 820.43. Due to the unique mission requirements and the instrumentation necessary, the protocol and popular music combos should be separate entities. Although available manpower resources may require occasional duplication of some Instrumentalists in these groups, it is discouraged.

(6) *Individual musicians.* Individual Instrumentalists support specialized requirements for buglers, pianists, and other musicians.

(b) Air Force bands are encouraged to exercise initiative in the formation and utilization of additional units, such as woodwind and brass ensembles, Dixieland, German, and country/western bands; and glee clubs.

(c) With the exception of 35 piece bands, each numbered Air Force band is established to provide the simultaneous operation of two or more units. This is not intended to prevent bands from utilizing their fully authorized strength in a major parade or concert; however, normal operations should be conducted

in the multiunit manner explained in (1) through (3) of this paragraph.

(1) Concert/marching band and popular music combo: 45 piece bands.

(2) Concert/marching band and show/dance band: 60 piece bands.

(3) Concert/marching band, show/dance band, and protocol or popular music combo: 70 piece bands.

§ 820.11 How bands are programmed.

Due to the limited number of Air Force bands and the necessity to achieve maximum utilization through the geographic area concept of operations which transcends command lines, programming the number, size, and location of Air Force bands is accomplished within the Air Staff in accordance with current manpower programming directives. Forward requests for changes in the Air Force band program through channels, to SAF/OI for appropriate action.

§ 820.13 How bands are supervised.

(a) *At departmental level.* The Bands Branch, Community Relations Division, Office of Information, Secretary of the Air Force (SAF/OICE), is the functional manager of the Air Force band programs and monitors all aspects of the program (including bands assigned to the Air National Guard) through technical inspections, reports, written and telephonic communications, and:

(1) Recommends the assignment of Instrumentalists to achieve the best possible balance of instrumentation and effectiveness of each band through close coordination with assignment agencies located at HQ USAF/MPC.

(2) Coordinates the reassignment of band officers, band superintendents, and Master Sergeant Instrumentalists with PALACE INFO and Senior Airman Assignments Branch located at HQ USAF/MPC.

(b) *At major command level.* Each major commander appoints a band officer to perform the additional duty of command band staff officer. His duties and responsibilities include, but are not limited to:

(1) Assisting the commander in the supervision of band activities through technical inspections, reports, and written and telephonic communications.

(2) Functioning as a member of the command inspection team to evaluate Air National Guard bands. Air National Guard bands are under the technical supervision and the responsibility of the command band staff officer.

(c) *At all levels.* Operational control of Air Force bands is the responsibility of the highest command level Information Office located on bases where bands are assigned. Bands are separate squadrons and band officers serve primarily as squadron commander; therefore, band commanders should be supervised by the pertinent commander in the chain of command.

§ 820.15 Training and use of assigned airmen.

(a) Air Force band commanders will establish and maintain training pro-

grams as described in (1) through (3) of this paragraph and in AFM 50-23, On-the-job Training.

(1) Use Instrumentalist Proficiency Requirements (IPR) as identified in the forms listed in (i) through (xv) of this subparagraph for all levels of on-the-job training (OJT). When the IPR is incorporated into the AF Form 623, Consolidated Training Record, it will be redesignated as the Job Proficiency Guide (JPG) described in AFM 50-23.

(i) AF Form 3032, IPR—Saxophone—87130/40/70B.

(ii) AF Form 3033, IPR—Bassoon—87130/50/70C.

(iii) AF Form 3034, IPR—Oboe—87130/50/70D.

(iv) AF Form 3036, IPR—Flute—87130/50/70E.

(v) AF Form 3038, IPR—French Horn—87130/50/70F.

(vi) AF Form 3042, IPR—Trumpet—87130/50/70G.

(vii) AF Form 3044, IPR—Baritone Horn—87130/50/70H.

(viii) AF Form 3045, IPR—Trombone—87130/50/70J.

(ix) AF Form 3046, IPR—Tuba—87130/50/70K.

(x) AF Form 3049, IPR—Percussion—87130/50/70L.

(xi) AF Form 3050, IPR—Piano—87130/50/70M.

(xii) AF Form 3051, IPR—Guitar—87130/50/70P.

(xiii) AF Form 3053, IPR—Arranger—87130/50/70P.

(xiv) AF Form 3057, IPR—Vocalist—87130/50/70R.

(xv) AF Form 3058, IPR—Electric String Bass—87130/50/70S.

(2) Individual lessons are administered all personnel in OJT at least once each week. Leave and illness will be the only acceptable justification for noncompliance with this requirement. Unit TDYs will not release the trainer and trainee from this responsibility. Continually record these lessons on AF Form 3029, Lesson Assignment and Evaluation, and do not remove them from the training record prior to entry into the next level of training.

(3) In the band career field, the Specialty Knowledge Test (SKT) is a performance test. The SKT administered at each level must be consistent with the requirements in paragraphs (a) (3) (i) through (xv) of this section. Test results are entered into the individual's training record as either "qualified" or "unqualified."

(i) *Three-level woodwind and brass tests.* Scales—All major scales (two octaves) eighth notes, moderate tempo. Chromatic scale (two octaves), eighth notes, moderate tempo; Solo—Performs one or more grade four solo(s), (medium to medium-difficult) demonstrating range, style, and articulation; Sight reading—Sight reads material selected from standard methods (see IPR) and representative band literature to include dance band music if appropriate; Performance—Performs in an acceptable manner in ensemble.

