

§ 256.11

be plotted on maps accompanying AICUZ studies.

(d) Where previous studies have used CNR or NEF, for meters of policy, noise planning and decisionmaking, areas quieter than Ldn 65 shall be considered approximately equivalent to the previously used CNR Zone 1 and to areas quieter than NEF 30. The area between Ldn 65 and Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 2 and to the area between NEF 30 and NEF 40. The area of higher noise than Ldn 75 shall be considered approximately equivalent to the previously used CNR Zone 3 and to noise higher the NEF 40. The procedures shall remain in effect only until sufficient data to compute land values can be obtained.

(e) When computing helicopter noise levels using data collected from meters, a correction of +7db shall be added to meter readings obtained under conditions where blade slap was present until and unless matters are developed which more accurately reflect true conditions.

(f) Noise contours less than Ldn 65 or more than Ldn 80 need not be plotted for AICUZ studies.

(g) Since CNR noise levels are not normally directly convertible to Ldn values without introducing significant error, care should be exercised to assure that personnel do not revise previous studies by erroneously relabeling CNR contours to the approximately equivalent Ldn values.

(h) Where intermittent impulse noises are such as are associated with bombing and gunnery ranges are of importance such noises will be measured using standard "C" weighing of the various frequencies to insure a description most representative of actual human response.

§ 256.11 Effective date and implementation.

This part is effective immediately. Two copies of implementing regulations shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within 90 days after publication of final rules.

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PART 257—ACCEPTANCE OF SERVICE OF PROCESS

Sec.

- 257.1 Purpose.
- 257.2 Applicability.
- 257.3 Definition.
- 257.4 Policy.
- 257.5 Responsibilities.

AUTHORITY: 5 U.S.C. 301, 133.

SOURCE: 49 FR 1490, Jan. 12, 1984, unless otherwise noted.

§ 257.1 Purpose.

This rule updates DoD policy governing acceptance of service of process served on the Secretary of Defense and the Secretaries of the Military Departments.

§ 257.2 Applicability.

This rule applies to the Office of the Secretary of Defense (OSD) and the Military Departments.

§ 257.3 Definition.

Service of Process. When applied to the filing of a court action against an officer or agency of the United States, service of process refers to the delivery or, when appropriate, receipt by mail, of a summons and complaint made in accordance with Rule 4, Federal Rules of Civil Procedure by serving the United States and by serving a copy of the summons and complaint by registered or certified mail to such officer or agency. It further signifies the delivery of a subpoena requiring a witness to appear and give testimony or of a subpoena requiring production of documents, or delivery of a subpoena for any other reason whether or not the matter involves the United States.

§ 257.4 Policy.

It is DoD policy to accept service of process directed to the Secretary of Defense or a Secretary of a Military Department in his official capacity. Acceptance of service of process will not constitute an admission or waiver with respect to the jurisdiction or to the propriety of service.

§ 257.5 Responsibilities.

The following responsibilities may not be redelegated:

(a) The *General Counsel, Department of Defense*, shall accept service of process for the OSD.

(b) The *Secretary of the Army*, or his designee, the *Chief, Litigation Division*, Office of the Judge Advocate General, shall accept service of process for the Department of the Army.

(c) The *Secretary of the Navy*, or his designee, the *General Counsel*, shall accept service of process for the Department of the Navy.

(d) The *Secretary of the Air Force*, or his designee, the *Chief, General Litigation Division*, Office of the Judge Advocate General, shall accept service of process for the Department of the Air Force.

PART 258—COOPERATION WITH ALLIES IN RESEARCH AND DEVELOPMENT OF DEFENSE EQUIPMENT

Sec.

258.1 Purpose.

258.2 Background.

258.3 Policy.

258.4 Criteria.

258.5 Procedures.

258.6 Responsibilities and authorities.

AUTHORITY: 5 U.S.C. 301.

SOURCE: 33 FR 13024, Sept. 14, 1968, unless otherwise noted.

§ 258.1 Purpose.

It is the purpose of this part to specify Defense Department policy for strengthening cooperation with Allies in research and development and to assign responsibilities for implementing it. This policy calls for maximum coordination of technical objectives and programs with those of our allies. It complements DoD Directive 3100.4, Harmonization of Qualitative Requirements for Defense Equipment of United States and Allies.¹

§ 258.2 Background.

Cooperation in defense research and development between the United States and its Allies since World War II has been aimed primarily at assisting them, financially as well as technically, in developing indigenous capa-

bilities. The economic status of certain of these Allies has now evolved beyond the point of warranting further financial assistance. However, the evolution of modern weapons of increasing cost and complexity makes the effective utilization of the aggregate of available technical resources a matter of concern to each nation.

§ 258.3 Policy.

(a) The United States will cooperate with its Allies to the greatest degree possible in the development of defense equipment, where such cooperation is in the overall best interests of the United States. The objectives of such cooperation will be:

(1) To make the best equipment available to the United States and its Allies in the most timely manner.

(2) To increase the effectiveness of the scientific and technical resources of the United States and its Allies, especially by eliminating unnecessary and wasteful duplication of effort.

(3) To achieve the maximum practicable degree of standardization of equipment.

(4) To create closer military ties among the Alliance.

(b) The United States will seek to enter in bilateral and multilateral agreements with its allies that will minimize waste resulting from purely duplicative R&D programs and, within the criteria stated in § 258.4, encourage the establishment of a mutually acceptable free, fully competitive market for defense R&D. To this effect, the DoD will:

(1) Continue to encourage the mutual development of technical capabilities, in particular through exchanges of significant information.

(2) Coordinate exploratory, advanced and engineering development plans to minimize wasteful duplication.

(3) Participate in joint development programs for major systems meeting harmonized requirements, whenever such programs meet the objectives and criteria listed in this part.

(4) Consistent with OSD guidance, consider promising foreign as well as U.S. R&D resources prior to placing research and development contracts.

(5) Facilitate availability of U.S. R&D resources to foreign procurement

¹Copies available from Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120; Attn.: Code 300.