

415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, and Pub. L. 98-473; the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601-5751, as amended (Pub. L. 93-415, as amended by Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-509, and Pub. L. 98-473); the Victims of Crime Act of 1984, 42 U.S.C. 10601-10604, (Pub. L. 98-473)).

2. Assistance provided by the Bureau of Prisons (BOP) including technical assistance to State and local governments for improvement of correctional systems; training of law enforcement personnel, and assistance to legal services programs (18 U.S.C. 4042).

3. Assistance provided by the National Institute of Corrections (NIC) including training, grants, and technical assistance to State and local governments, public and private agencies, educational institutions, organizations and individuals, in the area of corrections (18 U.S.C. 4351-4353).

4. Assistance provided by the Drug Enforcement Administration (DEA) including training, joint task forces, information sharing agreements, cooperative agreements, and logistical support, primarily to State and local government agencies (21 U.S.C. 871-886).

5. Assistance provided by the Community Relations Service (CRS) in the form of discretionary grants to public and private agencies under the Cuban-Haitian Entrant Program (Title V of the Refugee Education Assistance Act of 1980, Pub. L. 96-422).

6. Assistance provided by the U.S. Parole Commission in the form of workshops and training programs for State and local agencies and public and private organizations (18 U.S.C. 4204).

7. Assistance provided by the Federal Bureau of Investigation (FBI) including field training, training through its National Academy, National Crime Information Center, and laboratory facilities, primarily to State and local criminal justice agencies (Omnibus Crime Control and Safe Streets Act of 1968, as amended 42 U.S.C. 3701-3796).

8. Assistance provided by the Immigration and Naturalization Service (INS) including training and services primarily to State and local governments under the Alien Status Verification Index (ASVI); and citizenship textbooks and training primarily to schools and public and private service agencies (8 U.S.C. 1360, 8 U.S.C. 1457).

9. Assistance provided by the United States Marshals Service through its Cooperative Agreement Program for improvement of State and local correctional facilities (Pub. L. 99-180, 99 Stat. 1142).

10. Assistance provided by the Attorney General through the Equitable Transfer of Forfeited Property Program (Equitable Sharing) primarily to State and local law enforcement agencies (21 U.S.C. 881(e)).

11. Assistance provided by the Department of Justice participating agencies that conduct specialized training through the National Center for State and Local Law Enforcement Training, a component of the Federal Law Enforcement Training Center (FLETC), Glencoe, Georgia (Pursuant to Memorandum Agreement with the Department of Treasury).

3. The authority citation for Part 42, Subpart G, is revised to read as follows:

Authority: 29 U.S.C. 794; 29 U.S.C. 706; E.O. 12250, 45 FR 72995, 3 CFR 1980 Comp. p. 298.

4. Appendix A to Part 42, Subpart G, is revised to read as follows:

Appendix A to Subpart G—Federal Financial Assistance Administered by the Department of Justice to Which This Subpart Applies

Note.—Failure to list a type of Federal assistance in Appendix A shall not mean, if section 504 is otherwise applicable, that a program is not covered.

Editorial Note.—For the text of Appendix A to Subpart G, see Appendix A to Subpart C of this Part.

[FR Doc. 87-14858 Filed 6-30-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

Providing Information and Claiming Rewards Under the Federal Oil and Gas Royalty Management Act

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is adopting a final regulation covering receipt of information from informants and claims for rewards. This final rule implements section 113 of the Federal Oil and Gas Royalty Management Act of 1982 which authorizes the Secretary of the Interior to pay any person, with certain exceptions, an amount equal to not more than 10 percent of each recovered royalty or other payment owed to the United States with respect to any oil and gas lease on Federal lands or the Outer Continental Shelf, recovered as a result of information provided by such person.

EFFECTIVE DATE: July 31, 1987.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, P.O. Box 25165, MS 628, Building 85, Denver Federal Center, Denver, Colorado 80225. Telephone: (303) 231-3432, (FTS) 326-3432.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is Marvin D. Shaver, Minerals Management Service, Lakewood, Colorado.

