

REA bulletin number and date of last issuance

345-18; March 1973 (replacing 1/64).

Description of Content Specification of REA for plastic-insulated; plastic-jacketed station wire on borrowers' telephone systems.

345-49; June 1968 (deletion).

Remove from appendix A. Bulletin superseded by April 1972 revision of REA Bulletin 345-26.

345-56; August 1972 (replacing 6/71).

Specifications of REA for station carrier equipment installed on borrowers' telephone systems.

345-62; June 1972 (deletion).

Remove from appendix A. Bulletin superseded by April 1972 revision of REA Bulletin 345-26.

345-65; October 1972 (new).

Specifications of REA for cable shield bonding connectors installed on borrowers' telephone systems.

345-66; October 1972 (new).

Specifications of REA for equipment installed on borrowers' telephone systems.

345-67; December 1972 (new).

Specifications of REA for filled telephone cables installed on borrowers' telephone systems.

Dated: March 29, 1973.

DAVID A. HAMIL, Administrator.

[FR Doc.73-6053 Filed 4-3-73;8:45 am]

Title 8—Allens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 1—DEFINITIONS

Immigration Judge

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, part 1 of chapter I of title 8 of the Code of Federal Regulations, as hereinafter set forth, is amended to provide that the terms "immigration judge" and "special inquiry officer" may be used interchangeably.

Section 1.1 is amended by adding at the end thereof a new paragraph (D) to read as follows:

§ 1.1 Definitions.

(1) The term "immigration judge" means special inquiry officer and may be used interchangeably with the term special inquiry officer wherever it appears in this chapter.

Compliance with the provisions of 5 U.S.C. 553 (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 1.1 relates to a rule of agency organization.

Effective date. This order shall be effective on April 4, 1973.

Dated March 30, 1973.

RAYMOND F. FARRELL, Commissioner of Immigration and Naturalization. [FR Doc.73-6449 Filed 4-3-73;8:45 am]

IMMIGRATION AND NATIONALITY REGULATIONS

Miscellaneous Amendments to Chapter

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in parts 103, 212, 214, 264, 299, 312, and 499 of chapter I of title 8 of the Code of Federal Regulations.

In the light of 28 CFR 16.23(b) (2), as amended February 23, 1973 (38 F.R. 4952) delegating to the Commissioner certain authority of the Attorney General to approve the production or disclosure of material or information from the Service files in response to a subpoena, order, or other demand, § 103.1 (c) is amended to delegate such authority of the Commissioner to the General Counsel.

In Part 212, § 212.8(b) (4) is amended to provide that a prospective treaty investor, in support of form I-526, may, under specified conditions, submit certified copies of documents, although unaccompanied by the originals. A minor corollary amendment is made in § 103.2(b) (1).

In Part 214, § 214.2(h) is amended editorially for clarification by repositioning material from existing subparagraph (7) to create new subparagraphs (8), (9), (10), and (11), and by redesignating existing subparagraph (8) as subparagraph (12). In the newly created subparagraph (11), a sentence is added to provide that where an applicant for an extension of stay is the beneficiary of a new nonimmigrant visa petition approved for employment or training other than that previously authorized, an extension of stay may be granted on the basis of that approval. Also, in part 214, § 214.4(a) is amended by adding a new item (6) to clarify that a school approved for the attendance of nonimmigrant students which fails to limit its advertising in accordance with the provisions of § 214.3(i) of that part is no longer entitled to such approval.

Since current form I-102 (Application by Nonimmigrant Alien for Replacement of Arrival Document or for Alien Registration) is no longer used as an application for alien registration, the title of the form has been amended to delete the reference therein to alien registration. Accordingly, corresponding minor technical amendments are made in §§ 264.1 (b) and (f) and 299.1.

In Parts 299 and 499, §§ 299.1 and 499.1 are amended to reflect the current edition dates of the forms specified therein.

In Part 312, § 312.3 is amended to permit the exercise of discretion by the field relative to the calendaring of naturalization petitions for final hearings and the opportunities afforded a petitioner for naturalization to meet the educational and literacy requirements.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1, paragraph (c) is amended by adding a new sentence at the end thereof. As amended, § 103.1(c) reads as follows:

§ 103.1 Delegations of authority.

