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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7295; Amdt. No. 21-13, 45-3]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 45—IDENTIFICATION AND REGISTRATION MARKING

Identification of Aircraft, Aircraft Engines, and Propellers

This amendment changes Part 21 to require compliance with the identification plate requirements of Part 45 as a prerequisite to the issue of certain airworthiness certificates, and changes Part 45 to broaden the pertinent identification plate requirements for aircraft, aircraft engines, and propellers. This amendment also removes appliances from Part 45. This amendment is based on, and is issued for the reasons contained in, Notice 66-15, published in the FEDERAL REGISTER on April 19, 1966 (31 F.R. 5991). Changes to the proposals in the notice, and disposition of industry comments, are as follows:

One comment objected to proposed new § 21.182 because it would not require an aircraft altered under a Supplemental Type Certificate (STC) to have a changed or additional identification plate containing any new information related to the STC'd aircraft and that the identification plate on an STC'd aircraft should not continue to identify the modified aircraft with only the builder's name, serial number, and model designation pertaining to the holder of the type or production certificate. The Agency disagrees. The identification plate has but one function: It is a means by which the Agency can positively link a given aircraft with the proper documentation so that the continuing airworthiness history of that particular aircraft can be traced throughout its service life. The burden placed on the public by the identification plate requirements should be no greater than that necessary to fulfill this function. So far as linking a particular aircraft to its proper documents is concerned, it should be noted that, while the name of the builder is essential information on the original plate (for aircraft built under a type or production certificate as well as for aircraft built from spare and surplus parts), it is not necessary to require that the builder's name on the plate be changed or that new names be added to include persons who subsequently modify the aircraft under STC's. These later modifications will be reflected in the pertinent documents. These documents can be located and traced by the information on the original plate.

Several comments concerned the location of the aircraft identification plate. The proposed section would have only required the plate to be in an "accessible external location." In the light of several comments received, the Agency has determined that a reasonably uniform location should be adopted, since the main purpose of the location aspect of the identification plate requirements is to facilitate identification of the aircraft during inspections or in an accident. Therefore, this amendment requires the aircraft's identification plate to be in an accessible location "near an entrance." An external location is not required. An "accessible location near an entrance" should allow the maximum amount of protection for the plate in an accident while at the same time leaving the plate available for normal inspection.

Two comments concerned the proposed "permanent" nature of the identification plates for aircraft and for aircraft engines. The comments indicated that the Agency might want the plates removed for alteration or replacement, and that, if they were permanent in nature, this would be an impossibility. The Agency agrees. Literal permanence is not intended. This amendment (§ 45.11 (a)) therefore merely requires that identification plates for both aircraft and aircraft engines be secured so that they "will not be likely to be defaced or removed during normal service, or lost or destroyed in an accident." Consistent with this change, the propeller identification requirements are amended (in § 45.11(b)) by deleting the reference to "permanent" identification, and by replacing that reference with (1) a reference to a "fireproof" identification, and (2) a requirement that the marking be such that it "will not be likely to be defaced or removed during normal service, or lost or destroyed in an accident."

One comment stated that proposed § 21.182 would require a new identification plate each time the airworthiness classification is changed. The Agency assumes that this concern is caused by the proposed language "each applicant * * * must identify his aircraft as prescribed * * *" This result is not intended. Section 21.182 therefore is changed from the notice by specifically excluding changes of already identified aircraft from one airworthiness classification to another. Further, the Agency does not believe it necessary to require the applicant to actually perform the identification. Section 21.182 therefore only requires that the applicant "show that the aircraft is identified as prescribed in § 45.11(a)."

One comment suggested that § 45.11 (a) should require that the marking on the fireproof plate that is affixed to aircraft and aircraft engines should also be fireproof. This change has been incorporated into the rule. A fireproof plate without fireproof markings would have limited identification value.

One comment recommended that the identification plate for aircraft engines be placed on the main case. The rule requires that the engine's identification plate be accessible, and not easily damaged. It is true that, on some engines, the main case might be an accessible location. However, it need not be so for every engine. Therefore, rather than fix a uniform location, it is more practical to require only that the plate be accessible. This comment cannot, therefore, be accepted.