(ii) *Five-level woodwind and brass tests.* Scales—Major and minor (melodic and harmonic) scales (two octaves), eighth notes at moderate tempo; chromatic scale (two octaves) and arpeggios (two octaves), eighth notes at moderate tempo; Solo—Perform one or more grade five (medium-difficult to difficult) solo(s) demonstrating tone, range, technique, articulation and style. Includes jazz solos; Sight reading—Sight reads, accurately, material selected from standard methods (see IPR) and representative band literature rated medium difficult to difficult to include dance band music if appropriate. Particular attention is given to phrasing, articulation and style; Music theory (see IPR)—Demonstrates thorough understanding of basic music theory to include scales, chord structure, and transposition; Secondary instrument (as outlined in IPR)—Performs on secondary woodwind or brass instrument in accordance with criteria for the three-level requirements (see (i) of this subparagraph) (secondary instrument is required for clarinet, bassoon, oboe, flute, baritone horn, and tuba); Improvisation (see IPR)—Improvises, utilizing given chord or melodic line, maintaining integrity of key, style, and feeling. Improvises on eight or 12 bar "Blues" progressions in various keys and tempos (improvisation required of saxophone, trumpet, and trombone); Performance—Performs satisfactorily in all ensembles and as a soloist.

(iii) *Seven-level woodwind and brass tests.* Scales—Major and minor scales, eighth notes at moderate tempo; performs scales in thirds and arpeggios, eighth notes, at moderate tempo; Solos—Performs a difficult solo illustrating style, phrasing and technique. Improvised solos are acceptable for saxophone, trumpet and trombone; Sight reading—Sight reads medium difficult to difficult music with accuracy. Sight reading for saxophone, trumpet and trombone includes dance band, popular, and rock music; Secondary instrument (as outlined in IPR)—Maintains proficiency on secondary instrument (required for clarinet, bassoon, oboe, flute, baritone horn, and tuba); Theory and improvisation (see IPR)—Improvises from melodic lines and chord changes. Reads chord symbols and performs solos utilizing same (required for saxophone, trumpet, and trombone); conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(iv) *Three-level percussion test.* Rudiments—Performs first seven basic standard rudiments at various tempi and in differing combinations; Solos—Performs on several different percussion instruments numerous solo or ensemble sections from selected medium difficult literature to include methods and music

from the band's repertoire. Constructs solos using all instruments of the drum set; Sight reading—Sight reads several percussion parts of medium difficulty. Sight reads dance band or combo lead sheets; Performance—Performs in an acceptable manner in ensembles.

(v) *Five-level percussion test.* Rudiments—Performs first 13 standard rudiments at various tempi and in differing combinations; Scales—Performs C, F, G, Bb, D, Eb, and Ab major scales on keyboard percussion instruments in eighth notes at moderate tempo; Solos—Performs on several different percussion instruments, solo or ensemble sections from medium-difficult to difficult (grade five) literature to include methods and music from the band's repertoire. Constructs solos on the drum set using polyrhythms and permutations; Sight reading—Sight reads medium-difficult to difficult percussion parts. Reads with accuracy dance, rock and combo lead sheets; Performance—Performs satisfactorily in all ensembles as assigned.

(vi) *Seven-level percussion tests.* Rudiments—Performs all 26 standard rudiments at various tempi and in differing combinations; Scales—All Major and Minor Scales and arpeggios on keyboard instruments (two Octaves); Solos—Performs very difficult (grade six) solo or ensemble literature on snare drum, tympani, keyboard instruments, and the drum set; Sight reading—Sight reads difficult (grade five or six) literature selected from methods or the bands repertoire. Reads with accuracy rock, dance band, and combo lead sheets; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(vii) *Three-level piano test.* Scales—Performs all major and minor scales, arpeggios (two Octaves), eighth notes at a moderate tempo; Solo—Performs solo literature which demonstrates technical facility, interpretation, and style. A jazz, rock, or swing solo is acceptable; Sight reading—Sight reads standard medium-difficult piano literature selected from methods, ensemble music, or dance band piano music. Sight reads accompaniments for vocal or choral selections; Performance—Performs satisfactorily in all areas assigned.

(viii) *Five-level piano test.* Scales—Performs all major and minor scales in four octaves, parallel and contrary motion, at a moderate tempo; Solos—Performs a solo from the classical repertoire for piano. Performs several selections from a minimum repertoire of 20 compositions of popular music demonstrating style, phrasing, rhythmic competency, and voicings unique to popular music; Sight reading—Sight reads medium-difficult piano scores, vocal arrangements, and dance band lead sheets with accuracy; Theory/improvisation—Impro-

vises, from chord symbols, varying types of dance, popular, or rock music. In different keys and varying tempi, improvises on 8 or 12 bar "blues" patterns; Performance—Performs satisfactorily in all ensembles or as a soloist as may be assigned.