(c) General Counsel.—The legal advisory, legislative, litigation, and trial attorney (including appellate trial attorney at the Board of Immigration Appeals) activities of the Service. The General Counsel is authorized to approve production or disclosure in response to subpoenas or demands of courts or other authorities, as provided in 28 CFR 16.23 (b) (2) (iii).

2. In § 103.2(b), the fourth sentence of subparagraph (1) is amended. As amended, § 103.2(b) (1) reads in part as follows:

§ 103.2 Applications, petitions, and other documents.

(b) Evidence.—(1) Requirements.—Each application or petition shall be accompanied by the documents required by the particular section of the regulations under which submitted. Form I-134 may be used if an affidavit of support would be helpful in resolving any public charge aspect. All accompanying documents must be submitted in the original and will not be returned unless accompanied by a copy. Except as provided in §§ 204.2(f), 212.8(b) (4), 214.2(h) (5), 214.2(1) (2), and 214.2(k) of this chapter, a copy unaccompanied by an original will be accepted only if the accuracy of the copy has been certified by an immigration or consular officer who has examined the original.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.8(b), subparagraph (4) is amended by adding 2 new sentences at the end thereof. As amended, § 212.8(b) (4) reads as follows:

§ 212.8 Certification requirement of section 212(a) (14).

(b) *Aliens not required to obtain labor certifications.*—The following persons are not considered to be within the purview of section 212(a)(14) of the Act and do not require a labor certification: * * * (4) an alien who establishes on form I-526 that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least \$10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise. A copy of a document submitted in support of form I-526 may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

PART 214—NONIMMIGRANT CLASSES

1. In § 214.2, paragraph (h) is amended in the following respects: Existing subparagraph (7) is revised; new subparagraphs (8), (9), (10), and (11) are created; and existing subparagraph (8) is redesignated subparagraph (12). As amended, § 214.2(h) reads in pertinent part as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(h) *Temporary employees.* * * *

(7) *Validity of approved petitions.*—In a case in which a labor certification is not submitted, the petition shall be valid for not more than 1 year from the date of its approval. If a certification by the Secretary of Labor or his designated representative is attached to a petition to accord an alien a classification under section 101(a)(15)(E)(ii) of the Act, the approval of the petition shall not be valid beyond the date to which the certification is valid. When the certification does not set forth a date until which it is valid, the approval of the petition shall not exceed 1 year from the date on which the certification was issued.

(8) *Termination of approval of petitions.*—The approval of any petition is automatically terminated when the petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States.

(9) *Admission.*—A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on form I-171C. The authorized period of the beneficiary's admission shall be governed by the period of established need for his temporary services or training, but shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service.

(10) *Suspension of approval of employment.*—Approval of the beneficiary's employment or training is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place the alien is being employed or trained.

(11) *Extension of stay.*—An extension of stay may be authorized in increments of not more than 12 months each under the same terms and conditions that apply to an admission, except that an applicant for an individual extension on form I-539 shall not require a new petition to continue previously authorized employment or training. A new petition shall be required from an applicant who seeks to pursue employment or training other than that previously authorized and the applicant, if he is maintaining status, may be granted an extension of stay for the period of validity of the approved petition without a form I-539. Form I-129B shall be used when filing an application for a group extension. In the case of an alien defined in section 101(a)(15)(E)(ii) of the act, the application for extension shall be accompanied by a labor certification or a notice that such certification cannot be made; and the alien shall not be granted an extension which would result in an unbroken stay in the United States for more than 3 years.

(12) *Special classes.*—The services of an entertainer beneficiary shall be restricted to the activity, area, and employer specified in the approved petition. Any engagement not specified in the original petition shall require a new petition. A new petition shall also be required if the entertainer's services are engaged by a new employer or by a new agent or are to be performed in another area, except that a new petition will not be required for the appearance of an alien performer on a bona fide charity show without compensation, provided he is already in the United States pursuant to an approved visa petition. A show shall not be considered as "a bona fide charity show" within the meaning of this subparagraph if any of the musicians, entertainers, or other performers receive compensation, including reimbursement for expenses, for their performance therein. A petition shall not be required for an appearance, interview, or demonstration, without remuneration, by any nonimmigrant alien who is not an entertainer by occupation. A separate petition and fee shall be required for each group of variety entertainers comprising a separate and distinct act.