One comment suggested that the serial numbers shown on the aircraft's identification plate should be correlated with the type design, rather than with its model number. The commentator stated that this would avoid duplication of model and serial numbers, creating an ambiguity between aircraft that are not built under a type or production certificate, and those that are. The Agency recognizes the fact that there might be duplication of serial numbers, since this amendment does not require persons who build aircraft from spare and surplus parts to determine and avoid using all serial numbers assigned to all past, present, and future aircraft of that model by the holder of the type or production certificate. Further, as indicated in the notice, the regulation would require persons who build aircraft from spare and surplus parts to list the model designation under the type design to which conformity will be shown. The aircraft's model number will thus be duplicated in arriving at the finding of conformity. However, notwithstanding, these serial number and model designation duplications, no ultimate identification ambiguity should result under this amendment. Section 45.13(a)(1) requires the builder's name to appear on the plate. In most cases the builder's name alone will distinguish aircraft not built under a type or production certificate from aircraft that are so built. In addition, § 45.13 (a)(5) requires the production certificate number, if any, to appear on the plate. Thus, even if two or more builders of the same model aircraft should duplicate serial numbers, no ambiguity will result unless all of the builders have the same name and none of them hold production certificates. The probability of this is low enough to justify not accepting this comment. However, if ambiguities should arise in this connection, some further means of distinguishing between aircraft built under a type certificate or production certificate, and other aircraft, will be made.

Another comment questioned the need to include the date of completion of the product on the identification plate, as provided by the proposed amendment to § 45.13(a)(4). The Agency accepts this comment both as to the date of completion and as to the date of manufacture (which was required by § 45.13(a)(4) prior to this amendment). Amended § 45.13(a)(3) requires every builder to give his aircraft a serial number, and place it on the aircraft's identification plate, whether or not the aircraft is built under the terms of a type or production certificate. Except for antique aircraft, the date of manufacture can be readily discovered through the serial number of the aircraft. A requirement for this date to appear on the identification plate would therefore appear to be unnecessary. For antique aircraft, the age of the aircraft can generally be determined from the manufacturer's records, or from the original airworthiness certificate. If the aircraft is one for which no records are available, the Agency will have to use collateral evidence to fix the date of manufacture. However, the expected frequency of this occurrence is too low to require the date of completion to be on each identification plate. In summary, it does not appear that the possible presence or absence of a serial number or the likelihood of deterioration as a result of aging are useful standards for determining whether the date of manufacture (or completion) should be furnished. In light of the comments received, the amendment to § 45.13(a)(4), as it appeared in the notice, is withdrawn, and the requirement of former § 45.13(a)(4) is deleted. Subsequent subparagraphs are renumbered accordingly.

A comment suggested that the rule be revised to eliminate the requirement that the manufacturer number his aircraft in the sequence of production. This amendment does not prescribe any particular pattern or sequence of assigned numbers.

The Agency appreciates the cooperative spirit in which these comments were submitted by the public.

In consideration of the foregoing, Parts 21 and 45 are amended as follows effective July 7, 1967.

Part 21 is amended by adding a new § 21.182 to read as follows:

§ 21.182 Aircraft identification.

(a) Except as provided in paragraph (b) of this section, each applicant for an airworthiness certificate under this subpart must show that his aircraft is identified as prescribed in § 45.11(a).

(b) Paragraph (a) of this section does not apply to applicants for the following:

(1) A special flight permit.

(2) An experimental certificate for an aircraft that is not amateur built.

(3) A change from one airworthiness classification to another, for an aircraft already identified as prescribed in § 45.11(a).

Part 45 is amended as follows:

1. Section 45.1(a) is amended to read as follows:

§ 45.1 Applicability.

* * * * *

(a) Identification of aircraft, and identification of aircraft engines and propellers that are manufactured under the terms of a type or production certificate:

* * * * *

2. Section 45.11 is amended to read as follows:

§ 45.11 General.