(ix) *Seven-level piano test.* Scales—All major and minor scales, major and minor arpeggios in root position and inversions at moderate tempi; Solos—Performs a solo from the classical literature for piano. Jazz, pop, and rock solos, based on chord lines, improvised and expanded to demonstrate abilities as a dance band/combo performer; Sight reading—Sight reads with accuracy difficult accompaniments, scores, lead sheets, dance band parts, and other material from methods or classical literature; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles and Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(x) *Three-level guitar test.* Scales—Major and minor scales (two Octaves) eighth notes, moderate tempo. Major, minor, and seventh chords; Solos—Performs solo sections and accompaniment sections from various types and styles of music (primarily popular and rock); Sight reading—Sight reads lead sheets, melodic lines, and chord symbols with accuracy; Performance—Performs satisfactorily in ensembles or as a soloist as assigned.

(xi) *Five-level guitar test.* Scales—All major and minor scales (two Octaves) at various tempi. All major, minor, and seventh chords in various combinations; Solos—Performs jazz, rock, dance, and popular solos or sections of music performed by the band. Solo includes an improvised section based on chord symbols only; Sight reading—Sight reads chord changes, melodic lines, and guitar voicings from medium difficult literature selected from methods or music for the guitar; Theory/improvisation—Improvises several styles of music using only chord symbols as a guide. Performs several tunes from memory; Secondary instrument—As outlined in IPR; Performance—Performs in a satisfactory manner in all ensembles as assigned.

(xii) *Seven-level guitar test.* Scales—Major and minor scales 7th, 9th, 13th, augmented and diminished chords; Solos—Performs several styles of solos to include light classical, popular, rock, and jazz idioms; Sight reading—Sight reads difficult guitar music with accuracy. Reads lead lines, chords, and written guitar music; Secondary instrument—Maintains proficiency and performs in an acceptable manner; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band related

administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(xiii) *Three-level arranger test.* Arranging—Arrangements for the dance/show band and combos are evaluated. Arrangements must be written during the training period and used by the various ensembles. Particular attention is given to style, nuances, proper chord changes, and uniqueness; Performance—Performs satisfactorily in all areas assigned.

(xiv) *Five-level arranger test.* Arranging—Arrangements of popular music and vocal arrangements for various ensembles are evaluated. Arrangements must be completed during the training period, and be of the highest professional caliber; Performance—Performs satisfactorily in all areas as assigned.

(xv) *Seven-level arranger test.* Arranging—Arrangements for all instrumental and vocal combinations in all styles are evaluated. Arrangements should include marching band, concert band, dance/show band, popular music ensemble, combo, vocal groups, and vocalist compositions. Arrangements must be of the highest professional quality with inventive writing displayed demonstrating the arranger's grasp of the capabilities of each group; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all assigned duties.

(xvi) *Three-level vocalist test.* Range and tone—Sings a series of vocal exercises that effectively demonstrate minimum ranges as explained in IPR. Tone quality throughout should be very good; Style—Performs at least one selection in each of the following musical styles—popular, rock, country and western, and ballad. Particular attention must be paid to intonation, phrasing, and stylistic nuances unique to each category; Sight reading—Sight reads medium-difficult vocal parts to popular, country and western, or ballads with accuracy; Music theory—As outlined in IPR; Performance—Performs satisfactorily in ensembles as a soloist as assigned.

(xvii) *Five-level vocalist test.* Range and tone—Sings a series of vocal exercises that effectively demonstrate minimum ranges as explained in IPR. Tone quality should be consistent throughout the entire range; Style—Performs at least one selection in each of the following styles—rock, swing, country and western, ballads, and show music. Particular attention to intonation, phrasing, and stylistic nuance is required; Sight reading—Sight reads medium-difficult vocal parts or lead lines without accompaniment with accuracy. Also reads vocal parts with accompaniment with particular attention to phrasing, dynamics, style, and musical qualities; Secondary instrument—As outlined in

IPR; Music theory—As outlined in IPR; Performance—Performs from memory, with instrumental ensembles, standard selections in the aforementioned styles. Performs in a satisfactory manner as assigned.

(xviii) *Seven-level vocalist test.* Range and tone—Performs exercises to demonstrate phrasing, tone and range outlined in IPR; Style—Performs selections demonstrating the following styles—rock, country and western, ballads, jazz, swing, show music, and semiclassical. Vocalist must be able to adapt to varying styles; Sight reading—Sight reads vocal music from different styles with accuracy; Secondary instrument—Maintains proficiency and performs as required; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies, conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs in a superior manner in all ensembles as assigned.

(xix) *Three-level electric/string bass test.* Scales—Major scales and arpeggios in eighth notes at moderate tempo; Solos—Performs solo demonstrating technical facility and ability as a performer. Solo can be a jazz or rock solo based on a melodic or chord line; Sight reading—Sight reads medium-difficult bass music with accuracy. Reading of dance band melodic sheets or parts is required; Performance—Performs satisfactorily as assigned.

(xx) *Five-level electric/string bass test.* Scales—Major and minor scales, arpeggios in eighth notes (two Octaves) moderate tempo; Solos—Performs solos demonstrating technique, tone, phrasing, and control. Solo based on dance band, popular, or rock music melodic line and chord symbols is required; Sight reading—Sight reads medium-difficult to difficult bass music selected from methods or literature for bass. Reads dance band and popular music ensemble music with accuracy; Theory/improvisation—Improvises bass lines having only chord symbols as a guide; Secondary instrument—As outlined in IPR; Performance—Performs satisfactorily in ensembles as assigned.