I. Summary of Rule Adopted

On January 14, 1987, MMS published a notice of proposed rulemaking in the *Federal Register* [52 FR 1471], to add a regulation at 30 CFR 218.30, to provide for the receipt of information from informants and for informants to claim rewards under section 113 of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1723. However, because section 113 of the FOGRMA applies only to oil and gas, MMS has decided to publish the final rule under Subpart B—Oil and Gas, General, rather than under Subpart A—General Provisions, of 30 CFR Part 218. Therefore, the final rule is published at 30 CFR 218.57, as opposed to 30 CFR 218.30. The rule being adopted at 30 CFR 218.57 is substantially the same as the proposed rule at 30 CFR 218.30. Therefore, much of the discussion in the preamble to the proposed rule applies to the final rule. Based on comments received from the public on the proposed rule, certain changes were made to the final rule. These changes are discussed below in section II, Comments Received on Proposed Rule.

The provisions of 30 CFR 218.57 provide for the receipt of information from informants and for informants to claim rewards where amounts representing royalty or other payments owed to the United States with respect to any oil and gas lease on Federal lands or the Outer Continental Shelf are recovered as the result of information provided. The adopted regulation provides for the payment of a reward only for information that would not have been discovered during the normal course of an audit or investigation. Also, the value of the information furnished in relation to the facts developed by the investigation will be taken into account in determining whether a reward should be paid and, if so, the amount thereof. The information must be voluntarily given and upon the informant's own initiative to qualify for a reward. The Director, MMS, will determine whether a reward will be paid and, if so, the amount thereof.

II. Comments Received on Proposed Rule

The proposed rulemaking provided for a 60-day public comment period which ended March 16, 1987. Three comments were received during that time period and are addressed in this section. The text of the adopted regulation has been

changed to reflect comments, as appropriate.

One commenter suggested that § 218.30(c)(5), adopted as § 218.57(c)(4), be clarified to avoid possible misinterpretation. The MMS agrees with the suggested language, which makes it clear that no reward will be paid until any monies discovered to be owed as a result of an informant's information is collected by MMS and no longer subject to dispute by the payor. This section prevents MMS from paying a reward only to find later that the monies are determined, on appeal, not to be owed.

Two commenters contended that section 113 of FOGRMA applies only to Federal onshore and offshore lands and that Indian lands are specifically not included. The MMS agrees that the statute is limited to Federal lands. Indian lands were included in the proposed rule since MMS did not want to discourage informants from providing information relative to Indian lands. Of course, since FOGRMA does not expressly provide for rewards for information regarding Indian leases, ultimate payment of any reward would have been contingent on appropriate legislative action. However, MMS has decided to limit this regulation to Federal lands and has made necessary changes in the adopted rule to exclude information provided relative to Indian leases from the reward provisions.

One commenter opposed the proposed language of § 218.30(b)(1), adopted as § 218.57(b)(1), which would extend the informant reward program to Federal, State, or Indian tribal officers or employees, unless the information was obtained in the course of official duties. The commenter pointed out that the FOGRMA specifically provides that such persons are excluded from participation in the reward system in all instances, not just when the information is obtained in the course of official duties. The MMS agrees and has revised the definition of an eligible participant in the adopted rule accordingly.

One commenter stated that the final rule should make very clear that any rewards must be paid from Government funds with no cost to the lessee. The MMS considers the statement in proposed paragraph § 218.30(a)(1), adopted as § 218.57(a)(1), that "... funds must be appropriated before payment of any reward ..." sufficient to indicate that rewards are to be paid from Government funds and not by the lessee. As stated in the preamble of the proposed rule, section 306 of the FOGRMA authorizes the appropriation of such sums as may be necessary to carry out the provisions of the

FOGRMA, including the payment of rewards under section 113.

A commenter disagreed with the determination by the Department of the Interior that there will be no significant effect upon a substantial number of small entities. In the commenter's opinion, there are many small lessees on Federal lands which may find it necessary to defend themselves against unfounded royalty claims. The MMS disagrees on the basis that there have been relatively few inquiries to MMS concerning potential rewards. In addition, MMS has established criteria in the adopted rule whereby the amount of any reward payment is subject to the value of the information furnished. Also, MMS will review any information furnished to determine if it is worthy of initiating an investigation. These procedures should minimize the number of unfounded claims that would be made and investigated by MMS.

III. Procedural Matters

Executive Order 12291 and The Regulatory Flexibility Act

The final rulemaking establishes procedures to implement section 113 of the FOGRMA and does not result in any change in existing rules, therefore, the Department of the Interior has determined that this rule is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act.

