erosion protective shell or plate, accomplish the following:

(a) For tail rotor blades with less than 5 hours' time in service on the effective date of this AD, remove blades before further flight.

(b) For tail rotor blades with 5 or more hours' time in service on the effective date of this AD, before each flight, inspect the erosion protective shell and plate for separation in accordance with the MBB BK-117 maintenance manual, Section 34-2, paragraph 2a or b.

(c) If bonding separation exceeds permissible limits stated in Section 34-2, paragraph 2c of the maintenance manual, remove the affected blade before further flight.

(d) Upon request, an equivalent means of compliance with this AD may be used when approved by the Manager, Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, APO NY 09667-1011.

(e) The aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the tail rotor blades may be replaced.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to MBB Helicopter Corp., P.O. Box 2349, West Chester, Pennsylvania 19380. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas 76106.

This amendment becomes effective May 20, 1986.

Issued in Forth Worth, Texas, on Apri 17, 1986.

**Don P. Watson,**

*Acting Director, Southwest Region.*

[FR Doc. 86-10776 Filed 5-13-86; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 39**

**[Docket No. 84-ANE-4; Amdt. 39-5168]**

## Airworthiness Directives; Pratt & Whitney (PW) JT8D-15, -17, and -17R Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule, correction.

**SUMMARY:** In Docket Number 84-ANE-4, Amendment Number 39-5168, appearing on pages 48376 through 48378, Volume 50, Number 227, in the **Federal Register** of November 25, 1985, the effective date for repaired disks for those persons who did not receive the telegrams issued September 25, 1985, was erroneously stated as December 26, 1986, in the part of the rule appearing on page 48378. The correct effective date for this category is December 26, 1985.

**EFFECTIVE DATE:** May 15, 1986.

**FOR FURTHER INFORMATION CONTACT:** Jim Jones, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7121.

**SUPPLEMENTARY INFORMATION:** The airworthiness directive (AD) document that the FAA mailed to all owners and operators of Pratt & Whitney JT8D engines contained the correct effective dates for this rule. It was only the document forwarded to the **Federal Register** for publication which contained a typographical error as to the effective date for those provisions of the AD dealing with repaired disks.

Since this amendment merely corrects a typographical error in an existing regulation, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than thirty days.

### Adoption of the Amendment

### PART 39—[AMENDED]

In consideration of the foregoing and pursuant to the authority delegated to me, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By correcting the effective date for those provisions dealing with repaired disks in Amendment 39-5168 published in the **Federal Register** on pages 48376 through 48378, Volume 50, Number 227, November 25, 1985, by deleting the date "December 26, 1986," and substituting for it the date "December 26, 1985", in the last paragraph of the amendment.

This amendment becomes effectives on May 15, 1986.

Issued in Burlington, Massachusetts, on May 6, 1986.

**Robert E. Whittington,**

*Director, New England Region.*

[FR Doc. 86-10775 Filed 5-13-86; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 73**

**[Airspace Docket No. 85-AWA-37]**

## Alteration of Restricted Area—Fort Devens, MA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action subdivides Restricted Area R-4102, Fort Devens, MA, into upper and lower layers (R-4102A and R-4102B). There is no change to the present lateral boundaries, maximum altitudes or times of use. The Department of the Army has indicated that the majority of activities conducted within R-4102 occur below 2,000 feet mean sea level (MSL). This subdivision will allow activation of only that airspace actually needed to contain the activity, while freeing the unused airspace above for public use.

**EFFECTIVE DATE:** 0901 UTC, July 3, 1986.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 426-3128.

### The Rule

This amendment to Part 73 of the Federal Aviation Regulations subdivides R-4102, Fort Devens, MA, into upper and lower layers: R-4102A from the surface up to, but not including 2,000 feet MSL; and R-4102B from 2,000 feet MSL to 3,995 feet MSL. This action allows the military to activate only those altitudes within the restricted area which are actually needed to contain the hazardous operations to be conducted. This action makes no change to the present lateral boundaries, maximum altitudes or times of use. Because this is a minor technical amendment in which the public would not be particularly interested, I find that notice and public procedure under 5. U.S.C. 553(b) are unnecessary. Section 73.41 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 73**

Aviation safety, Restricted areas.

**Adoption of the Amendment**

**PART 73—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 73.41 is amended as follows:

**R-4102 Fort Devens, MA [Remove]**

**R-4102A Fort Devens, MA [New]**

Boundaries. Beginning at lat 42°31'15" N., long. 71°36'30" W.; to lat. 42°31'00" N., long. 71°39'15" W.; to lat 42°30'45" N., long. 71°39'15" W.; to lat. 42°30'15" N., long. 71°40'00" W.; to lat. 42°29'45" N., long. 71°41'15" W.; to lat. 42°28'15" N., long. 71°41'15" W.; to lat. 42°28'00"N.; long. 71°39'45" W.; to lat. 42°29'45" N., long. 71°37'45" W.; thence to the point of beginning.

Designated altitudes. Surface to but not including 2,000 feet MSL.

Time of designation. 0000 Friday to 2359 Saturday local time; other times as specified by NOTAM issued 48 hours in advance.

Controlling agency. FAA, Boston Control Tower.

Using agency. Director of Plans, Training and Security, Fort Devens, MA.

**R-4102B Fort Devens, MA [New]**

Boundaries. Beginning at lat 42°31'15" N., long. 71°36'30" W.; to lat. 42°31'00" N., long. 71°39'15"W.; to lat 42°30'45" N., long. 71°39'15" W.; to lat. 42°30'15" N., long. 71°40'00"W.; to lat. 42°29'45" N., long. 71°41'15" W.; to lat. 42°28'15" N., long. 71°41'15" W.; to lat. 42°28'00" N., long. 71°39'45" W.; to lat. 42°29'45" N., long. 71°37'45" W.; thence to the point of beginning.

Designated altitudes. 2,000 feet MSL to 3,995 feet MSL.

Time of designation. 0000 Friday to 2359 Saturday local time; other times as specified by NOTAM issued 48 hours in advance.

Controlling agency. FAA, Boston Control Tower.

Using agency. Director of Plans, Training and Security, Fort Devens, MA.

Issued in Washington, DC, on May 7, 1986.

**Daniel J. Peterson,**

*Aeronautical Information Division.*

[FR Doc. 86-10768 Filed 5-13-86; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

### 20 CFR Parts 404 and 416

**[Regulations No. 4 and 16]**

## Social Security Benefits and Supplemental Security Income; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** Section 301 of Pub. L. 96-265, which added sections 225(b) and 1631(a)(6) to the Social Security Act (the Act), requires the Social Security Administration to continue disability benefits under title II or title XVI of the Act to persons whose disability has medically ceased if the person is in an approved vocational rehabilitation (VR) program under a State plan at the time disability medically ceases and we determine that completion of the program, or continuation for a specified period of time, will increase the likelihood that the person will be permanently removed from the disability rolls. Our regulations are now being revised to extend consideration for eligibility under these provisions to all persons who medically recover while in an approved VR program, without regard to whether the person was expected at the outset of the VR program to medically recover before the scheduled completion date of that program. These regulations reflect the decision of the United States Court of Appeals for the Third Circuit in the case of *Paskel, et al.* v. *Heckler*, 768 F.2d 540 (3rd Cir. 1985).

**DATE:** These rules are being issued as interim final regulations and they are effective on May 14, 1986. We will consider any comments concerning these rules that we receive on or before July 14, 1986 and will revise such rules if public comment warrants.

**ADDRESSES:** Comments should be submitted in writing to the Acting Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

**FOR FURTHER INFORMATION CONTACT:** Harry J. Short, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone (301) 594-7337.

**SUPPLEMENTARY INFORMATION:** Section 301 of Pub. L. 96-265 requires the Social Security Administration to continue disability benefits under title II or title XVI to persons whose disability has medically ceased if the person is in an approved VR program under a State plan at the time disability ceases and we determine that completion of the program, or its continuation for a specified period of time, will increase the likelihood that the person will be permanently removed from the disability rolls. An approved VR program under a State plan approved under title I of the Rehabilitation Act of 1973 is one that meets the requirements and specifications of 34 CFR 361.

In the 1980 Social Security Disability Amendments (Pub. L. 96-265), Congress expressed its concern that some persons who medically recover while participating in a VR plan have to cease their participation in that plan because they are no longer eligible for cash benefits. It was felt that in some of these cases, completion of a VR program would give the person skills that would increase the likelihood that he or she would not return to the disability rolls. Section 301 of Pub. L. 96-265 was designed to address this concern by providing for the continuation of disability benefits in these cases if the Commissioner of Social Security determines that the person's completion of the VR program, or continuation in the program for a specified period of time, will increase the "likelihood" that he or she will be permanently removed from the disability rolls.