(a) *Aircraft and aircraft engines.* Aircraft covered by § 21.182 of this chapter must be identified, and each person who manufactures an aircraft engine under a type or production certificate shall identify his engine, by means of a fireproof plate that has the information specified in § 45.13 marked thereon by etching, stamping, engraving, or other approved method of fireproof marking. The identification plate for aircraft must be secured to the aircraft at an accessible location near an entrance in such a manner that it will not be likely to be defaced or removed during normal service, or lost or destroyed in an accident. For aircraft engines, the identification plate shall be affixed to the engine at an accessible location, in such a manner that it will not be likely to be defaced or removed during normal service, or lost or destroyed in an accident.

(b) *Propellers and propeller blades and hubs.* Each person who manufactures a propeller, propeller blade, or propeller hub under the terms of a type or production certificate shall identify his product by means of a plate, stamping, engraving, etching, or other approved method of fireproof identification that is placed on it on a noncritical surface, contains the information specified in § 45.13, and will not be likely to be defaced or removed during normal service or lost or destroyed in an accident.

3. Section 45.13 is amended to read as follows:

§ 45.13 Identification data.

(a) The identification required by § 45.11 shall include the following information:

(1) Builder's name.

(2) Model designation.

(3) Builder's serial number.

(4) Type certificate number, if any.

(5) Production certificate number, if any.

(6) For aircraft engines, the established rating.

(7) Any other information the Administrator finds appropriate.

(b) No person may remove or change identification information without the approval of the Administrator.

(Secs. 307(c), 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421, and 1423)

Issued in Washington, D.C., on January 3, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-212; Filed, Jan. 9, 1967; 8:45 a.m.]

[Docket No. 7270; Amdt. No. 37-10]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne ATC Transponder Equipment, TSO–C74a

The purpose of this amendment to Part 37 of the Federal Aviation Regulations is to revise technical standard order (TSO–C74) for airborne ATC transponder equipment to increase the number of available reply codes and to add on automatic altitude reporting capability. In addition to revising the various technical aspects of the present TSO–C74, this amendment incorporates Federal Aviation Agency Standards and Test Procedures. This action was published as a notice of proposed rule making (31 F.R. 5570, Apr. 8, 1966), and circulated as Notice 66–12.

Transponder equipment comprises only one element of the complete system required for automatic altitude reporting. By separate rule-making action, the Agency is also establishing minimum performance standards (TSO–C88) for 100-foot increment digitizing equipment.

As stated in Notice 66–12, the Datex Corp., Monrovia, Calif., owns U.S. Patent No. 3,165,731 issued January 12, 1965, in the name of Carl P. Spaulding, and claims it covers digitizer equipment employing the parallel digital code set forth in the International (ICAO) Code for SSR Pressure Altitude Transmission (ICAO International Standards and Recommended Practices; Aeronautical Telecommunications, Annex 10, Volume I, Part I, Equipment and Systems).

The FAA takes no position on whether the patent (1) is valid or (2) covers the ICAO Code so that use of the code might infringe the patent. However, in order to assure that the equipment covered by the TSO will be readily available at reasonable cost, the FAA has obtained an agreement from the patent owner providing for the granting of nonexclusive licenses on reasonable terms for the manufacture, use, or sale of the equipment claimed to be covered by the patent.

Numerous comments have been received in response to Notice 66–12. The more pertinent of these comments, together with the changes in the proposal resulting therefrom, are discussed in detail hereinafter.

Several comments were received concerning the applicability of this TSO. In one case, the comment was made that the requirements of this TSO are applicable only to airline users since they are required, for all practical purposes, to carry TSO equipment. In this connection, it was pointed out that in a cooperative system, such as secondary surveillance radar, the FAA should require anyone who carries an ATC transponder to meet a minimum performance standard. On the other hand, certain of the comments objected to the deletion of the phrase "for air carrier aircraft" from the applicability statement and expressed a need for clarification of this action. Concern was expressed that the deletion of this phrase would make the TSO applicable to all transponders in the absence

of any other known means of obtaining transponder equipment approval. The comments point out that the application of a rigid TSO would, in their opinion, impede the development of low-cost equipment and greatly retard the full utilization of the secondary surveillance radar system. It was suggested that if requirements are to be imposed on general aviation aircraft, they should be limited to those absolute minimum systems characteristics which could degrade the system.