(xxi) *Seven-level electric/string bass test.* Scales—All major and minor scales, arpeggios (two Octaves); Solos—Perform solo literature to include improvised jazz, rock and popular bass lines; Sight reading—Sight reads with accuracy, difficult music for bass. Reading of dance band, popular music, and rock music is required with accuracy; Theory/improvisation—Performs bass lines based on chord symbols only; Secondary instrument—Performs satisfactorily as required; Conducting—Demonstrates basic knowledge and skills required in conducting ceremonies. Conducts the National Anthem, Ruffles & Flourishes, General's March, To the Colors, and marches; Additional duties—Demonstrates abilities in band-related administrative duties; Performance—Performs

in a superior manner in all ensembles as assigned.

(b) *Who Will Administer Tests.* Three-level and five-level tests are administered by an Air Force Band Officer (or Band Superintendent when no Band Officer is assigned). This responsibility is not delegated. Seven-level tests are administered by two Band Officers, one of which must be in the grade of Captain or higher. A Band Superintendent may be substituted for the lower ranking Band Officer if a second Band Officer is not available. When these requirements cannot be met within command resources, request assistance from the Secretary of the Air Force (SAF/OICE), Washington, D.C. 20330.

(c) When and where tests will be given. Tests at all levels are administered at any installation that has an assigned Air Force band.

(d) Band commanders are authorized to program funds in their annual budget to cover costs of private instrumental lessons for airmen. The Band commander is responsible for determining those personnel who require this type training with benefits to be derived by the Air Force being of paramount importance. Funds should be requested under EEIC 551.XX, Education Services. Requests for procurement of lessons shall be submitted on AF Form 9, Request for Purchase, to the installation procurement office. Only highly qualified civilian instrumental instructors are utilized under provisions of this paragraph and the desired instructor shall be designated on the AF Form 9.

(e) An airman assigned to an Air Force band must qualify by performing on instruments listed in applicable Unit Detail Listings (UDLs) and AFM 39-1, Airman Classification Manual. His performance must conform to Instrumentalist performance requirements and specialty descriptions.

(f) Every airman assigned or attached to an Air Force band must perform regularly with the band in all performances as designated by the band commander.

§ 820.17 How bands procure, maintain, and dispose of musical equipment and supplies.

(a) *Procurement.* The band. (1) Obtains equipment prescribed in applicable Table of Allowance (TA) and authorized in the Equipment Authorization Inventory in the Equipment Authorization Inventory Document (EAID) in compliance with AFM 67-1, USAF Supply Manual, procedures.

(2) Requests special equipment or instruments not prescribed in applicable TA, in compliance with AFM 67-1, Volume IV, procedures.

(3) Purchases supplies, expendable equipment, and music locally in compliance with AFR 70-18, Local Purchase Program. Exception: The United States Air Force Band stocks the U.S. National Anthem, "Hail to the Chief," and the national anthems of foreign countries. The band requests copies of parts as needed from the USAF Band, Bolling AFB, Washington, D.C. 20332.

(b) *Maintenance.* The using activity performs organizational maintenance to the maximum extent possible. Maintenance and repairs beyond the technical capability of the using activity, are accomplished commercially under AFM 70-4, Management of Base Contract Maintenance.

(c) *Disposition.* The band reports excess musical equipment procured from appropriated funds for disposition instructions as stated in AFM 67-1. Excess musical equipment procured from non-appropriated funds is disposed of as stated in AFR 34-3, Morale, Welfare and Recreation Basic Responsibilities, Policies and Practices. When the band is inactivated, the command band staff officer recommends disposition of its musical library to Secretary of the Air Force (SAF/OICE), Washington, D.C. 20330.

§ 820.19 The Band Bulletin.

The Bands Branch publishes the quarterly USAF Band Bulletin and distributes it to each Air Force band and band staff officer. The bulletin contains information on technical internal operation of Air Force bands, suggestions on improved music techniques, recommendations for making Air Force bands more effective, and news of interest.

§ 820.21 Direct communication authorized.

To insure that band matters are properly coordinated.

(a) Command band staff officers are authorized direct communication on technical matters with Bands Branch (SAF/OICE).

(b) Major commanders may authorize direct communication between the command band staff officer and other band officers within the command for technical band matters.

§ 820.23 How commanders request band performances.

(a) *The U.S. Air Force Band.* The primary mission of the USAF Band and its component units is to provide music for military and other government ceremonies and functions in the Washington, D.C. area, and to prepare transcriptions in support of the Air Force's sustaining radio programs. Availability for performances outside the Washington, D.C. area is extremely limited. However, units of the band are made available to Air Force bases in support of authorized social events (explained in § 820.43) to the maximum extent possible. Commanders having a requirement for a unit of the USAF Band should complete an AF Form 3030, Air Force Band Request and forward it to HQ USAF (SAF/OICE), Washington, D.C. 20330, to arrive no later than 90 days before the event. Transportation for the USAF Band is provided or arranged by the requesting agency unless otherwise directed by SAF/OI. Headquarters Command USAF provides per diem funds when available.