Paperwork Reduction Act of 1980

The information collection requirement contained in § 218.57(b)(3) of the adopted rule has been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3501 et seq. and assigned OMB Clearance Number 1010-0076.

National Environmental Policy Act of 1969

The Department of the Interior has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969 [42 U.S.C. 4332 (2)(C)].

List of Subjects in 30 CFR Part 218

Coal, Continental shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Oil and gas exploration, Public lands-mineral resources.

Dated: June 3, 1987.

J. Steven Griles,

Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, Title 30, Subchapter A of the Code of Federal Regulations, is amended as set forth below:

Part 218—[AMENDED]

1. The authority citation for Part 218 is revised to read as follows:

Authority: 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. A new § 218.57 is added to Subpart B of Part 218 to read as follows:

218.57 Providing Information and Claiming Rewards.

(a) *General.* (1) If a person has any information that could lead to the recovery of royalty or other payments owed to the United States with respect to any oil and gas lease on Federal lands or the Outer Continental Shelf, such information may be provided to the Minerals Management Service (MMS) in accordance with this paragraph. The MMS is authorized, under the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1723, to pay a reward for information with respect to Federal oil and gas leases. Funds must be appropriated before payment of any reward. Criteria and procedures covering claims for and payment of rewards are provided in paragraphs (b), (c), and (d) of this section.

(2) If a person has any information he or she believes would be valuable to MMS, that person ("informant") should submit the information in writing, in the form of a letter, mailed or delivered in person to the Director, Minerals Management Service, Department of the Interior, 18th and C Street, NW., Washington, DC 20240, or to the Director's designated representative. Although written communications are preferred, oral information will be accepted.

(3) The informant should provide all data he or she has with respect to royalty or other payments owed. The information provided should include: identification of the alleged debtor; the source of the informant's knowledge of royalties or other payments owed; the date, if known, of the indebtedness; and any other information that could be used to establish indebtedness. All information received by MMS from persons providing information will be

considered "highly confidential" and will not be disclosed to any individual except on a "need to know" basis in the performance of official duties.

(b) *Claim For Reward.* (1) Any informant who provides information that could lead to the recovery of royalty or other payments may file a claim for reward unless the person is an officer or employee of the United States, an officer or employee of a State or Indian tribe acting pursuant to a cooperative agreement or delegation under the FOGSMA, or any person acting pursuant to a contract authorized by the FOGSMA.

(2) A claim for reward is not acceptable if filed on behalf of a claimant by his or her agent under power of attorney. However, an agent may provide MMS with information for an unidentified informant, to be evaluated and used by MMS as it deems appropriate. The informant's identity ultimately must be disclosed if the informant intends to file a claim for reward so that MMS can report the reward as taxable income to the Internal Revenue Service. An executor, administrator, or other legal representative of a deceased informant may file a claim on behalf of such deceased informant if, prior to his or her death, the informant was eligible to file a claim under this section. The representative must attach to the claim evidence of authority to file it.

(3) To file a claim for reward the informant must:

(i) Notify the Director, MMS, or the person to whom the information was reported, that he/she is claiming a reward.

(ii) Request an "Application for Reward for Original Information" (Form MMS-4280). This form provides for information to enable MMS to determine and pay rewards, to control reward applications, and to report a claimant's reward as taxable income to the Internal Revenue Service.

(iii) File a claim for reward by completing Form MMS-4280, sign it with his or her true name, and mail or deliver it in person to the Director or to the Director's designated representative. If the informant provided the information in person, the claim should include the name and title of the person to whom the information was reported and the date that it was reported.

(4) If the informant used an identity other than his or true name when the information was originally reported, the person should attach proof to the claim that he or she is the person who gave the information. The MMS does not disclose the identity of its informants to unauthorized persons.

(c) *Basis for Rejection of Claims.*

No reward will be paid to a claimant:

(1) Where the information originally furnished was deemed unworthy of initiating an investigation, but at some later date the records of the lessee are examined without reference to the information furnished. The claim will be rejected on the basis that the information did not cause the investigation nor did it, in itself, result in any recovery.

(2) For information that would have been discovered during the normal course of an audit or investigation.

(3) Unless the informant's true identity is disclosed.

(4) Until after all of the royalties, penalties, or other payments discovered to be owed as a result of information provided are collected and no longer subject to dispute.