The Committee of Conference, in its report on the 1980 Amendments (H.R. Rep. No. 944, 96th Cong., 2d Sess. 52 (1980)), expressly stated that Congress expected the provision for continued benefits to apply only in those exceptional cases where the disabled beneficiary is not expected at the beginning of the VR program to recover medically before the end of the program.

This intent was incorporated into the regulations by restricting continued benefits to persons who were not expected to recover medically before the end of the program. This meant that persons for whom a medical diary review had been established were excluded from consideration for eligibility under the benefit continuation provision. The reasoning is that persons with a medical diary have conditions that are likely to improve, and VR involvement in such cases will not substantially increase the likelihood of permanent removal from the disability rolls.

Several lawsuits have been filed challenging our implementation of section 301 of Pub. L. 96–265. In *Paskel* v. *Heckler* (discussed above) and in *Leschniok* v. *Heckler*, 713 F.2d 520 (9th Cir. 1983) the courts held that the language of the statute clearly requires that all disability beneficiaries and recipients who medically recover while in an approved State VR program be accorded "likelihood" decisions. That is, before we stop the benefits of a person who is in a VR program and who has medically recovered, we must first determine whether there is a "likelihood" that the person will or will not benefit (to the extent of permanent removal from the disability rolls) from further participation in the program.

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act (APA) notice of proposed rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of our regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of notice of proposed rulemaking and public comment procedures on this regulation because the interest of the public would not be served by advance notice. Adherence to our existing policy during the pendency of notice of proposed rulemaking procedures would adversely affect those beneficiaries who, but for the regulatory amendment, would have their benefits terminated without a "likelihood" determination.

**Regulatory Procedures**

*Executive Order No. 12291*

These regulations have been reviewed under Executive Order 12291 and we have determined that they do not create costs of $100 million or more yearly, or otherwise meet the threshold of the Executive Order. Therefore, a regulatory impact analysis is not required.

*Paperwork Reduction Act*

These regulations will impose no new reporting or recordkeeping requirements subject to clearance by the Office of Management and Budget.

*Regulatory Flexibility Act*

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect only disabled or blind individuals who are receiving title II or title XVI benefits because of disability and who are participating in a VR program.

(Catalog of Federal Domestic Assistance Program No. 13.802, Disability Insurance; No. 13.807, Supplemental Security Income Program)

**List of Subjects**

*20 CFR Part 404*

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance.

*20 CFR Part 416*

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: February 27, 1986.

**Martha A. McSteen,**

*Acting Commissioner of Social Security.*

Approved: April 16, 1986.

**Otis R. Bowen.**

*Secretary of Health and Human Services.*

Part 404 of Chapter III of title 20 of the Code of Federal Regulations is amended as follows:

## PART 404—[AMENDED]

1. The authority citation for Subpart D of Part 404 is revised to read as follows:

**Authority:** Secs. 202, 205, 216, 223, 225, 228, and 1102 of the Social Security Act, as amended; Sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 631; 42 U.S.C. 402, 405, 416, 423, 425, 428, and 1302; and 5 U.S.C. Appendix.

2. Section 404.316 is amended by removing paragraphs (c)(1)(iv) and (c)(1)(v), by redesignating (c)(1)(vi) as (c)(1)(iv), by adding "and" at the end of (c)(1)(iii), and by revising the example in newly designated paragraph (c)(1)(iv) to read as follows:

**§ 404.316 When entitlement to disability benefits begins and ends.**

* * * * *

(c) * * *

(1) * * *

(iv) * * *

*Example:* While under a disability from a severe back impairment, "A" begins a vocational rehabilitation program under the direction of a State vocational rehabilitation agency with a vocational goal of jewelry repairman. "A" is 50 years old, has a high school education, and worked as a route salesman for a bread company for 6 years before becoming disabled. Before "A" completes his training, his disability status is reviewed and a determination is made that he is able to do light work. Considering his age, education and work experience, "A" is no longer disabled. However, if "A" is able to work as a jewelry repairman, he will be considered able to engage in substantial gainful activity even if he can do only sedentary work. Therefore, it is determined that "A's" completion of the vocational rehabilitation program will significantly increase the likelihood that he will be permanently removed from the disability rolls. "A" will continue to receive payments until he completes or stops his program, or until it is determined that continued participation will no longer significantly increase the likelihood of permanent removal from the disability rolls.

* * * * *

**§ 404.337 [Amended]**

3. Section 404.337 is amended by removing paragraphs (c)(1)(iv) and (c)(1)(v), by redesignating (c)(1)(vi) as (c)(1)(iv) and by adding "and" at the end of (c)(1)(iii).

**§ 404.352 [Amended]**

4. Section 404.352 is amended by removing paragraphs (c)(1)(iv) and (c)(1)(v), by redesignating (c)(1)(vi) as (c)(1)(iv) and by adding "and" at the end of (c)(1)(iii).

5. The authority citation for Subpart P of Part 404 is revised to read as follows:

**Authority:** Secs. 202, 205, 216, 221, 222, 223, 225, and 1102 of the Social Security Act, as amended; 42 U.S.C. 402, 405, 416, 421, 422, 423, 425, and 1302; Sec. 505 (a) and (c) Pub. L. 96–265, 94 Stat. 473, sections 2 and 4 of Pub. L. 98–460, 98 Stat. 1794.

**§ 404.1586 [Amended]**

6. Section 404.1586 is amended by removing paragraphs (g)(1)(iv) and (g)(1)(v), and by redesignating (g)(1)(vi) as (g)(1)(iv) and by adding "and" at the end of (g)(1)(iii).

**§ 404.1596 [Amended]**

7. Section 404.1596 is amended by removing paragraphs (c)(4)(iii) and (c)(4)(iv), by redesignating paragraph (c)(4)(v) as paragraph (c)(4)(iii) and by adding "and" at the end of paragraph (c)(4)(ii).

**§ 404.1597 [Amended]**

8. Section 404.1597 is amended by removing the sixth sentence which begins with "For" and ends with "program".

Part 416 of Chapter III of title 20 of the Code of Federal Regulations is amended as follows:

## PART 416—[AMENDED]

1. The authority citation for Subpart M of Part 416 is revised to read as follows:

**Authority:** Secs. 1102, 1611–1615, and 1631 of the Social Security Act, as amended; 42 U.S.C. 1302, 1382–1382d, 1383.

**§ 416.1321 [Amended]**

2. Section 416.1321 is amended by removing paragraphs (d)(3) and (d)(4), by redesignating paragraph (d)(5) as (d)(3) and by adding "and" at the end of (d)(2).

3. Section 416.1338 is amended by removing paragraphs (a)(4) and (a)(5), by redesignating (a)(6) as (a)(4) by adding "and" at the end of (a)(3) and by revising the example in newly designated paragraph (a)(4) to read as follows:

**§ 416.1338 If you are participating in a vocational rehabilitation program.**

(a) * * *

(4) * * *

*Example:* While under a disability from a severe back impairment, "A" begins a vocational rehabilitation program under the direction of a State vocational rehabilitation agency with a vocational goal of jewelry repairman. "A" is 50 years old, has a high school education, and worked as a route salesman for a bread company for 6 years before becoming disabled. Before "A" completes his training, his disability status is reviewed and a determination is made that he is able to do light work. Considering his age, education and work experience, "A" is no longer disabled. However, if "A" is able to work as a jewelry repairman, he will be considered able to engage in substantial gainful activity even if he can do only sedentary work. Therefore, it is determined that "A's" completion of the vocational rehabilitation program will significantly increase the likelihood that he will be permanently removed from the disability rolls. "A" will continue to receive payments until he completes or stops his program, or until it is determined that continued participation will no longer significantly increase the likelihood of permanent removal from the disability rolls.

[FR Doc. 86–10808 Filed 5–13–86; 8:45 am]

BILLING CODE 4190–11–M

## SELECTIVE SERVICE SYSTEM

### 32 CFR Parts 1602, 1605, 1609, 1618, 1621, 1624, 1630, 1633, 1636, 1639, 1642, 1648, 1651, 1653, 1656, and 1657

### Selective Service Regulations; Registrant Processing

**AGENCY:** Selective Service System.

**ACTION:** Final rule.

**SUMMARY:** Procedures for the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) are revised to assure greater fairness and efficiency in administration.