(b) *Numbered Air Force bands.* Numbered Air Force Bands are available for use at all Air Force installations in their assigned geographical area. To insure

maximum utilization and minimum cost, requests for numbered Air Force bands are forwarded on the AF Form 3030 to the Information Office with the operational control of the nearest Air Force band. Requests for an exception to this policy are forwarded to HQ USAF (SAF/OICE), Washington, D.C. Such requests for an exception should clearly justify why the nearest band is not being utilized.

§ 820.25 How civilian sponsors request a band performance.

To aid civilian sponsors and to guide Air Force officials receiving such requests, AF Form 3030 is used. A copy of this form is forwarded with all requests requiring Headquarters USAF or Department of Defense approval. With the exception of those events in § 820.49(a), all performances in the public domain which result in additional cost (defined in AFR 190-5, Air Force Participation in Public Events) to the government must be approved by the Department of Defense through the Secretary of the Air Force (SAF/OICE), Washington, D.C. 20330. Requests for approval to participate in events prohibited by this regulation are not forwarded without sufficient justification to warrant consideration of an exception to policy. If it is necessary to decline a request for participation, units clearly explain the reason and quote Air Force policy as outlined by this part. Requests for band participation which originate from a civilian sponsor are forwarded in the following manner:

(a) *The U.S. Air Force Band.* Information officers forward civilian sponsor requests for the USAF Band or its component units, through channels, to HQ USAF (SAF/OICE), Washington, D.C. 20330. Organization, intermediate command, and major command recommendations must be included.

(b) *Numbered Air Force bands.* Information officers forward civilian requests for band participation for other than the Air Force Band, Washington, D.C. to the Information Office which has operational control of the Air Force band located nearest the site of the event. Recommendations concerning participation must be included.

Subpart B—Responsibilities; Uniforms and Accessories

§ 820.27 Responsibility of the major commanders.

(a) Provides adequate facilities (see AFM 86-2, Standard Facility Requirements) for the welfare, training, and efficient functioning of band personnel. Such facilities include:

(1) Acoustically treated rehearsal studio and individual practice rooms.

(2) Music library, administrative office, secure storage area for musical instruments and supplies, and lockers for dress or formation uniforms.

(3) Day room.

(b) Insures that a band member is not detailed to activities that interfere with his duties as a musician. Each band member must be available for all re-

hearsals and performances in order for the unit to properly accomplish its mission.

§ 820.29 Responsibility of the command band staff officer.

(a) Serves as band commander.

(b) Assists the major commander in accomplishing § 820.13(b) and § 820.27.

§ 820.31 Responsibility of the commander having operational control.

The commander exercising operational control over a band determines whether any use of the band in the public domain conflicts with this part, and enforces its provisions. He is authorized to approve participation of bands in such events or activities as those stated §§ 820.39 and 820.43.

§ 820.33 Authorized accessories.

In addition to articles of uniform authorized by TA-016 and AFM 35-10, Dress and Personal Appearance of Air Force Personnel, the major commander may authorize band members under his jurisdiction to wear distinctive uniform accessories. Accessories are those decorative items which can be attached and detached and worn only in connection with official musical duties. Sewed-on items that permanently alter the basic uniform are not authorized. (Expenditure of Military Welfare Funds is limited by Para 7-3, Vol III, AFR 34-3.)

§ 820.35 Special clothing allowance.

Supplemental uniform clothing allowances for airmen assigned to Air Force bands are prescribed in AFR 67-57, Uniform Clothing Allowances for Airmen.

Subpart C—Use of Bands On and Off Air Force Installations

NOTE: "Bands" as used in this subpart include Air Force bands, component musical groups, and individual members of Air Force bands.

§ 820.37 Legal and other restrictions on use of bands.

The use, employment, or assignment of bands off military installations is governed:

(a) By U.S.C., Title 10, Section 8634. "No Air Force band or member thereof may receive remuneration for furnishing music outside the limits of an air base in competition with local civilian musicians."

(b) By U.S.C., Title 10, Section 974. "Except as provided in Section 6223 of this title no enlisted member of an armed force on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession."

(c) By the Secretary of Defense. The Secretary of Defense establishes policies for the effective and economical use of Service bands in public events, demonstrations, ceremonies, and other activ-

ities in the civilian domain. Except as stated herein, he retains the authority to approve participation by Air Force bands:

(1) In any event in the public domain which results in additional cost to the government, except those events in § 820.49(a).

(2) In public events in the Washington, D.C. area.

(3) In events of national or international significance including national conventions and meetings. See exceptions for Unified and Specified Commands in § 820.37(d).

(4) In pre-season, post-season, or known programmed national sports and professional athletic events within the United States.

(5) In nationally televised events.

(6) In recordings by Air Force bands. Approval must be obtained prior to production of the recording.

(d) By Unified and Specified Commands:

(1) Within the 50 States, coordination is effected with the Unified and Specified Command on community relations programs and public events significantly affecting that command. In the same manner, Unified and Specified Commands are required by the Department of Defense to coordinate with HQ USAF and the Air Force major commands on programs requiring Air Force support.

(2) Overseas, the Secretary of Defense has delegated authority for the approval of public event participation to the Unified or Specified Commanders. This authority may be delegated. While Air Force major commands overseas will operate their programs in conformance with this regulation to the maximum extent possible, the policy direction and guidance provided by their Unified or Specified Command headquarters will take precedence. Overseas Air Force major commands also advise the Secretary of the Air Force (SAF/OIC) when participation in any public event significantly affects their operations or requires major administrative, financial, or logistical support. Air Force overseas major commands budget, in annual financial plans, for costs of public event participation in support of their own command community relations programs and for their share of Unified and Specified Command programs as requested by that command.