(5) Unless funds are appropriated for the payment of rewards.

(d) *Basis for Allowance of Claims.* (1) The value of the information furnished in relation to the facts developed by the investigation will be taken into account in determining whether a reward shall be paid and, if so, the amount thereof. Information must be voluntarily given and upon the informant's own initiative to warrant the allowance of a reward. Information secured by representatives of MMS from witnesses and others in the course of their investigative activities does not constitute a basis for reward.

(2) In determining whether a reward will be allowed and, if so, the amount thereof, consideration will be given to any corresponding adjustment(s) which will result in potential savings to the lessee for other leases owned by the lessee or an affiliate of the lessee. An example of such an adjustment is a reduction in royalty payment on a different lease as the result of a revised allocation under a unitization or communitization agreement or from an offshore pipeline system. Rewards otherwise allowable will be reduced or rejected by reason of such offsetting adjustments.

(3) If several claims filed by one informant are considered in one recommendation, the reward, if any, may be allowed on one claim and the others may be closed by reference.

(4) Where an informant has provided information and filed a claim for reward with respect to royalty reports of one lessee for several leases, no reward will be granted with respect to an individual lease which has been examined until examination of all leases involved has been completed. Because the possibility exists that adjustments made to the reports for the open leases may result in

offsetting adjustments, no reward will be allowed until the overall results of the information are evaluated.

(e) *Amount and Payment of Reward.*

(1) The Director, MMS will determine whether a reward will be paid and, if so, the amount thereof. In making this decision, the information provided will be evaluated in relation to the facts developed by the resulting investigation. Claims for reward will be paid in proportion to the value of information furnished voluntarily and on the informant's own initiative with respect to recovered royalties or other payments. The amount of reward will be determined as follows:

(i) For specific and responsible information that caused the investigation and resulted in recovery, the reward will be 10 percent of the first \$75,000 recovered, 5 percent of the next \$25,000, and 1 percent of any additional recovery. The total reward cannot exceed \$100,000.

(ii) For information that caused the examination and was of value in determining royalty or other payments due, although not specific, and for information that was a direct factor in recovering royalty or other payments, the reward will be 5 percent of the first \$75,000 recovered, 2½ percent of the next \$25,000, and ½ percent of any additional recovery. The total reward cannot exceed \$100,000.

(iii) For information that caused the investigation but was of no value in determining royalty or other payments due, the reward will be 1 percent of the first \$75,000 recovered and ½ percent of any additional recovery. The total reward cannot exceed \$100,000.

(2) Rewards will be paid only if moneys are appropriated for that purpose. Subject to appropriations, payments will be made as soon as possible after collection of the amounts owed by the lessee, and after those amounts no longer are subject to dispute by the payor. The reward payment to an informant will be net of Federal and State income tax in accordance with withholding guidelines of the Internal Revenue Service and the applicable State(s).

(3) A decision by the Director, MMS, either denying a reward or establishing the amount of any reward is a final departmental action and may not be appealed to the Interior Board of Land Appeals in accordance with the provisions of 30 CFR Part 290.

(Approved by the Office of Management and Budget under control number 1010-0076)

[FR Doc. 87-14854 Filed 6-30-87; 8:45 am]

BILLING CODE 4310-MR-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1602, 1605, 1609, 1618, 1621, 1624, 1630, 1633, 1636, 1639, 1642, 1648, 1651, 1653, 1657, and 1698

Selective Service Regulations

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 in the processing of registrants.

EFFECTIVE DATE: July 1, 1987.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel Selective Service System, Washington, DC 20435 Phone (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 March 20, 1987 (52 FR 8924) for public comment. Ten cards or letters of comment were received during the comment period which expired May 19, 1987. Only three of the cards or letters were from persons purporting to write in their personal capacity. None 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.

Several comments expressed approval or disapproval of various proposed regulations without including reasons

for the opinions that were expressed. Those comments do not require analysis.

The concern reflected in many comments with respect to the time period for reporting for induction or for physical examination appears to be based upon the unrealistic assumption that a registrant's first acquaintance with the possibility that he might be required to do either one would come with his receipt of the appropriate order. When inductions are resumed every registrant—particularly those with low random sequence numbers—would be well acquainted with the possibility, indeed likelihood, that soon he would be receiving an order. Common sense suggests that he would be making preparation to respond to that order well in advance of its actual receipt at his home.