**DATE:** These amendments become effective June 13, 1986.

**FOR FURTHER INFORMATION CONTACT:** Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, Telephone: (202) 724–1167.

**SUPPLEMENTARY INFORMATION:** These amendments to Selective Service Regulations are published pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b)) and Executive Order 11623. These Regulations implement the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

### Analysis of Comments

The proposed amendments to Selective Service Regulations were published in the **Federal Register** on December 27, 1985 (50 FR 52955) for public comment. Seventy-one cards or letters of comment were received during the comment period which expired February 27, 1986. Only one of the cards or letters of comment received was from a person who claimed to be or otherwise could be identified as a registrant of the Selective Service System. For convenience each letter or card will be referred to as a comment.

Many comments addressed matters beyond the scope of the proposed amendments to Selective Service Regulations. Many of such comments reflected disagreement with or proposals for change in the Military Selective Service Act. Consideration of possible amendments to the Military Selective Service Act is not currently being given. The proposed amendments to Selective Service Regulations are based on the assumption that if and when inductions are resumed that will occur without change in the Military Selective Service Act other than with respect to the date July 1, 1973 when general induction authority expired.

Many of the comments purported to express the views and concerns of "conscientious objectors." Presumably the "conscientious objectors" concerned are those registrants who have conscientious objection to participation in military training and service. Many comments appeared to proceed on the assumption that all such conscientious objectors are prompted by religious considerations. The failure to recognize the Supreme Court decision in *Welsh* v. *United States*, 398 U.S. 333 (1970) and *United States* v. *Seeger*, 380 U.S. 163 (1965) may have inappropriately restricted the focus of the writers.

Many comments attempted to identify numerous "rights" of registrants of the Selective Service System who have conscientious objection to military training and service. No registrant has a right under the Military Selective Service Act other than as provided in section 6(j) merely because of his belief. Many comments appear to proceed on the assumption that everyone who has conscientious objector beliefs will receive the benefits of section 6(j) of the Military Selective Service Act. This assumption is erroneous for one or both of two reasons: No registrant receives the benefit of section 6(j) of the Military Selective Service Act without requesting it. This request is made by a claim properly filed for reclassification into Class 1–AO or Class 1–O. The filing of a claim does not guarantee that the claim will be granted. Section 6(j) of the Military Selective Service Act provides that before a registrant is entitled to the benefit of that section, the local board must have sustained the claim or that the local board has "found" the registrant to have the requisite beliefs. Only a finding by the local board that the registrant is conscientiously opposed to participation in combatant military training and service will permit the registrant to be inducted for non-combatant military training and service only. Only a finding by the local board that the registrant is conscientiously opposed to participation in both combatant and non-combatant military training and service will enable that registrant to be ordered to perform alternative service in lieu of induction. Absent a finding by the local board that the registrant has the requisite beliefs, a registrant found to be acceptable for induction can not be inducted for non-combatant service only or ordered to perform alternative service in lieu of induction.

Class 1–O or the expression "he is 1–O" can properly be used only to refer to a registrant who would be inducted absent a finding by the local board that he had the requisite beliefs to proclude his induction and thus he would be ordered to perform alternative service.

Analysis of those substantive comments which were received with respect to specific provisions in the proposed regulations follows. Paragraph numbers refer to the proposals; section numbers refer to sections of Selective Service Regulations 32 CFR Chapter XVI.

Paragraph 13. This paragraph will revoke § 1618.3 which was added in 1982 (47 FR 4648). This addition in 1982 was improvidently made. The Selective Service System simply should not be in the business of advertising the service of those who desire to advise or assist registrants of the Selective Service System. Selective Service personnel will be available to provide information that registrants may desire when inductions are authorized. Those persons who wish to make their services available to registrants with or without cost to the registrants are free to make their availability known by any lawful means.

Paragraph 15. This paragraph imposes upon the registrant to whom an order to report for examination has been issued the duty to comply with that order. Some comments criticize the proposal because it fails to recognize the beliefs of those who have conscientious objection to examinations fo determine their fitness for military service. The Military Selective Service Act does not recognize the claimed right.

Paragraph 16. This paragraph is withdrawn.

Paragraph 19. This paragraph would rescind the improvident innovation in 1982 (47 FR 4649) providing for a postponement instead of deferment for registrants whose induction would result in hardship to their dependents for not more than 90 days. The innovation in 1982 is contrary to the provision of the Military Selective Service Act which authorizes deferments for registrants whose induction would result in hardship to their dependents. Furthermore, there is no apparent reason why a registrant whose induction would cause a hardship to his dependents for 85 days should be treated differently than a registrant whose hardship to his dependents would last for 91 days.

Paragraph 20. This paragraph and paragraph 17 would eliminate the innovation in 1982 (47 FR 4649, 4650) that a registrant who received a deferment at the time he was first issued an order to report for induction and the deferment expired could not again be ordered for induction unless persons in his age group were currently being inducted. Whatever the motive of the 1982 innovation, it frustrates the purpose of portions of sections 6 and 17(c) of the Military Selective Service Act. In 1951, Congress by law, added the provision that a person who had received a deferment under section 6 would have his liability for induction extended to age 35. That provision was reinforced by language in section 17(c). Furthermore, the innovation in 1982 in effect would convert a deferment to an exemption and thus eliminate the statutory consequence to registrants of having received deferments. The Selective Service System has the duty to carry out the will of Congress as expressed by law and to avoid frustrating the statutory requirement.

Paragraph 21. Criticisms of this paragraph were primarily one or both of two. Some comments expressed the view that 7 days notice allowed sufficient time for one to report for examination. When, in fact, such period would result in inconvenience to a particular registrant, he is free to request a postponement of the examination. Other comments expressed objection to the consequence to a registrant of his having abandoned his claim for reclassification or postponement of his induction because of his failure to report for examination as ordered. An opportunity will be afforded registrants to explain their failure to report for examination and there is no reason to assume that a local board would act unfairly in consideration of such explanation. This paragraph also was a focus for the opposition of some to registrants being required to undergo an examination. This matter will be addressed in connection with paragraph 23.

Paragraph 23. This paragraph revises the definition of Class 1–O: Conscientious Objector to All Military Service to recognize, as provided by section 6(j) of the Military Selective Service Act, that only a registrant who is acceptable for military service is entitled to be in Class 1–O. The innovation made by this paragraph is that the examination comes prior to instead of subsequent to local board action on a claim for the 1–O classification. The advantages both to registrants and to the Selective Service System that this change would effect are both great and apparent. Unfortunately, historical experience is that 50 percent of registrants are unacceptable for military service by reason of their physical, mental or moral condition. There is no reason to believe that claimants for classification in Class 1–O differ from the registrant population generally with respect to their physical, mental or moral conditions. Acceptability for military service can be determined objectively and quickly. The waste of time under former practice by local boards determining that registrants have the requisite beliefs to be entitled to classification in Class 1–O only later to have the determination made that such registrants are not acceptable for military service and thus could not be ordered to perform alternative service cannot be supported.

Paragraph 24. This paragraph establishes Class 1–O: Conscientious Objector to All Military Service (Separated). This classification would be available only to registrants who had been inducted under the Military Selective Service Act.

Paragraph 29. This paragraph returns to the pre-1982 interpretation of section 4 of the Military Selective Service Act that determinations of acceptability for military service will be made by the Secretary of Defense.

Paragraphs 32 and 33. These paragraphs also implement the interpretation that the acceptability of registrants for military service shall be determined by the Secretary of Defense. Classification in Class 4–F reflects the determination by the Secretary of Defense that the registrant is not acceptable on physical, mental or moral grounds for military service. The Selective Service System cannot appropriately review that determination.

Paragraph 35. This paragraph implements the provision in the Military Selective Service Act, section 5(a)(1) that there shall be no discrimination in the classification of registrants.

Paragraph 37, 50, 54. These paragraphs reflect a recognition of the fact that the importance of local board actions in classifying a registrant is of greater concern to him than its activity in recordkeeping. These changes enable a registrant to have his claim for reclassification considered by a local board convenient to him without the administrative inconvenience that would accompany the change of his local board assignment.

Paragraph 40. This paragraph eliminates the erroneous impression currently created by § 1636.8(a)(3) that a registrant is entitled to present witnesses at his personal appearance before the District Appeal Board. The Military Selective Service Act, section 22(b)(2) establishes the right to present witnesses only to the local board.

Paragraph 47. The proposal to eliminate particularized language that in the consideration of claims for Class 3–A there should be no discrimination is justified because of the absence of any evidence that the claims for Class 3–A are subject to special risk of discrimination in their consideration

that are not adequately prescribed by general non-discrimination language. (See Paragraph 35, *supra.*)

Paragraph 52. This proposal eliminates the automatic rescheduling of the personal appearance before the local board of a registrant who has filed a claim for classification in Class 1–A–O or Class 1–O. The provision for the automatic rescheduling is a ready-made device for the benefit of those who wish to delay the classification process without providing any additional safeguards to registrants who, for good reason, were unable to meet their scheduled personal appearance. There is no reason to assume that local boards would act unfairly on requests for rescheduling of personal appearances or explanations of failure to attend scheduled personal appearances.