In response to these comments, the Agency considers it appropriate to once again point out that the performance standards set forth in this TSO are mandatory only for equipment manufacturers who wish to obtain TSO authorization covering ATC transponder equipment. As the preamble to Notice 66-12 indicated, TSO's are directions to manufacturers holding authorizations under the system and are not directed to persons who install or use the equipment. Therefore, reference to "air carrier aircraft" in the applicability provision of the TSO would be both meaningless and confusing.

The technical standard order system merely provides one means by which equipment is approved and unless the operating rules require that equipment be TSO-approved, an operator may use any approved equipment. At the present time, TSO approval of a transponder is not necessary in order to obtain approval for the installation of the transponder and such installation may be made, notwithstanding the adoption of this TSO, without necessarily meeting the TSO performance standards. However, as the Agency indicated in Advance Notice 65-9 (Airborne Radio Navigation and Communication Equipment for General Aviation Aircraft, and Related Considerations) all transponder equipment must be capable of meeting a minimum level of performance (although not necessarily those in this TSO) if airborne equipment interference is to be avoided and safe passage of an aircraft in the National Airspace System is to be realized. In this connection, the Agency proposed, among other things, the development of "essential system characteristics" and "minimum performance standards" for ATC transponder equipment providing an automatic altitude reporting capability. Essential system characteristics, as outlined in the Notice, are those the equipment must have if its operation is not to impair the use of the airspace environment by others, nor create a hazard. Minimum performance standards are those the equipment must meet to insure acceptable accuracy for IFR operations in controlled airspace. These characteristics and standards are still under development by the Agency and the matters raised by the subject comments will be considered in developing the necessary standards and characteristics. When completed, they will be the subject of a separate notice of proposed rule-making action. The present TSO action is in no way indicative of the course of action that the Agency may take in future rule making under Notice 65-9.

In addition to the foregoing, a comment was received suggesting that a requirement for automatic altitude reporting capability should not be provided in the TSO, but that the provision for such capability should be optional at this time. In further support of this position, the comment pointed out that general aviation transponders which may not have altitude reporting capability must be required to meet minimum performance standard for the basic transponder system. Finally, it was suggested that since Mode C is not mandatory, a TSO requirement for Mode C could discourage general aviation users from meeting any standard. The Agency agrees that to prevent derogation of the system, certain basic transponder standards should be made mandatory for all users of the airspace involved. This is the subject of separate rule-making action under Advance Notice 65-9. However, we do not believe that the absence of a Mode C capability option in this revised TSO would discourage general aviation operators from meeting any standards. Under the current rule, operators may use transponders that do not meet any TSO requirements and while this may lead to the use of transponders that do derogate the system, allowing the Mode 3/A or Mode 3/A and Mode C option in this revised TSO as recommended, would not alter this situation materially. Rule making along the lines proposed in Notice 65-9 is the positive way to obtain compliance with essential system characteristics and thereby prevent system derogation.

Concerning the deletion of detailed test procedures as proposed in Notice 66-12, one comment voiced an objection on the grounds that a determination of the performance characteristics of a transponder depend on the method by which it is tested. While the Agency agrees that different levels of performance may be obtained depending on the techniques and test equipment used, this situation is not unique with respect to transponders. Moreover, this could occur even though the TSO contained standard test procedures.

There are many other areas where detail guidance for testing is not provided as part of the standard. As the Notice indicated, the standard is written for equipment manufacturers who certify compliance with the TSO. These manufacturers are considered qualified to test and certify their equipment using test procedures that they develop for this purpose.

A comment was received requesting clarification of the Agency's plans to utilize Mode D. Although technical parameters have been defined and agreed to internationally in ICAO for Mode D type of operations, no specific use has been assigned for Mode D operation and the Agency has no plans to use it. Mode D is incorporated into the TSO for information only.

As proposed, the TSO contained a section entitled "Rating of Components" which was included because it was thought that requirements for the rating of components would improve the reliability of equipment manufactured under the standard. However, there were objections to this section on the grounds that it is obsolete and may impose an unnecessary burden on the manufacturer. After further consideration, the Agency agrees that a requirement for the rating of components of a transponder is unnecessary and could impose restrictions on equipment design. It has therefore been deleted from the final rule.