The expressed opposition to the revocation of the requirement that list of names and telephone numbers of persons who desire to advise registrants of their rights under the Selective Service law be posted in area offices appears to be based upon the desire to retain the free advertising for advisors which the posting requirement would provide. While there is no thought within the Selective Service System that the availability of such advice should be curtailed, it is equally clear that the System simply should not be in the business of advertising the services of those who desire to advise or assist registrants. Selective Service personnel will be available to provide information and assistance as registrants may desire or require when inductions are authorized. Persons who wish to make their services available to registrants with or without cost to the registrants are free to make their availability known to registrants by any lawful means.

Many comments expressed an ignorance of the fact that a registrant's receiving an exemption does not extend his liability for military service. The statutory extension of liability for military service applies only to registrants who receive deferments.

Comments which reflected an opposition to the creation of Class 4-A-A failed to appreciate that registrants who as aliens served in the military service of specified foreign government for the prescribed length of time are exempt from service in the Armed Forces of the United States. The creation of Class 4-A-A will facilitate the identification of such registrants so as to ensure that they will never be issued induction orders.

The procedures for the rescheduling of a registrant for a personal appearance

before the local board will be the same for all registrants who request or are required to have such personal appearance. No convincing reason that this arrangement would operate unfairly with respect to any registrant or group of registrants was suggested by the comments.

Criticism of the proposal to restrict appeals of local board decisions on claims for administrative classifications to those decisions in which the local board was not unanimous reflects a failure of the writers to appreciate that the entitlement to an administrative classification is a matter of documentation. Thus, the issue is always whether the requisite document has been furnished to the Selective Service System. It is difficult to imagine a serious dispute on the issue with respect to classification of any given individual.

No convincing reason was suggested for the view that transportation should be furnished to overseas registrants to attend personal appearances when such transportation is not furnished to registrants within the United States.

The proposed regulations will become the final rule except that printing errors and awkward expressions have been corrected and § 1698.2 has been revised to include authority for a parent or guardian of a person who could request an advisory opinion but is unable to make such request would be permitted to make the request in his behalf.

Determinations

As required by Executive Order 12291, I have determined that these regulations are not "Major" rules and therefore do 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 March 20, 1987, the Director of Selective Service published a Notice of Proposed Amendments of Selective Service Regulations at 52 FR 8924; and whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. 463(b)) 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 view 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. 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 Chapter XVI

Armed Forces—draft, Selective Service System.

Dated: June 12, 1987.

Wilfred L. Ebel,
Acting Director.

The regulations are:*

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 1651 of this chapter.

4. Section 1602.14 is revised to read:

§ 1602.14 Local Board.

A local board or a panel thereof 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 revised 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 revised to read:

§ 1602.25 Director.

Director is the Director of Selective Service.

PART 1605—SELECTIVE SERVICE SYSTEM ORGANIZATION

9. 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.

§ 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 interprets:

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

* * * * *

PART 1609—UNCOMPENSATED PERSONNEL

12. 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.

13. Section 1609.1 is revised to read:

§ 1609.1 Uncompensated positions.

Members of civilian review boards, local boards, and district appeal boards 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

14. 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]

15. Section 1618.3 is removed.

PART 1621—DUTY OF REGISTRANTS

16. 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.

17. 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.

PART 1624—INDUCTIONS

18. The authority citation for 1624 continues to read:

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

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

§ 1624.4 Selection and/or scheduling of registrants for induction.

* * * * *

* Editorial Note: For documents relating to this regulation, see regulations published in the Federal Register at 51 FR 17618, May 14, 1986, and Pub. L. 99-500.

(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

20. 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 is finally determined in accord with the provisions of this chapter. A claim is finally determined when the registrant does not have the right to appeal the last classification action with respect to the claim or he fails to exercise his right to appeal.

21. Section 1624.6, paragraphs (a) and (e) are removed and reserved; paragraphs (b) and (j) are revised to read:

§ 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 appeal before the board in accord with the procedures of §§ 1648.4 and 1648.5.

22. 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.

23. 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

24. 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.

25. 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 provision 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 Forces of which he is a member informs the Selective Service System that he is not serving satisfactorily.

26. 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.

27. 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 hardships 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.