Paragraph 53. This paragraph eliminates the innovation in 1982 (47 FR 4662) that proceedings before the local boards shall be open for the public upon the request or with the permission of the registrant. The registrant should be free of all pressure to request or consent to his personal appearance being open to the public. There will be many occasions when the registrant will wish to present information to the local board that he does not desire to have shared with family, friends and, least of all, mere spectators from the general public. The registrant's appearance before the local board is significant in the processing of his claim for reclassification and he should be free of pressure that an audience might create, particularly, if the audience is not sympathetic with his claim. Members of local boards should be free of the pressure that an audience supporting a registrant's claim might create.

Paragraph 55. This paragraph eliminates the power of the registrant to appeal to the District Appeal Board a decision of the local board on his claim for an administrative classification unless that decision is not unanimous. Determination of administrative classifications is primarily a matter of examining the documentation submitted by the registrant in support of his claim. Disagreements between the registrant and the area office personnel who initially make the determination with respect to classification undoubtedly would be rare. The registrant is entitled to a fair decision on his claim but not necessarily one with which he agrees. If he is unable to convince at least one member of the local board reviewing the area office decision that his interpretation of the documents which he presented in support of his claim for administrative classification is sound a reasonable conclusion is that the local board decision is correct.

Paragraph 56. The same policy considerations with respect to paragraph 53 apply to parallel language with respect to District Appeal Boards in paragraph 56.

Paragraph 59. This paragraph would prohibit employers of alternative service workers from requiring as a condition of such employment a commitment to any political or religious belief or doctrine or membership or non-membership in a political or religious group. This regulatory language reflects Selective Service policy of planning not to approve an employer to employ alternative service workers in violation of the prohibition stated.

The comments on this paragraph appear to have been made on an erroneous assumption that arrangements for performing alternative service are merely a matter of agreement between the alternative service worker and the employer. This erroneous assumption fails to recognize the role which the Director of Selective Service has under the Military Selective Service Act, particularly section 6(j), in the administration of the Alternative Sevice Program. Although a registrant entitled to perform alternative service in lieu of induction may propose jobs and employers for such service, the Selective Service System is not required to approve the proposal. The Director is required to determine that the work performed by the alternative service worker would comply with the statutory requirement. This includes both the work that the worker would be performing and the employer for whom he would be working. Failure of an alternative service worker to comply with the appropriate regulations and orders issued pursuant thereto would subject him to criminal penalties of imprisonment for a period not to exceed 5 years, a fine of not more than $250,000 or both. The same criminal penalities would apply to employers.

It is difficult to imagine a clearer violation of the Establishment Clause of the First Amendment to the Constitution of the United States than for the Director to permit a church to serve as an employer of alternative service workers which restricted its employees to its own members or to those who committed themselves to a particular statement of faith.

Were the Selective Service System to permit an alternative service employer to require alternative service workers to commit themselves to a statement of faith, additional administrative burdens would be placed upon the Alternative Service Office without any compensating benefits to the System. The Alternative Service Office would have to make additional referrals of prospective alternative service workers for employment or would have to screen prospective referees on the basis of their willingness to commit themselves to the statements of faith which alternative service employers might require.

Furthermore, the permitting of the requirement by alternative service employers of alternative service workers commiting themselves to statements of faith would result in substantial but inappropriate pressures upon prospective alternative service workers. Churches could use the arrangements "to keep the lads in the fold" which would violate their rights under the Freedom of Exercise rule in the First Amendment to the Constitution of the United States. Their opportunities for alternative service employment would be inappropriately restricted without any compensating benefits to them.

Most of the comments on this paragraph were from the point of view of religious organizations which are prospective employers of registrants required to perform alternative service in lieu of induction as provided by section 6(j) of the Military Selective Service Act. Many of the comments failed to recognize that no employer is required to employ alternative service workers, but that registrants who fulfill the conditions of section 6(j) of the Military Selective Service Act are required to perform alternative service work. Furthermore, these comments failed to recognize that unlike the facts in former times many—perhaps most—alternative service workers will not achieve that status by reason of their religious training and belief. (See general discussion, *supra.*)

There could be little serious contention that the Selective Service System should permit employers of alternative service workers to engage in practices which if engaged in by Selective Service System would be in violation of law. The Constitution and Federal statutes prohibit discrimination on the basis of religious belief or doctrine and membership or non-membership in any political or religious group. The Selective Service System does not have legal authority to permit the implementation of a program for which it has statutory responsibility in a way inconsistent with applicable Federal law.

Many of the comments assert rights on behalf of registrants who by virtue of section 6(j) of the Military Selective

Service Act are entitled to perform alternative service in lieu of induction beyond that recognized in the statute which is limited to that of performing alternative services in lieu of induction.

Assuming—but without ascertaining—that the Congress by law can permit employers of alternative service workers to discriminate on the basis of religious belief or doctrine, it is beyond reasonable doubt that the Selective Service System in carrying out its responsibility under section 6(j) of the Military Selective Service Act can neither engage in discrimination nor permit employees so to discriminate in the implementation of the Alternative Service Program that it is required to administer.

Paragraph 60. This paragraph will be amended to extend to registrants in Class 1–O–S the privilege afforded by § 1656.5(e) to registrants in Class 1–O.

Paragraph 61. Comments suggesting that the Selective Service System should reimburse overseas registrants for their expenses that would not be reimbursed for all other registrants were not supported by persuasive reasons.

The final rule is identical to the proposed rule except that paragraph 16 of the proposed rule is withdrawn and paragraph 60 of the proposed rule is modified.

As required by Executive Order 12291, I have determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), I have determined that these regulations do not have a significant economic impact on a substantial number of small entities.

**Certificate**

Whereas, on December 27, 1985, the Director of Selective Service published a Notice of Proposed Amendments of Selective Service Regulations at 50 FR 52955; and whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act [50 App. U.S.C. sections 451 et seq.] in that more than 30 days have elapsed subsequent to such publication during which period comments from the public (summarized above) have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now, therefore, by virtue of the authority vested in me by the Military Selective Service Act, as amended [50 App. U.S.C. section 451 et seq.] and Executive Order 11623 of October 12, 1971, the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, as stated below.

**List of Subjects in 32 CFR Parts 1602, 1605, 1609, 1618, 1621, 1624, 1630, 1633, 1636, 1639, 1642, 1648, 1651, 1653, 1656, and 1657**

Armed Forces—Draft, Selective Service System.

Dated: May 9, 1986.

**Wilfred L. Ebel,**

*Acting Director.*

## PART 1602—DEFINITIONS

1. The authority citation for Part 1602 continues to read as follows:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

2. Section 1602.2 is revised to read:

**§ 1602.2 Administrative classification.**

A reclassification action relating to a registrant's claim for Class 1–C, 1–D–D, 1–D–E, 1–H, 1–O–S, 1–W, 3–A–S, 4–A–A, 4–A, 4–B, 4–C, 4–F, 4–G, 4–T, or 4–W. These classes shall be identified as administrative classes.

3. Section 1602.11 is revised to read:

**§ 1602.11 District appeal board.**

A district appeal board or a panel thereof of the Selective Service System is a group of not less than three civilian members appointed by the President to act on cases of registrants in accord with the provisions of Part 1615 of this chapter.

4. Section 1602.14 is revised to read:

**§ 1602.14 Local Board.**

A local board or a panel thereof of the of the Selective Service System is a group of not less than three civilian members appointed by the President after nomination by a Governor to act on cases of registrants in accord with the provisions of Part 1648 of this chapter.

5. Section 1602.15 is revised to read:

**§ 1602.15 Local board of jurisdiction.**

The local board of jurisdiction is the local board to which a registrant is assigned and which has authority, in accord with the provisions of this chapter, to determine his claim or to issue to him an order. "His local board" and "registrant's local board" refer to the local board of jurisdiction.

6. Section 1602.18 is revised to read:

**§ 1602.18 National Appeal Board.**

The National Appeal Board or a panel thereof of the Selective Service System is a group of not less than three civilian members appointed by the President to act on cases of registrants in accord with the provisions of Part 1653 of this chapter.

7. Section 1602.24 is added to read:

**§ 1602.24 Claim.**

A "claim" is a request for postponement of induction or classification into a class other than 1–A.

8. Section 1602.25 is added to read:

**§ 1602.25 Director.**

Director is the Director of Selective Service.