§ 820.39 Participation authorized for public events.

Air Force bands are authorized to provide the participation listed below for public events which meet the criteria established in § 820.41. Authorization to participate does not waive the funding requirements of § 820.49.

(a) Patriotic Programs. Air Force bands may perform patriotic programs at civilian-sponsored social, civic, cultural and athletic events provided such participation does not place military musicians in competition with civilian musicians. A patriotic program is a 10 to 15 minute musical presentation which assists civilian sponsors in providing

proper honors to the flag and country. It consists of a medley of patriotic or military songs, a selection which demonstrates the military musicians' professionalism, appropriate honors, and music to accompany the presentation of the colors. Although many different musical presentations can be patriotic in nature, the only participation authorized for civilian-sponsored events, other than Official Civic Ceremonies (see AFR 190-5, Air Force Participation in Public Events), is the program described above. Bands are not authorized to provide entertainment music such as background, dinner, dance or other social music, for civilian-sponsored events. When scheduling a patriotic program, the key question that must be answered is whether or not the purpose of the band's participation is to assist in rendering honors or merely to provide entertainment music, gathering music, or fill-the-dead-space music.

(b) Parades. Air Force bands may participate in public parades sponsored by the community as a whole, rather than by a single commercial venture, and held on a Sunday, holiday or at a time when shops are closed for business. Representation by individual commercial ventures in such parades need not be a bar to participation, as long as the emphasis is planned for, and placed on, the civic rather than commercial aspects.

(c) Concerts. Air Force bands may perform public concerts in the traditional setting. Such concerts, particularly those in high schools and colleges, provide excellent support for Air Force Recruiting. Band concerts must be free of charge and open to the public. Bands may perform concerts at fairs, exhibitions, or similar events which are open to the public and charge a general admission. However, specific or additional charges will not be made to observe the concert or defray the cost of Air Force participation.

§ 820.41 Criteria for participation in public events.

The following guidelines are applicable to all public performances by Air Force bands:

(a) Public performances by Air Force bands should be scheduled to provide maximum support of Air Force Recruiting. Band Commanders are authorized, and should maintain, liaison with Air Force Recruiting Advertising and Publicity Officers located within their band's assigned area of operations. Coordination should be made between the band's Operations Section and the Advertising and Publicity Section of the local Recruiting Detachment before scheduling any public performance.

(b) Admission, seating, and all other accommodations and facilities connected with an Air Force band performance must be available to everyone without regard to race, creed, color, or national origin.

(c) Organizations or groups sponsoring an Air Force band performance must not exclude any person from its membership, or practice any form of discrim-

ination in its functions based on race, creed, color, or national origin.

(d) An Air Force band performance must not directly or indirectly indorse, benefit or favor, or appear to indorse, benefit or favor, any private individual, sect, fraternal organization, commercial venture, or political group, or be associated with the solicitation of votes in a political election. Fraternal organizations are explained in AFR 190-5.

(e) Air Force band performances in support of fund raising activities are limited to:

(1) Officially recognized federated and joint campaigns, such as United Funds, Community Chests, Federal Service Campaigns for the National Health Agencies, and so forth.

(2) Fund appeals authorized by the President or the Chairman of the Civil Service Commission.

(3) Collections for authorized military aid societies.

(4) Public or sports events held for the sole purpose of raising funds for United States teams competing in the Pan-American and Olympic Games. As an exception, Unified or Specified Commands may authorize band participation in athletic competitions within their Commands in support of local or indigenous fund raising efforts.

§ 820.43 Air Force band participation on a military installation.

Air Force bands are authorized and encouraged to provide the on-base participation listed below for any military organization.

(a) Ceremonies. Air Force bands are authorized to participate in all military ceremonies.

(b) Social Events. Air Force bands may provide background, dinner, entertainment or dance music for events officially sponsored and attended by senior military officials in the performance of their official duties. Nonfederated National Guard and nonextended active duty Reserve social events are not activities for which band participation may be authorized. Social events for which participation may be authorized for active duty units are:

(1) Formal Receptions. Background music is authorized for receptions hosted by the Commander. Such receptions traditionally feature a receiving line. Dinner and dancing are not considered part of a Formal Reception.

(2) Esprit-de-Corps Dinners/Dances. Air Force bands are authorized to participate in organization parties designed for troop welfare and morale and the development of esprit-de-corps provided attendance at such parties is not restricted by rank and open to all members of the organization, including officers, noncommissioned officers, and airmen. Participation is authorized for these events if held off-base provided a suitable on-base facility, is not available. A charge levied to defray the expenses of food, beverage, and other incidental expenses does not prevent participation. Officer, Non-Commissioned Officer, or Airmen Dinings-Out are not events for

which participation may be authorized.

(3) Community Relations Dinner/Dances. Air Force bands may participate in Command-sponsored community relations dinner/dances provided a high percentage of those attending are civic leaders.

(4) Dinings-In. Air Force bands may participate in Dinings-In with ceremonial and background music.