28. Section 1630.31 is revised 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.

29. 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]
- * * * * *

30. Section 1630.44 is revised to read:

§ 1630.44 Class 4-F: Registrant not acceptable 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.

31. Section 1630.45, the section heading and paragraph (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

* * * * *

32. Section 1630.48 is revised 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

33. 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.

34. 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-F, 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). No individual shall be classified into Class 4-F unless the Secretary of Defense has determined that he is unacceptable for military service.

(f) Compensated employees of an area office may in accord with § 1633.2 may classify a registrant into an administrative class 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.

35. 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 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.

36. 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.

37. Section 1633.7(b) is revised to read as follows, and paragraph (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 and shall not discriminate for or against him because of his membership or activity in any labor, political, religious, or other organization.

38. 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.

39. 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

40. 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.

41. 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.

* * * * *

42. Section 1636.6, the section heading is revised to read:

§ 1636.6 Analysis of belief.

* * * * *

43. 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

44. 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.

45. 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

* * *

46. 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.

* * *

Section 1639.7(c) is revised to read:

§ 1639.7 Types of decisions.

* * *

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

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

48. 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.

49. Part 1642 heading is revised to read:

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

50. 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.

51. 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

* * *

52. Section 1642.5 is added to read as follows:

§ 1642.5 Impartiality.

(a) Boards shall consider all questions in a claim for classification in Class 3-A with equal consideration of race, creed, color, sex or ethnic background.

(b) Boards may not give precedence to one type of dependency hardship over another.

53. 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 the period exceed one year.

* * *

(c) [Reserved]

* * *

PART 1648—CLASSIFICATION BY LOCAL BOARD

54. 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.

55. 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]

56. Section 1648.2 is removed.

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

§ 1648.3 Opportunity for personal appearance.

(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 an administrative class 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.

58. 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.

59. 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 the local boards shall be open to the public only upon the request of or with the permission of the registrant. The board chairman may limit the number of persons attending the hearing in order to maintain order. If during the hearing the presence of nonparticipants in the proceeding becomes disruptive, the chairman may close the hearing.

60. 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

61. 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.

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

§ 1651.1 Who may appeal to a district appeal board.

(b) The registrant may appeal to a district appeal board the denial of his claim for a judgmental classification by the local 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.

63. 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 the 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 the appeal boards shall be open to the public only upon the request of or with the permission of the registrant. The board chairman may limit the number of persons attending the hearing in order to maintain order. If during the hearing the presence of non-participants in the proceedings becomes disruptive the chairman may close the hearing.

PART 1653—APPEAL TO THE PRESIDENT

64. 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.

65. Section 1653.3 the section heading and paragraphs (a) and (k) are revised to read:

§ 1653.3 Review by the National 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.

66. Part 1657 is revised to read:

PART 1657—OVERSEAS REGISTRANT PROCESSING

Secs.

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 Selective Service Act, 50 U.S.C. 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 inconsistent 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 Service 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 or permitted by regulation,

travel expenses incurred in personally appearing before the board shall be at the registrant's own expense.

67. Part 1698 is added to read:

PART 1698—ADVISORY OPINIONS

Secs.

- 1698.1 Purpose.
- 1698.2 Requests for advisory opinions.
- 1698.3 Requests for additional information.
- 1698.4 Confidentiality of advisory opinions and requests for advisory opinions.
- 1698.5 Basis for advisory opinions.
- 1698.6 Issuance of advisory opinions.
- 1698.7 Reconsideration of advisory opinion.
- 1698.8 Effect of advisory opinions.

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

§ 1698.1 Purpose.

The provisions of this part prescribe the procedures for requesting and processing requests for advisory opinions relative to a named individual's liability for registration under the Military Selective Service Act (MSSA), 50 U.S.C. App. 451 *et seq.*

§ 1698.2 Requests for advisory opinions.

(a) Any male born after December 31, 1959 who has attained 18 years of age may request an advisory opinion as to his liability to register under MSSA. A parent or guardian of such person who is unable to make a request for an advisory opinion may request an advisory opinion for him. Any Federal, state or municipal governmental agency may request an advisory opinion as to the liability of any male person born after December 31, 1959 who has attained 18 years of age to register under MSSA.