2. In § 214.4, paragraph (a) is amended by adding a new subparagraph (6) at the end thereof. As amended, § 214.4(a) reads as follows:

§ 214.4 Withdrawal of school approval.

(a) *General.*—The approval by the Service, pursuant to section 101(a)(15)(F) of the Act and this part, of a petition by a school or school system for the attendance of nonimmigrant stu-

dents shall be withdrawn if the school or school system is no longer entitled to such approval for any reason including, but not limited to, the following: (1) Failure to submit reports required by § 214.3(g); (2) issuance of certificates of eligibility, forms I-20, to students lacking scholastic, financial, or language requirements; (3) failure to operate as a bona fide institution of learning; (4) failure to employ qualified professional personnel; (5) failure to maintain proper facilities for instruction; or (6) failure to limit its advertising in the manner prescribed in § 214.3(i).

PART 264—REGISTRATION AND FINGER-PRINTING OF ALIENS IN THE UNITED STATES

Section 264.1 is amended in the following respects: In paragraph (b), the listing pertaining to form I-102 is amended; and in paragraph (f), the second sentence is amended by substituting a period for the comma following the word "resident" and by deleting the remainder thereof, and the last sentence is amended by deleting therefrom the words "the form I-102, and" immediately following the word "resident."

As amended, § 264.1 (b) and (f) read in pertinent part as follows:

§ 264.1 Registration and fingerprinting.

(b) *Evidence of registration.*—The following forms constitute evidence of registration:

Form No.	Class
I-102 Application for Nonimmigrant Alien for Replacement of Arrival Document.	While application is pending nonimmigrants and other aliens not in lawful permanent resident status.

(f) *Registration and fingerprinting of children who reach age 14.*—Within 30 days after reaching the age of 14, any alien in the United States not exempt from alien registration under the act and this chapter shall present himself to a Service office for registration in accordance with section 262(b) of the act, and for fingerprinting unless fingerprinting is waived pursuant to paragraph (e) of this section. He shall submit form I-90 if he is a lawful permanent resident. If such alien is a lawful permanent resident of the United States and is temporarily absent from the United States when he reaches the age of 14, he shall comply with the foregoing within 30 days of his return to the United States. The alien, if a lawful permanent resident of the United States, shall surrender his prior evidence of alien registration and shall be issued form I-151 bearing a photograph submitted by him in accordance with the instructions on form I-90. In the case of an alien who is not a lawful permanent resident, the alien's form I-94 or I-95 shall be noted to show that he has been registered and the date of registration.

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 Prescribed forms is amended to reflect a revision in the title of form I-102 and the current edition dates of the following forms:

§ 299.1 Prescribed forms.*Form No., title, and description*

I-17 (11-30-72) Petition for Approval of School for Attendance by Nonimmigrant Alien Students.

I-102 (2-1-73) Application by Nonimmigrant Alien for Replacement of Arrival Document.

I-130 (1-1-73) Petition To Classify Status of Alien Relative for Issuance of Immigrant Visa.

I-186 (6-1-72) Nonresident Alien Mexican Border Crossing Card.

I-506 (2-1-73) Application for Change of Nonimmigrant Status.

I-520 (12-20-72) Request for Determination That Prospective Immigrant Is an Investor.

I-550 (2-1-73) Application for Verification of Last Entry of an Alien.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

Section 312.3 is amended to read as follows:

§ 312.3 Failure to meet educational and literacy requirements.

A petitioner for naturalization who fails to pass the English literacy or educational tests at the preliminary investigation or preliminary examination shall be afforded a second opportunity to pass the tests before the petition for naturalization is calendared for final hearing and, if needed, a final opportunity at the time of final hearing before the naturalization court.

PART 499—NATIONALITY FORMS

The listing of forms in § 499.1 Prescribed forms is amended to reflect the current edition date of the following forms:

§ 499.1 Prescribed forms.*Form No., title, and description*

N-400 (12-1-72) Application to File Petition for Naturalization.

N-426 (2-1-73) Certification of Military or Naval Service.

N-455 (4-1-71) Application for Transfer of Petition for Naturalization.