(c) Recreation Activities. Air Force bands are authorized to provide musical support for Air Force Recreation Programs. Participation at social events sponsored by clubs with a dues paying membership is not authorized even though these clubs may be sanctioned by Air Force Recreation Services.

(d) Air Force ROTC and Junior Air Force ROTC Events. Air Force bands may participate in Air Force ROTC and Junior Air Force ROTC ceremonial events. Additionally, participation is authorized in Military Balls provided that the event is held on school premises or on an active duty military installation and attendance is limited to ROTC Cadets, faculty members, and guests. Appropriated funds are authorized for this participation; however, if funds are not available, the Air Force ROTC unit must

§ 820.47 Area concept of operations areas of responsibility.

Band	Primary area(s)	Secondary area(s)
502d Air Force Band, Keesler AFB, Miss.	Mississippi	Louisiana, Arkansas, Alabama, Florida.
505th Air Force Band, Chanute AFB, Ill.	Illinois, Indiana, Wisconsin	Michigan, Ohio, Minnesota, Iowa, Missouri, Kentucky, Arizona, Utah.
523d Air Force Band, March AFB, Calif.	California, Nevada	Kansas, Nebraska, Iowa, Wisconsin, Indiana, Kentucky, Tennessee, Arkansas, Minnesota.
528th Air Force Band, Scott AFB, Ill.	Illinois, Missouri	New Mexico, Oklahoma, Louisiana.
539th Air Force Band, Lackland AFB, Tex.	Texas	California, Nevada.
541st Air Force Band, Luke AFB, Ariz.	Arizona, New Mexico, Utah	Pennsylvania, Delaware, West Virginia, South Carolina, New Jersey, North Carolina, Tennessee, Alabama, Florida.
564th Air Force Band, Langley AFB, Va.	Virginia, Maryland, North Carolina	Mississippi, Alabama, Georgia, South Carolina.
581st Air Force Band, Robins AFB, Ga.	Georgia, South Carolina	Florida.
589th Air Force Band, MacDill AFB, Fla.	Florida	Mississippi, Alabama, Georgia, South Carolina, Maryland.
590th Air Force Band, McGuire AFB, N.J.	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania.	Mississippi, Georgia, Florida.
604th Air Force Band, Maxwell AFB, Ala.	Alabama, Tennessee	Indiana, Pennsylvania, New York, Virginia, Montana, Missouri, Wisconsin.
661st Air Force Band, Wright-Patterson AFB, Ohio.	Ohio, West Virginia, Kentucky, Michigan	California.
702d Air Force Band, Offutt AFB, Nebr.	Nebraska, South Dakota, North Dakota, Wyoming, Iowa, Kansas, Minnesota.	Texas, Oklahoma, Mississippi.
724th Air Force Band, McChord AFB, Wash.	Washington, Oregon, Idaho, Montana.	New Mexico, Colorado, Kansas, Missouri, Arkansas.
745th Air Force Band, Barksdale AFB, La.	Louisiana, Arkansas	Hawaii.
761st Air Force Band, Sheppard AFB, Tex.	Texas, Oklahoma	Alaska.
501st Air Force Band, Hickam AFB, Hawaii.	Hawaii	Colorado.
752d Air Force Band, Elmendorf AFB, Alaska.	Alaska	
USAF Academy Band, USAF Academy, Colo.	Colorado	

Subpart D—Cost of Participation and Funding

§ 820.49 Funding policy.

The basic Air Force policy for funding public events is to keep costs of Government participation to the minimum consistent with Defense and Air Force Recruiting and Community Relations ob-

provide transportation and per diem funding. These costs, incurred due to the band's participation, may be absorbed by an admission charge provided any profits are donated to the Air Force Assistance fund.

§ 820.45 Area concept of operations.

The geographic area concept of operations was established in an effort to provide maximum utilization of Air Force bands within funding constraints. § 820.47 establishes the Primary and Secondary Areas of Operational Responsibility for each Air Force band in the United States. Each band should concentrate its efforts in the designated primary area of responsibility. Prior to a band being scheduled to perform in its Secondary Area of operations, assurance must be obtained in writing that the band which has the Primary Responsibility for this area is not available because of prior commitments, leave, and so forth. Before a band is scheduled outside its Primary or Secondary Areas of Responsibility, approval must be obtained in writing from SAF/OICE. Requests for an exception to this policy must be fully justified and submitted to arrive no later than 90 days prior to the event. Such requests should be held to a minimum.

costs shared. The following guidelines apply:

(a) Events of primary interest for which a Commander is authorized to bear all costs of participation are:

(1) DOD, HQ USAF, or civic-sponsored public observances of United States or host-country national holidays. (See AFR 190-5)

(2) Official civic ceremonies and functions. (See AFR 190-5)

(3) Support of Air Force ROTC or Air Force Junior ROTC ceremonies or military balls.

(b) Events of primary interest for which a Commander may bear all costs of participation after obtaining SAF/OI approval are:

(1) Tours by Air Force bands when appropriated funds are specifically provided for such participation.

(2) Events considered to be in the national interest because of some unique or unusual benefit to the United States.