In response to industry comments and for the purpose of clarification, the word "transmitter" has been removed from the requirement of paragraph 1.3(a) since the reply codes are not generated in the transmitter itself.

A suggestion was made that the requirement concerning operating controls should require that provision be made for the selection of Mode 3/A or Mode B, if Mode B is provided in the transponder. The Agency does not agree with this suggestion. The purpose of the requirement concerning operating controls is to prescribe functions which must be selectable, as a minimum. Mode B is an optional Mode (as is Mode D). It is necessary only for ATC transponder equipment installed in aircraft which operate in the United Kingdom. The pulse spacing for Mode B operation is contained in an appendix to the standard. The Agency sees no need to include such optional modes of operation in the minimum standards for transponders.

A comment was received concerning the proposed requirement that the variation of sensitivity of the receiver between any mode which it is capable of operating must be less than 1 db. It was pointed out that this requirement is too restrictive to accommodate the variation expected during temperature testing and it was recommended that the allowable variation be changed to 2 db. The Agency considers that a maximum variation of receiver sensitivity between modes of 2 db is excessive when the equipment is operating at normal room temperature. However, since it appears that the requirement would be difficult to meet over all of the temperature extremes which may be encountered in service, the Agency considers it appropriate to provide some relaxation in the standard. In this connection, the standard already provides an allowance in the receiver sensitivity requirement for minimum triggering level outside the temperature range of $-15°$ C. and $+40°$ C. It would, therefore, be consistent to allow a relaxation for the maximum variation of receiver sensitivity between modes when operating beyond these temperature extremes. The proposal has been changed to provide that during temperature testing the 2 db variation is allowed at temperatures below $-15°$ C. and above $+40°$ C.

In a comment objecting to the proposed requirement for repeated testing for spurious responses after each phase of environmental testing, it was pointed out that these tests are over and above

the testing done at normal room temperature and it was recommended that the requirement be deleted. The Agency agrees that if equipment is properly designed and meets the spurious response standard under normal room temperature operating conditions, the proposed testing of the spurious responses under the environmental temperature extremes is unnecessary. The proposal has been revised accordingly.

As proposed, the standard requires only Modes 3/A and C. A comment was received to the effect that since U.S. aircraft operating in international service are required to be capable of responding to interrogations on Mode B, the TSO should at least mention this requirement. The Agency sees merit in this recommendation and an appropriate note has been added to paragraph 2.4, *Interrogation*.

The proposal concerning side-lobe suppression (paragraph 2.5) would have continued in effect the current standards by requiring that all transponder equipment provide three pulse side-lobe suppression (SLS) and by providing for the incorporation of two pulse SLS capability in addition to three pulse SLS at the manufacturer's option. The provision concerning two pulse SLS would have been retained on the assumption that there would be an international need for two pulse side-lobe suppression capability in a transponder. Subsequent to the issuance of the Notice, however, the Communications/Operations Division of the International Civil Aviation Organization (ICAO) agreed, with the support of the U.S. delegation, to discontinue the use of two pulse SLS and to remove provisions relating to two pulse SLS from the international standard. Since the need for two pulse SLS capability did not materialize as anticipated, there is no longer any necessity for a provision in this TSO relating to two pulse SLS. For this reason and consistent with the action being taken with respect to the ICAO standards, reference to two pulse side-lobe suppression has been deleted from the standard. This change imposes no additional burden on any person and manufacturers will still be required to meet only the standards applicable to three pulse side-lobe suppression as proposed. However, with the deletion of the provision for two pulse side-lobe suppression, there is no longer any need to specifically identify suppression capability in terms of the number of pulses. Therefore, the standard now merely refers to "side-lobe suppression."

In addition, as proposed, the requirement of section 2.6(a)(2) would have applied only in equipment designed to operate with two pulse SLS. However, this was an inadvertent change from the current requirements and would have imposed an undue burden on manufacturers. Therefore, the final standard has not been changed as proposed and the regulation is the same as the current requirement.