## PART 1605—SELECTIVE SERVICE SYSTEM ORGANIZATION

8A. The authority citation for Part 1605 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

9. Section 1605.6 is revised to read:

**§ 1605.6 National Appeal Board.**

(a) There is hereby created and established within the Selective Service System a civilian agency of appeal which shall be known as the National Appeal Board. The President shall appoint not less than three members to the National Appeal Board, and he shall designate one member as chairman.

(b) The President shall appoint members of the National Appeal Board form among citizens of the United States who:

(1) Are not active or retired members of the Armed Forces or any reserve component thereof;

(2) Have not served as a member of the National Appeal Board for a period of more than five years;

(3) Are at least 18 years of age;

(4) Are able to perform such duties as are necessary;

(5) Are able to devote sufficient time to Board affairs; and

(6) Are willing to fairly and uniformly apply Selective Service Law.

(c) The National Appeal Board may set *en banc*, or upon the request of the Director or as determined by the chairman of the National Appeal Board, in panels, each panel to consist of at least three members. The Chairman of the National Appeal Board shall designate the members of each panel and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of

business, and a majority of the members present at any meeting at which a quorum is present, shall decide any question. Each panel of the National Appeal Board shall have full authority to act on all cases assigned to it. The National Appeal Board or a panel thereof shall hold meetings in Washington, DC, and, upon request of the Director or as determined by the Chairman of the National Appeal Board, at any other place.

(d) The National Appeal Board or panel thereof shall classify each registrant whose classification has been appealed to the President under Part 1653 of this chapter.

(e) No member of the National Appeal Board shall act on the case of a registrant who is the member's first cousin or closer relation either by blood, marrige, or adoption, or who is the member's employer, employee or fellow employee or stands in the relationship of superior or subordiante of the member in connection with any employment, or is a partner or close business associate of the member, or is a fellow member or employee of the National Appeal Board. A member of the National Appeal Board must disqualify himself in any matter in which he would be restricted for any reason in making an impartial decision.

(f) Each member of the National Appeal Board while on the business of the National Appeal Board away from his home or regular place of business shall receive actual travel expenses and per diem in lieu of subsistance in accordance with rates established by Federal Travel Regulations.

(g) The National Appeal Board shall in all respects be independent of the Director, except that the Director shall provide for the payment of the expenses of the members of the National Appeal Board, shall furnish that Board and its panels necessary personnel, suitable office space, necessary facilities and services. The Director and the chairman of the National Appeal Board shall furnish to each other such information, advice and assistance as will further the attainment of the objective of the Military Selective Service Act, and promote the effective administration of the Act.

**§ 1605.51 [Amended]**

10. Section 1605.51(b) is removed and reserved.

11. Section 1605.81(b) is revised to read:

**§ 1605.81 Interpreters.**

* * * * *

(b) The following oath shall be administered by a member of the board or a compensated employee of the System to an interpreter each time he or she is interprets:

Do you swear (or affirm) that you will truly interpret in the matter now in hearing?

* * * * *

## PART 1609—UNCOMPENSATED PERSONNEL

A. The authority citation for Part 1609 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

12. Section 1609.1 is revised to read:

**§ 1609.1 Uncompensated positions.**

Members of civilian review boards, local boards, district appeal boards, and the National Appeal Board and all other persons volunteering their services to assist in the administration of the Selective Service Law shall be uncompensated. No person serving without compensation shall accept remuneration from any source for services rendered in connection with Selective Service matters.

## PART 1618—NOTICE TO REGISTRANTS

12A. The authority citation for part 1618 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

**§ 1618.3 [Removed]**

13. Section 1618.3 is removed.

## PART 1621—DUTY OF REGISTRANTS

13A. The authority citation for part 1621 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

14. Section 1621.1 is revised to read:

**§ 1621.1 Reporting by registrants of their current status.**

Until otherwise notified by the Director of Selective Service, it is the duty of every registrant who registered after July 1, 1980:

(a) To notify the System within 10 days of any change in the following items of information that he provided on his registration form: Name, current mailing address and permanent residence address; and

(b) To submit to the classifying authority, all information concerning his status within 10 days after the date on which the classifying authority mails him a request therefor, or within such longer period as may be fixed by the classifying authority; and

(c) Who has a postponement of induction, or has been deferred or exempted from training and service, to notify the System immediately of any changes in facts or circumstances relating to the postponement, deferment or exemption; and

(d) Who has a postponement of examination, to notify the System immediately of any changes in facts or circumstances relating to the postponement.

15. Section 1621.3 is added to read:

**§ 1621.3 Duty to report for and submit to examination.**

When the Director orders a registrant for examination, it shall be the duty of the registrant to report for and submit to examination at the time and place ordered unless the order has been canceled. If the time when the registrant is ordered to report for examination is postponed, it shall be the continuing duty of the registrant to report for and submit to examination at such time and place as he may be reordered. Regardless of the time when or the circumstances under which a registrant fails to report for examination when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for and submit to examination at the place specified in the order to report for examination.

## PART 1624—INDUCTIONS

16. The authority citation for part 1624 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

17. Section 1624.4 (b) and (c) are revised to read:

**§ 1624.4 Selection and/or rescheduling of registrants for induction.**

* * * * *

(b) Registrants whose postponements have expired in the order of expiration.

(c) Registrants who previously have been ordered to report for induction and whose exemptions or deferments have expired, in the order of their random sequence number (RSN) established by random selection procedures in accord with § 1624.1.

* * * * *

18. Section 1624.5(a) is revised to read:

**§ 1624.5 Order to report for induction.**

(a) Immediately upon determining which persons are to be ordered for induction, the Director of Selective Service shall issue to each person selected an Order to Report for Induction. The order will be sent to the current address most recently provided by the registrant to the Selective Service System. The date specified to report for

induction shall be at least 10 days after the date on which the Order to Report for Induction is issued. The filing of a claim for reclassification in accord with § 1633.2 of this chapter delays the date the registrant is required to report for induction until not earlier than the tenth day after the claim is determined to have been abandoned or is finally determined in accord with the provisions of this chapter. A claim is finally determined when the registrant does not have a right to appeal the last classification action with respect to the claim or he fails to exercise his right to appeal.

* * * * *

19. Section 1624.6, paragraphs (a) and (e) are removed and reserved, (b) is revised, and (j) is added to read as follows:

**§ 1624.6 Postponement of induction.**

(a) [Reserved]

(b) In the case of the death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness or injury of the registrant, or other emergency beyond the registrant's control, the Director, after the Order to Report for Induction has been issued, may postpone for a specific time the date when such registrant shall be required to report. The period of postponement shall not exceed 60 days from the date of the induction order. When necessary, the Director may grant one further postponement, but the total postponement shall not exceed 90 days from the reporting date on the induction order.

* * * * *

(e) [Reserved]

* * * * *

(j) The initial determination of claims for all postponements is made by area office compensated personnel. After a denial of a claim for a student postponement, the registrant may request the local board to consider the claim. Such registrant shall be afforded an opportunity to appear before the board in accord with the procedures of §§ 1648.4 and 1648.5.

20. Section 1624.7 is revised to read:

**§ 1624.7 Expiration of deferment or exemption.**

The Director shall issue an Order to Report for Induction to a registrant who is liable for induction whenever his deferment or exemption expires.

21. Section 1624.10 is revised to read:

**§ 1624.10 Order to report for examination.**

(a) The Director of Selective Service may order any registrant in Class 1–A who has filed a claim for classification in a class other than Class 1–A or whose induction has been postponed, to report for an Armed Forces examination to determine acceptability for military service. The date specified to report for examination shall be at least 7 days after the date on which the Order to Report for Examination is issued. Such registrant will not be inducted until his claim for reclassification has been decided or abandoned.

(b) The reporting date for examination may be postponed for any reason a reporting date for induction may be postponed in accord with § 1624.6 (b), (d) or (f)(1).

(c) If a registrant fails to report for or complete an examination the local board will determine that he has abandoned his claim.

(d) If a registrant is determined not acceptable for military service, he will be reclassified in Class 4–F.

(e) If a registrant is determined acceptable for military service, the processing of his claim will be completed.

## PART 1630—CLASSIFICATION RULES

21A. The authority citation for Part 1630 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et. seq., E.O. 11623.