N-800 (11-1-72) Application for Certificate of Citizenship.

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.1(c) and 312.3 relate to agency management; the amendments to §§ 103.2(f)(1), 299.1, and 499.1 are editorial in nature; the amendment to § 212.8(b)(4) confers a benefit on the persons affected thereby; the amendments to § 214.2(h) are editorial in nature and relate to agency procedure; the amendment to § 214.4(a) is clarifying in nature; and the amendments to § 264.1 relate to agency procedure.

Effective date. This order shall become effective on April 4, 1973.

Dated: March 30, 1973.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[FR Doc.73-6428 Filed 4-3-73; 8:45 am]

Title 12—Banks and Banking**CHAPTER II—FEDERAL RESERVE SYSTEM
SUBCHAPTER A—BOARD OF GOVERNORS OF
THE FEDERAL RESERVE SYSTEM****PART 265—RULES REGARDING
DELEGATION OF AUTHORITY**

Approval of Extension of Time Regarding Bank Holding Companies Filing Annual Reports

In order to delegate to the Federal Reserve banks authority to grant bank holding companies extensions of time in which to file annual reports to the Board, § 265.2(f) is amended by adding subparagraph (27) to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

(f) Each Federal Reserve bank is authorized, as to member banks or other indicated organizations headquartered in its district or under subparagraph (25) of this paragraph, as to its officers;

(27) Under the provisions of section 5(c) of the Bank Holding Company Act, as amended (12 U.S.C. 1844(c)), to grant to a bank holding company a 90-day extension of time in which to file an annual report; and for good cause shown an additional extension of time, not to exceed 90 days, may be granted.

The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rule contained therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

Effective date. This amendment is effective as of March 23, 1973.

By order of the Board of Governors,
March 23, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6438 Filed 4-3-73; 8:45 am]

**Title 17—Commodity and Securities
Exchanges****CHAPTER II—SECURITIES AND
EXCHANGE COMMISSION**

[Release No. IC-7703]

**PART 270—RULES AND REGULATIONS,
INVESTMENT COMPANY ACT OF 1940****Miscellaneous Amendments**

The Securities and Exchange Commission has adopted certain technical amendments to its rules under the Investment Company Act of 1940 (act) [15 U.S.C. 80a-1 et seq.].

The Investment Company Amendments Act of 1970 (1970 amendments), Public Law 91-547, approved December 14, 1970, 84 Stat. 1413, amended certain sections of the act which are referred to in the rules and regulations promulgated under such act. The purpose of the amendments to the rules is to conform such rules to the changes made in the act by the 1970 amendments. Adoption of the amendments is made pursuant to the authority granted to the Commission in section 38(a) of the act (15 U.S.C. 80a-37(a)).

Section 38(a) of the act authorizes the Commission to make, issue, and amend such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission, including rules prescribing the form or forms in which information required in registration statements and reports shall be set forth.

The 1970 amendments to the act, among other things, amended sections 2(a)(32) (redesignated 2(a)(33)), 2(a)(39) (redesignated 2(a)(41)) and section 19 (redesignated 19(a) and (b)) [84 Stat. 1413, 1422]. These sections are referred to in rules 2a-1, 2a-2, 7d-1, 19a-1, and 30d-1 of the rules and regulations promulgated under the Investment Company Act of 1940.

Accordingly, in order to conform the language in the rules to the amended sections of the act, the Commission adopts the amendments as set forth below:

Commission action.—Part 270 of Chapter II of title 17 of the Code of Federal Regulations is amended as indicated below:

Section 270.2a-1 is amended by deleting: (i) From subsection (a) after the phrases "from that prescribed by clause (A) of section" and "valuation prescribed by clause (A) of section"; and (ii) from subsection (b), after the phrase "method prescribed in clause (A) of section"; and (iii) from subsection (d) after the phrase "method prescribed in clause (A) of section", respectively, the designation "2(a)(39)" and by adding in lieu thereof, respectively, the designation "2(a)(41)."

¹ 15 U.S.C. 80a-2(a)(33), 80a-2(a)(41), 80a-19(a), 80a-19(b).

² [17 CFR 270.2a-1, 270.2a-2, 270.7d-1, 270.19a-1, 270.30d-1.]