(b) Requests for advisory opinions shall be in writing and addressed to Director of Selective Service, ATTN: GCAO, Washington, DC 20435. With respect to the person concerning whom an advisory opinion is requested, the following should be furnished: full name, address, date of birth, Social Security Account Number, basis for the opinion that the registration requirement is inapplicable to him, and, if applicable, basis for his assertion that his failure to register "... was not a knowing and willful failure to register."

§ 1709.3 Requests for additional information.

(a) The Director may request additional appropriate information from the requester for an advisory opinion.

(b) The Director will forward a copy of the request by a Federal, state or municipal governmental agency for an advisory opinion to the person to whom the request pertains and invite his comments on it.

§ 1698.4 Confidentiality of advisory opinions and requests for advisory opinions.

Advisory opinions will be confidential except as provided in § 1698.6. Requests for advisory opinions will be confidential except as provided in § 1698.3.

§ 1698.5 Basis of advisory opinions.

Advisory opinions will be based on the request therefor, responses to requests for information, and matters of which the Director can take official notice.

§ 1698.6 Issuance of advisory opinions.

A copy of the advisory opinion will be furnished, without charge, to the requester therefor and to the individual to whom it pertains. A copy of an advisory opinion will be furnished, without charge, to any Federal, state, or municipal governmental agency upon request.

§ 1698.7 Reconsideration of advisory opinions.

Whenever the Director has reason to believe that there is substantial error in the information on which an advisory opinion is based, he may reconsider it and issue an appropriate revised opinion.

§ 1698.8 Effect of advisory opinion.

The Selective Service System will not take action with respect to any person concerning whom the Director has issued an advisory opinion inconsistent with that advisory opinion.

[FR Doc. 87-14709 Filed 6-30-87; 8:45 am]

BILLING CODE 8015-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 795 and 799

[OPTS-42050D; FRL-32263]

Certain Chlorinated Benzenes; Final Test Standards and Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under section 4 of the Toxic Substances Control Act (TSCA), EPA is issuing a final Phase II rule that specifies test standards and reporting requirements for environmental effects testing of 1,2,3- and 1,2,4-trichlorobenzene (CAS Nos. 87-61-6 and 120-82-1, respectively). The chemical fate testing requirements in the final Phase I test rule have been satisfied and are hereby withdrawn.

DATES: In accordance with 40 CFR 23.5, this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern ["daylight" or "standard" as appropriate] time on July 15, 1987. This rule shall become effective on August 14, 1987.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St., SW., Washington, DC 20460, (202-554-1404).

SUPPLEMENTARY INFORMATION: In the Federal Register of April 7, 1986 (51 FR 11728), EPA issued a final Phase I test rule under section 4(a) of TSCA to require manufactures and processors of certain chlorinated benzenes to test for chemical fate and environmental effects. Also contained in that Federal Register issue were proposed Phase II test standards and reporting requirements for the required testing (51 FR 11756, April 7, 1986). The Agency is now promulgating under 40 CFR 799.1053, the final Phase II rule for certain chlorinated benzenes specifying the test standards and reporting requirements for the environmental effects testing. The chemical fate testing requirements under the final Phase I rule have been satisfied and are hereby withdrawn.

I. Background

The Phase I final rule specified the following testing requirements for the chlorinated benzenes: (1) for 1,2- and 1,4-dichlorobenzene, chemical fate testing, specifically, soil adsorption coefficient tests; (2) for 1,2,4-trichlorobenzene, chemical fate testing (soil adsorption coefficient test) and environmental effects testing to include acute and chronic toxicity to mysid shrimp (*Mysidopsis bahia*); (3) for 1,2,3-trichlorobenzene, environmental effects testing to include: 96-hour LC50 for the fathead minnow (*Prime-phales promelas*), 96-hour EC50 for *Gammarus* sp., acute toxicity to mysid shrimp and silversides (*Menidia menidia*), and chronic toxicity to mysid shrimp if the mysid shrimp LC50 is <1ppm.

Sections 790.50 and 790.52 of Title 40 of the Code of Federal Regulations describe the typical test rule development process. In the case of the chlorinated benzenes chemical fate and environmental effects test rule, which was initiated under the two-phase process, EPA modified the process. The reasons for this change in the test rule process for the chlorinated benzenes were discussed in the test standards proposal (51 FR 11756; April 7, 1986). As a result, EPA proposed the relevant