22. Section 1630.13 is revised to read:

**§ 1630.13 Class 1–D–D: Deferment for certain members of a reserve component or student taking military training.**

In Class 1–D–D shall be placed any registrant who:

(a)(1) Has been selected for enrollment or continuance in the Senior (entire college level) Army Reserve Officer's Training Corps, or the Air Force Reserve Officer's Training Corps, or the Naval Reserve Officer's Training Corps, or the Naval and Marine Corps officer candidate program of the Navy, or the platoon leader's class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or is appointed an ensign, U.S. Naval Reserve, while undergoing professional training; and

(2) Has agreed in writing to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the U.S. Coast Guard), not less than 2 years on active duty after receipt of a commission; and

(3) Has agreed to remain a member of a regular or reserve component until the eighth anniversary of his receipt of a commission. Such registrant shall remain eligible for Class 1–D–D until completion or termination of the course of instruction and so long thereafter as he continues in a reserve status upon being commissioned except during any period he is eligible for Class 1–C under the provisions of § 1630.12; or

(b) Is a fully qualified and accepted aviation cadet applicant of the Army, Navy, or Air Force, who has signed an agreement of service and is within such numbers as have been designated by the Secretary of Defense. Such registrant shall be retained in Class 1–D–D during the period covered by such agreement but in no case in excess of four months; or

(c) Is other than a registrant referred to in paragraph (a) or (d) of this section who:

(1) Prior to the issuance of orders for him to report for induction; or

(2) Prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; or

(3) Prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction:

Enlists or accepts an appointment before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class 1–D–D so long as he serves satisfactorily as a member of an organized unit of such Ready Reserve or National Guard, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense, or serves satisfactorily as a member of the Ready Reserve of another reserve component, the Army National Guard, or the Air National Guard, as the case may be; or

(d) At any time has enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve and who thereafter has been commissioned therein upon graduation from an Officer's Candidate School of such Armed Force and has not been

ordered to active duty as a commissioned officer. Such registrant shall remain eligible for Class 1–D–D so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned; or

(e) Is serving satisfactorily as a member of a reserve component of the Armed Forces and is not eligible for Class 1–D–D under the provisions of any other paragraph of this section: *Provided,* That, for the purpose of this paragraph, a member of a reserve component who is in the Standby Reserve or the Retired Reserve shall be deemed to be serving satisfactorily unless the Armed Force of which he is a member informs the Selective Service System that he is not serving satisfactorily.

23. Section 1630.16 is added to read:

**§ 1630.16 Class 1–O: Conscientious objector to all military service.**

Any registrant whose acceptability for military service has been satisfactorily determined and who, in accord with Part 1636 of this chapter, has been found, by reason of religious, ethical or moral belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces shall be classified in Class 1–O).

24. Section 1630.17 is revised to read:

**§ 1630.17 Class 1–O–S: Conscientious objector to all military service (separated).**

Any registrant who has been separated from the Armed Forces (including their reserve components) by reason of conscientious objection to participation in both combatant and noncombatant training and service in the Armed Forces shall be classified in Class 1–O–S unless his period of military service qualifies him for Class 4–A. A registrant in Class 1–O–S will be required to serve the remainder of his obligation under the Military Selective Service Act in Alternative Service.

25. Section 1630.18 is revised to read:

**§ 1630.18 Class 1–W: Conscientious objector ordered to perform alternative service.**

In Class 1–W shall be placed any registrant who has been ordered to perform alternative service contributing to the maintenance of the national health, safety, or interest.

Section 1630.30 is revised to read:

**§ 1630.30 Class 3–A: Registrant deferred because of hardship to dependents.**

(a) In accord with Part 1642 of this chapter any registrant shall be classified in Class 3–A:

(1) Whose induction would result in extreme hardship to his wife when she alone is dependent upon him for support; or

(2) Whose deferment is advisable because his child(ren), parent(s), grandparent(s), brother(s), or sister(s) is dependent upon him for support; or

(3) Whose deferment is advisable because his wife and his child(ren), parent(s), grandparent(s), brother(s), or sister(s) are dependent upon him for support.

(b) The classification of each registrant in Class 3–A will not be granted for a period longer than 365 days.

27. Section 1630.31 is added to read:

**§ 1630.31 Class 3–A–S: Registrant deferred because of hardship to dependents (Separated).**

Any registrant who has been separated from active military service by reason of dependency or hardship shall be placed in Class 3–A–S unless his period of military service qualifies him for Class 4–A or 1–D–E. No registrant shall be retained in Class 3–A–S for more than six months.

28. Section 1630.40(a) introductory text is revised and (a)(4) is removed and reserved:

**§ 1630.40 Class 4–A: Registrant who has completed military service.**

(a) In Class 4–A shall be placed any registrant other than a registrant eligible for classification in Class 1–C, 1–D–D, or 1–D–E who is within any of the following categories:

* * * * *

(4) [Reserved]

* * * * *

29. Section 1630.44 is revised to read:

**§ 1630.44 Class 4–F: Registrant not qualified for military service.**

In Class 4–F shall be placed any registrant who is found by the Secretary of Defense, under applicable physical, mental or administrative standards, to be not acceptable for service in the Armed Forces; except that no such registrant whose further examination or re-examination is determined by the Secretary of Defense to be justified shall be placed in Class 4–F until such further examination has been accomplished and such registrant continues to be found not acceptable for military service.

30. Section 1630.45—the section heading and (a) are revised to read as follows:

**§ 1630.45 Class 4–G: Registrant exempted from service because of the death of his parent or sibling while serving in the armed forces or whose parent or sibling is in a captured or missing in action status.**

* * * * *

(a) A surviving son or brother:

(1) Whose parent or sibling of the whole blood was killed in action or died in the line of duty while serving in the Armed Forces of the United States after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in the line of duty during such service; or

(2) Whose parent or sibling of the whole blood is in a captured or missing status as a result of such service in the Armed Forces during any period of time; or

* * * * *

31. Section 1630.48 is added to read:

**§ 1630.48 Class 4–A–A: Registrant who has performed military service for a foreign nation.**

In Class 4–A–A shall be placed any registrant who, while an alien, has served on active duty for a period of not less than 12 months in the armed forces of a nation determined by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemptions from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States for a period of not less than 12 months; Provided: That all information which is submitted to the Selective Service System concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language.

## PART 1633—ADMINISTRATION OF CLASSIFICATION

31A. The authority citation for Part 1633 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

32. Section 1633.1 (e) and (f) are revised to read as follows:

**§ 1633.1 Classifying authority.**

* * * * *

(e) A local board may also classify a registrant into Class 1–C, 1–D–D, 1–D–E, 1–O–S, 1–W, 3–A–S, 4–A, 4–A–A, 4–B, 4–C, 4–G, 4–T or 4–W for which he is eligible upon request by the registrant for a review of a classification denial action under § 1633.1(f).

(f) Compensated employees of an area office may in accord with § 1633.2 classify a registrant into Class 1–C, 1–D–

D, 1–D–E, 1–O–S, 1–W, 3–A–S, 4–A, 4–A–A, 4–B, 4–C, 4–F, 4–G, 4–T or 4–W for which he is eligible. No individual shall be classified into Class 4–F unless the Secretary of Defense has determined that he is unacceptable for military service.

33. Section 1633.2 is revised to read:

**§ 1633.2 Claim for other than Class 1–A.**

(a) Any registrant who has received an order to report for induction may, prior to the day he is scheduled to report, submit to the Selective Service System a claim that he is eligible to be classified into any class other than Class 1–A. The registrant may assert a claim that he is eligible for more than one class other than Class 1–A. The registrant cannot subsequently file a claim with respect to a class for which he was eligible prior to the day he was originally scheduled to report. Information and documentation in support of claims for reclassification and postponement of induction shall be filed in accordance with instructions from the Selective Service System.

(b) Any registrant who has received an order to report for induction that has not been canceled may, at any time before his induction, submit a claim that he is eligible to be classified into any class other than Class 1–A based upon events over which he has no control that occurred on or after the day he was originally scheduled to report for induction.

(c)(1) Claims will be filed with the area office supporting the local board of jurisdiction.

(2) Claims will be considered by the local board identified in paragraph (c)(1) or its supporting area office as prescribed in this part.

(d) The initial determination of claims for all administrative classifications are made by area office compensated personnel. After a denial of a claim for an administrative classification other than Class 4–F the registrant may request the local board to consider the claim.

(e) The initial determination of a judgmental classification is made by a local board.

(f) A registrant may request and shall be granted a personal appearance whenever a local or appeal board considers his claim for reclassification. Personal appearances will be held in accord with Parts 1648, 1651 and 1653 of this chapter.

(g) A registrant who has filed a claim for classification in Class 1–A–O or Class 1–O shall be scheduled for a personal appearance in accord with § 1648.4 before his claim is considered.

(h) If granted, a deferment or exemption supersedes the original order to report for induction. When a deferment or exemption expires or ends, a new order to report for induction will be issued.