(c) Events of mutual interest are those for which the sponsor pays all expenses except those continuing type costs which would exist if the Air Force did not participate. These continuing costs include regular pay and allowances of the personnel, small incidental base expenses such as local transportation and telephone calls, and other minor expenses as may be determined by the Air Force Commander responsible for participating in the event. The use of opportune airlift or routine training flights of military aircraft for the transportation of military personnel is authorized. Normally, sponsors must pay the standard per diem rate as prescribed in the Joint Travel Regulations (JTR) for each Air Force participant rather than provide meals and quarters. Major commands may waive this requirement for cash payment and accept sponsor-furnished meals and quarters only when the quality is consistent with Air Force messing and billeting standards. This waiver authority will not be delegated. When meals and quarters are accepted, the sponsor's cash payment is reduced in accordance with JTR.

(d) The participating band is responsible for Air Force costs of participation unless advised otherwise by higher authority. Bands budget for these costs in their Operations Operating Budget.

§ 820.51 Cost of participation in open messes.

The Judge Advocate General, USAF, on 15 June 1951, ruled that to require a band to perform in Open Messes as part of assigned military duties is subsidizing nonappropriated funds. (Open Messes referred to are those with a restricted membership supported by dues charged the individual members.) Therefore, band members furnishing music or other entertainment for Open Mess social events, other than those events specifically authorized in para 21, receive additional remuneration in accordance with AFR 34-3.

jectives. This can best be done by utilizing the geographic area concept of operations. In determining payment for costs of participation, there are two categories of events; those of primary interest to the Department of Defense or the Air Force, with all costs borne by the Air Force, and those of mutual interest to the Air Force and the sponsor, with

Subpart E—Volunteer Drum and Bugle Corps

§ 820.53 How Corps are organized, staffed, and maintained.

(a) Organization. The commander of a group, base, or similar unit may form a volunteer drum and bugle corps to provide music for military formations and ceremonies.

(b) Personnel. All military personnel connected with, or playing in, such units do so voluntarily in addition to, and without interference with, their normal assigned military duties.

(c) Equipment and Maintenance. § 820.17 applies to volunteer drum and bugle corps.

§ 820.55 Use of volunteer units.

Subpart C applies to volunteer units formed under this section.

Subpart F—Monthly Reporting Requirement

§ 820.57 Band personnel and performance report.

(AF Form 1036) RCS:SAF-OIC(M) 7103. To assist HQ USAF and the major commander in evaluating the status of manning and the use of Air Force bands:

(a) Each band commander submits a report on AF Form 1036, Band Personnel and Performance Report, as of the end of the month and forwards it in duplicate to the Command Band Staff Officer.

(b) The Command Band Staff Officer forwards one signed copy of AF Form 1036, to arrive no later than the 15th of each month, to the Secretary of the Air Force, (SAF/OICE), Washington D.C. 20330.

§ 820.59 Supply of forms.

Forms prescribed in this part (§ 820.13) with the exception of AF Form 3030, will initially be issued to the users by SAF/OICE for local reproduction.

By order of the Secretary of the Air Force.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.76-944 Filed 1-12-76; 8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans' Administration is amending §§ 36.4212(a) (2) and (3), 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations to reduce the maximum allowable interest rate on new loans.

Sections 36.4311(a) and 36.4503(a), Title 38, Code of Federal Regulations are being amended to reduce the maximum interest rate on new guaranteed, insured and direct loans from 9 to 8¾ percent. Section 36.4212(a) (2) and (3), Title 38, Code of Federal Regulations relating to that portion of a mobile home loan

which finances the purchase of a lot and the cost of necessary site preparation is amended to reduce the maximum interest rate from 9 to 8¾ percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance because failure to do so would delay the effective date of the amendments for a period in excess of 40 days and deprive veteran-purchasers of the benefit of the interest rate reductions during that time.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to January 5, 1976.

(2) 8¾ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8¾ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed \$2,500.

2. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 8¾ per centum per annum, effective January 5, 1976, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8¾ per centum per annum on the unpaid principal balance.

In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after December 31, 1974, shall not exceed an amount which bears the same ratio to \$25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Ad-

ministration shall bear interest at the rate of 8¾ percent per annum.

These VA Regulations are effective January 5, 1976.

Approved: December 31, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-976 Filed 1-12-76; 8:45 am]

Title 40—Protection of Environment

[FRL 478-2]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

Subpart C—Air Programs

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Disapproval of Legal Authority; Correction

In FR Doc. 75-15276, appearing at page 25011 of the issue of Thursday, June 12, 1975, the disapproval action set forth at 40 CFR 52.2224(c) (1) is incorrect in its reference to the Tennessee Code Annotated; the mention "section 52-3409(f)" should be corrected to read "section 53-3409(f)".

Dated: January 6, 1975.

JOHN A. LITTLE,
Acting Regional Administrator,
Region IV.

[FR Doc.76-1029 Filed 1-12-76; 8:45 am]

[FRL 477-7]

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to the State of Michigan

Pursuant to the delegation of authority to implement and enforce the standards of performance for new stationary sources (NSPS) to the State of Michigan on November 5, 1975, EPA is today amending 40 CFR 60.4 Address, to reflect this delegation.¹ The amended § 60.4, which adds the address of the Air Pollution Control Division, Michigan Department of Natural Resources to that list of addresses to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must be sent, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on November 5, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

¹A Notice announcing this delegation is published in the Notices section of this issue.