34. Section 1633.6 is revised to read:

**§ 1633.6 Consideration of classes.**

Claims of a registrant will be considered in inverse order of the listing of the classes below. When grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1–A–O considered the highest class and Class 1–H considered the lowest class, according to the following table:

Class 1–A–O: Conscientious Objector Available for Noncombatant Military Service Only.
Class 1–O: Conscientious Objector to all Military Service.
Class 1–O–S: Conscientious Objector to all Military Service (Separated).
Class 2–D: Registrant Deferred Because of Study Preparing for the Ministry.
Class 3–A: Registrant Deferred Because of Hardship to Dependents.
Class 3–A–S: Registrant Deferred Because of Hardship to Dependents (Separated).
Class 4–D: Minister of Religion.
Class 1–D–D: Deferment for Certain Members of a Reserve Component or Student Taking Military Training.
Class 4–B: Official Deferred by Law.
Class 4–C: Alien or Dual National.
Class 4–G: Registrant Exempted From Service Because of the Death of his Parent or Sibling While Serving in the Armed Forces or Whose Parent or Sibling is in a Captured or Missing in Action status.
Class 4–A: Registrant Who Has Completed Military Service.
Class 4–A–A: Registrant Who Has Performed Military Service For a Foreign Nation.
Class 4–W: Registrant Who Has Completed Alternative Service in Lieu of Induction.
Class 1–D–E: Exemption of Certain Members of a Reserve Component or Student Taking Military Training.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 1–W: Conscientious Objector Ordered to Perform Alternative Service in Lieu of Induction.
Class 4–T: Treaty Alien.
Class 4–F: Registrant Not Acceptable for Military Service.
Class 1–H: Registrant Not Subject to Processing for Induction.

35. Section 1633.7(b) is revised to read as follows, and (c) is removed:

**§ 1633.7 General principles of classification.**

* * * * *

(b) The classifying authority in considering a registrant's claim for classification shall not discriminate for or against him because of his race, creed, color or ethnic background.

36. Section 1633.10 is revised to read:

**§ 1633.10 Notification to registrant of classification action.**

The Director will notify the registrant of any classification action.

37. Section 1633.11 is revised to read:

**§ 1633.11 Assignment of registrant to a local board.**

(a) A registrant is assigned to the local board that has jurisdiction over his permanent address that he last furnished the Selective Service System prior to the issuance of his induction order.

(b) The Director may change a registrant's assignment when he deems it necessary to assure the fair and equitable administration of the Selective Service Law.

## PART 1636—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

37A. The authority citation for Part 1636 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

38. Section 1636.3(a) is revised to read:

**§ 1636.3 Basis for classification in Class 1–A–O.**

(a) A registrant must be conscientiously opposed to participation in combatant training and service in the Armed Forces.

* * * * *

39. Section 1636.6—the section heading is revised to read:

**§ 1636.6 Analysis of belief.**

* * * * *

40. Section 1636.8(a)(3) is revised to read:

**§ 1636.8 Considerations relevant to granting or denying a claim for classification as a conscientious objector.**

(a) * * *

(3) The oral statements of the registrant's witnesses, if any, at his personal appearance(s) before the local board; and

* * * * *

## PART 1639—CLASSIFICATION OF REGISTRANTS PREPARING FOR THE MINISTRY

40A. The authority citation for Part 1639 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

41. Section 1639.3(a)(1) is revised to read:

### § 1639.3 Basis for classification in Class 2-D.

(a) * * *

(1) Who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled or accepted for admission; or

* * * * *

42. Section 1639.6 the section heading is revised to read as follows:

### § 1639.6 Considerations relevant to granting or denying claims for Class 2-D.

* * * * *

43. Section 1639.7 is amended by adding paragraph (c) to read:

### § 1639.7 Types of decisions.

* * * * *

(c) The board may deny a claim for Class 2-D when the evidence fails to meet any of the criteria established in this section.

## PART 1642—CLASSIFICATION OF REGISTRANTS DEFERRED BECAUSE OF HARDSHIP TO OTHERS

43A. The authority citation for Part 1642 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

44. Part 1642—heading is revised to read:

## PART 1642—CLASSIFICATION OF REGISTRANTS DEFERRED BECAUSE OF HARDSHIP TO DEPENDENTS

45. Section 1642.3 is revised to read:

### § 1642.3 Basis for classification in Class 3-A.

(a) In Class 3-A shall be placed any registrant:

(1) Whose induction would result in extreme hardship to his wife when she alone is dependent upon him for support; or

(2) Whose deferment is advisable because his child(ren), parent(s), grandparent(s), brother(s), or sister(s) is dependent upon him for support; or

(3) Whose deferment is advisable because his wife and child(ren), parent(s), grandparent(s), brother(s), or sister(s) are dependent upon him for support.

(b) In its consideration of a claim by a registrant for classification in Class 3-A, the board will first determine whether the registrant's wife, child(ren), parent(s), grandparent(s), brother(s), or sister(s) is dependent upon the registrant for support. Support may be financial assistance, personal care or companionship. If financial assistance is the basis of support, the registrant's contribution must be a substantial portion of the necessities of the dependent. Under most circumstances 40 to 50% of the cost of the necessities may be considered substantial. If that determination is affirmative, the board will determine whether the registrant's induction would result in extreme hardship to his wife when she is the only dependent, or whether the registrant's deferment is advisable because his child(ren), parent(s), grandparent(s), brother(s), or sister(s) is dependent upon him for support, or because his wife and his child(ren), parent(s), grandparent(s), brother(s), or sister(s) are dependent upon him for support. A deferment is advisable whenever the registrant's induction would result in hardship to his dependents.

(c) The registrant's classification shall be determined on the basis of the written information in his file, oral statements, if made by the registrant at his personal appearance before a board, and oral statements, if made by the registrant's witnesses at his personal appearances.

46. Section 1642.4(a)(4) is revised to read as follows, and (b) is removed and reserved.

### § 1642.4 Ineligibility for Class 3-A.

(a) * * *

(4) There are other persons willing and able to assume the support of his dependents; or

* * * * *

(b) [Reserved]

### § 1642.5 [Removed]

47. Section 1642.5 is removed.

48. Section 1642.7(a) is revised to read as follows, and (c) is removed and reserved.

### § 1642.7 Types of decisions.

(a) A board may grant a classification into Class 3-A for such period of time it deems appropriate but in no event shall the period exceed one year.

* * * * *

(c) [Reserved]

* * * * *

## PART 1648—CLASSIFICATION BY LOCAL BOARD

48A. The authority citation for Part 1648 continues to read:

**Authority:** Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

49. Section 1648.1 is revised to read:

### § 1648.1 Authority of local board.

A local board shall consider and determine all claims which it receives in accord with § 1633.2 or § 1648.6 of this chapter. No action shall be taken by the board in the absence of a quorum of its prescribed membership.

### § 1648.2 [Removed]

50. Section 1648.2 is removed.

51. Section 1648.3 (a) and (c) are revised to read as follows:

### § 1648.3 Opportunity for personal appearances.

(a) A registrant who has filed a claim for classification in Class 1-A-O or Class 1-O shall be scheduled for a personal appearance in accord with § 1648.4 before his claim is considered.

* * * * *

(c) Any registrant who has filed a claim for classification in Class 1-C, 1-D-D, 1-D-E, 1-O-S, 1-W, 3-A-S, 4-A, 4-A-A, 4-B, 4-C, 4-G, 4-T, or 4-W and whose claim has been denied, shall be afforded an opportunity to appear before the board if he requests that the denial of such claim be reviewed by the board.

52. Section 1648.4(b) is revised to read:

### § 1648.4 Appointment for personal appearances.

* * * * *

(b) Should the registrant who has filed a claim for classification in Class 1-A-O or Class 1-O fail to appear at his scheduled personal appearance, the board will not consider his claim for classification in Class 1-A-O or Class 1-O. The board shall consider any written explanation of such failure that has been filed within 5 days (or extension thereof granted by the board) after such failure to appear. If the board determines that the registrant's failure to appear was for good cause it shall reschedule the registrant's personal appearance. If the board does not receive a timely written explanation of the registrant's failure to appear for his scheduled personal appearance or if the board determines that the registrant's failure to appear was not for good cause, the registrant will be deemed to have abandoned his claim for Class 1-A-O or 1-O and will be notified that his claim will not be considered. The board will

notify the registrant in writing of its action under this paragraph.

* * * * *

53. Section 1648.5 (a) and (i) are revised to read:

**§ 1648.5 Procedures during personal appearance before the local board.**

(a) A quorum of the prescribed membership of a board shall be present during all personal appearances. Only those members of the board before whom the registrant appears shall classify him.

* * * * *

(i) Proceedings before local boards are closed to the public.

54. Section 1648.6(a) is revised to read:

**§ 1648.6 Registrants transferred for classification.**

(a) Before a board of jurisdiction has undertaken the classification of a registrant, the file may, at his request, be transferred for classification to a local board nearer to his current address than is the local board of jurisdiction.

* * * * *

## PART 1651—CLASSIFICATION BY DISTRICT APPEAL BOARD

54A. The authority citation for Part 1651 continues to read:

Authority: Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

55. Section 1651.1(b) is revised to read:

**§ 1651.1 Who may appeal to a district appeal board.**

* * * * *

(b) The registrant may appeal the denial of his claim for a judgmental classification by the local board to a district appeal board. The registrant may appeal to a district appeal board the denial of his claim for an administrative classification by the local board whenever its decision is not unanimous.

56. Section 1651.4 (a), (j), (n)(3) and (r) are revised to read as follows:

**§ 1651.4 Review by district appeal board.**

(a) An appeal to the district appeal board is determined by its classification of the registrant in a class other than 1-A or by its refusal to take such action. No action shall be taken by the board in the absence of a quorum of its prescribed membership.

* * * * *

(j) A quorum of the prescribed membership of a board shall be present during all personal appearances. Only those members of the board before whom the registrant appears shall classify him.

(n) * * *

(3) Has abandoned his right to an opportunity to appear; or

* * * * *

(r) Proceedings before district appeal boards are closed to the public.

## PART 1653—APPEAL TO THE PRESIDENT

56A. The authority citation for Part 1653 continues to read:

Authority: Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

57. Section 1653.3 (a) and (k) are revised to read:

**§ 1653.3 Review by the National Selective Service Appeal Board.**

(a) An appeal to the President is determined by the National Appeal Board by its classification of the registrant in a class other than 1-A or by its refusal to take such action. No action shall be taken by the board in the absence of a quorum of its prescribed membership.

* * * * *

(k) a quorum of the prescribed membership of a board shall be present during all personal appearances. Only those members of the board before whom the registrant appears shall classify him.

* * * * *

## PART 1656—ALTERNATIVE SERVICE

57A. The authority citation for Part 1656 continues to read:

Authority: Sec. 6(j) Military Selective Service Act; 50 U.S.C. App. 456(j).

58. Section 1656.2 is revised to read:

**§ 1656.2 Order to perform alternative service.**

(a) The local board of jurisdiction shall order any registrant who has been classified in Class 1-O or 1-O-S to perform alternative service at a time and place to be specified by the Director.

(b) When the local board orders a registrant to perform alternative service, it shall be the duty of the registrant to report for and perform alternative service at the time and place ordered unless the order has been canceled. If the time when the registrant is ordered to report for alternative service is postponed, it shall be the continuing duty of the registrant to report for and perform alternative service at such time and place as he may be reordered. Regardless of the time when or the circumstances under which a registrant fails to report for and perform alternative service when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for and perform alternative service at the place specified in the order to report for and perform alternative service.

(c) In the case of the death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness or injury of the registrant, or other emergency beyond the registrant's control, the Director, after the order to perform alternative service has been issued, may postpone for a specific time the date when such registrant shall be required to report. The period of postponement shall not exceed 60 days from the date of the order to perform alternative service. When necessary, the Director may grant one further postponement but the total postponement shall not exceed 90 days from the reporting date on the order to perform alternative service.

(d) The Director may authorize a postponement of the reporting date to perform alternative service when the registrant qualifies and is scheduled for a State or National examination in a profession or occupation which requires certification before being authorized to engage in the practice of that profession or occupation.

(e) The Director shall issue to each registrant whose reporting date to perform alternative service is postponed a written notice thereof.

(f) A postponement of reporting date to perform alternative service shall not render invalid the order to report for alternative service which has been issued to the registrant, but shall operate only to postpone the reporting date, and the registrant shall report on the new date scheduled without having issued to him a new order to report for alternative service.

(g) Any registrant receiving a postponement under the provisions of this section, shall, after the expiration of such postponement, be rescheduled to report for alternative service at the place to which he was originally ordered.

(h) The Director may authorize a delay of reporting for alternative service for any registrant whose date for reporting conflicts with a religious holiday historically observed by a recognized church, religious sect or religious organization of which he is a member. Any registrant so delayed shall report for alternative service on the next business day following the religious holiday.

**§ 1656.5 [Amended]**

59. Section 1656.5 is amended by adding (a)(1)(iii) to read as follows:

(a) * * *
(1) * * *
(iii) Those who do not require as a condition of the employment of an ASW (A) his commitment to any political or religious belief or doctrine or (B) his membership or non-membership in a political or religious group.
* * * * *

**§ 1656.5 [Amended]**

60. Section 1656.5(e) is revised to read:
* * * * *

(e) A registrant classified in Class 1-O or Class 1-O-S may seek his own alternative service work by identifying a job with an employer he believes would be appropriate for Alternative Service assignments and by having the employer advise the ASO in writing that he desires to employ the ASW. The acceptability of the job and employer so identified will be evaluated in accordance with § 1656.5(a).

61. Part 1657 is added to read:

## PART 1657—OVERSEAS REGISTRANT PROCESSING

Sec.
1657.1 Purpose; definition.
1657.2 Local boards.
1657.3 District appeal boards.
1657.4 Consideration of claims.
1657.5 Place of induction.
1657.6 Transportation.

**Authority:** Military Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

**§ 1657.1 Purpose; definition.**

(a) The provisions of this part apply to the processing of overseas registrants, and, where applicable, they supersede inconsistant provisions in this chapter.

(b) An overseas registrant is a registrant whose bona fide current address most recently provided by him to the Selective Service System is outside the United States, its territories or possessions, Commonwealth of Puerto Rico, Canada and Mexico.

**§ 1657.2 Local boards.**

The Director shall establish local boards with jurisdiction to determine claims of overseas registrants. Such boards shall consist of three or more members appointed by the President. The Director shall prescribe the geographic jurisdiction of each board, and designate or establish an area office to support it.

**§ 1657.3 District appeal boards.**

The Director shall establish district appeal boards with jurisdiction to determine appeals of claims of overseas registrants. Such boards shall consist of three or more members appointed by the President. The Director shall prescribe the geographic jurisdiction of each board.

**§ 1657.4 Consideration of claims.**

An overseas registrant's claim shall be determined by a local board (or its supporting area office) or appeal board as may be established in accord with this part or, upon the request of the registrant filed no later than the filing of his claim for reclassification, by the board having geographic jurisdiction over his permanent address within the United States last reported by him to the Selective System prior to issuance of his induction order.

**§ 1657.5 Place of induction.**

The Director may order an overseas registrant to any place in the world for induction.

**§ 1657.6 Transportation.**

(a) The Director shall furnish transportation for an overseas registrant from the place at which the registrant's order to report for induction was sent to the place he is required to report for induction. If such registrant is not inducted, the Director shall furnish him transportation from the place he reported for induction to the place to which his order to report for induction was sent.

(b) In the event the personal appearance before a local board or appeal board of an overseas registrant is required by regulation or occurs at the registrant's request, travel expenses incurred in personally appearing before the board shall be at the registrant's own expense.

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## VETERANS ADMINISTRATION

### 38 CFR Part 3

### Headstone or Marker Allowance

**AGENCY:** Veterans Administration.

**ACTION:** Final rule.

**SUMMARY:** The Veterans Administration (VA) has increased the monetary allowance prescribed in 38 CFR 3.1612, the amount ordinarily payable in lieu of a Government-furnished headstone or marker, from $70 to $71. This increase results from the fact that the average actual cost of a Government-furnished headstone or marker for fiscal year 1985 was $71. The effect of this amendment would ordinarily be to permit payment of up to $71 in lieu of a Government-furnished headstone or marker. However, due to the operation of the Balanced Budget and Emergency Deficit Control Act of 1985, all payments of this allowance which are obligated on or after March 1, 1986 through September 30, 1986, have been limited to $65.

**DATE:** This change is effective October 1 1985.

**FOR FURTHER INFORMATION CONTACT:** Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-3005.

**SUPPLEMENTARY INFORMATION:** On pages 2904-05 of the **Federal Register** of January 22, 1986, the VA published a proposed amendment to 38 CFR 3.1612. Interested persons were given until February 21, 1986, to submit comments, suggestions or objections to the proposed amendment. Since no comments, suggestions or objections were received, the amendment has been adopted as proposed. Although this amendment provides for an increase in the headstone or marker allowance, all payments of this benefit obligated during the period March 1, 1986, through September 30, 1986, have been limited to a maximum rate of $65 under the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985 ("Gramm-Rudman"). That limitation was the subject of a separate, previously-published **Federal Register** notice (51 FR 9575, March 19, 1986).

The Administrator hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Also, this change simply updates VA regulations to reflect the average actual cost to the VA of headstones and markers in fiscal year 1985, in accordance with 38 U.S.C. 906(d). Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.