A comment pointed out that in the proposed standard, side-lobe suppression decoding is permissible out to 3 microseconds, which allows military Mode 1 interrogations to generate suppression within the transponder. This causes unwanted dead time on the transponder, reducing its capability to reply to valid interrogations on other modes. It was suggested that a reduction in the outer limit to +0.7 microsecond should eliminate this possibility. The Agency agrees that a reduction in the outer limits to +0.7 microsecond would reduce the amount of dead time in the transponder and would provide improved operations. The standard has been changed to accommodate the suggested reduction.

As proposed, paragraph 2.6c of the standard provides, in pertinent part, that the transponder must be suppressed with 99 percent efficiency over the received signal amplitude range from minimum triggering level to 50 db above that level. A comment was received to the effect that the transponder must be suppressed with 99 percent efficiency not only from the minimum triggering level to 50 db but also below that level. The Agency agrees that such a requirement would reduce the probability that the transponder would respond to a false signal and create a false target. However, compliance with such a requirement would be more difficult to achieve and would impose an additional burden on the manufacturer. Service experience has shown that the present requirement will achieve a satisfactory level of performance and is considered adequate by the Agency.

In answer to a question concerning the intent of the proposed standard with respect to increased dead time, it should be made clear that the proposed requirement concerning dead time is a clarification of the present requirement and was established to accommodate military users on the emergency reply. The proposed revision permits an increase in dead time over that permitted under the current TSO for this application.

A comment was made that delay variations between modes on which the transponder is capable of replying of less than or equal to 0.2 microsecond is too restrictive to accommodate the variation expected during variations in temperature. It was recommended that this be changed to 0.4 microsecond during temperature testing. The Agency considers that maximum delay variations of 0.4 microsecond between modes on which the transponder is capable of replying are excessive when the equipment is operating at normal room temperature. However, since it appears that the proposed requirement would be difficult to meet over all of the temperature extremes which may be encountered in service, the Agency considers it appropriate to provide some relaxation in the requirement. In this connection, the standard already provides an allowance in the receiver sensitivity requirement for minimum triggering level outside the temperature range of −15° C. and +40° C. It would, therefore, be consistent to allow a relaxation for the maximum delay variation between modes when operating beyond these temperature extremes. The proposal has been changed to provide that during temperature testing the 0.4 microsecond variation is allowed at temperatures below −15° C. and above +40° C.

The requirements of paragraph 2.13b have been changed to make it clear that the pulse spacing is measured leading-edge to leading-edge at the half-voltage points. This method of measurement is consistent with other parts of the standard. With respect to the special position identification pulse (SPI), the proposal provided that when replying to Mode C interrogation, the SPI pulse is included in the reply train whenever the D_1 pulse is selected by the pressure altitude encoder. This provision was originally included in consideration of a possible international need. However, as a result of agreements reached by the Communications/Operations Division of ICAO at a meeting in November 1966, there will be no requirement to transmit the SPI pulse whenever the D_1 pulse is selected by the pressure altitude encoder for automatic altitude reporting in 100-foot increments. Therefore, this provision has been deleted from the proposed standard.

Objection was made to the requirements of paragraph 2.13d of the standard, pointing out that it is extremely difficult to meet the pulse rise time limits between 0.05 and 0.1 microsecond. The comment states that essentially all new transponders use grid or cathode pulse transmitters which permit greater use of solid state devices and provide better recovery characteristics for the 1.45-microsecond pulse spacing. These transmitters nominally give rise times of 0.04 and 0.05 microsecond which was previously permitted. The comment further indicates that it can be shown mathematically that the significant portion of the spectrum does not change when the rise time is faster than 0.05 microsecond if the fall time approaches the outer limit. As proposed by the Agency, the intent of the lower limit to pulse rise time and pulse decay (fall) time specified in paragraph 2.13d is to control spurious sideband radiation which could cause serious interference to other electronic equipment in the aircraft or operating nearby. In response to this comment, the Agency considers it appropriate to provide that the rise and decay time (0.05 microsecond) may be less providing the sideband radiation is no greater than that which would be produced theoretically by a trapezoidal wave having the stated rise and decay time.

A comment was received suggesting that instead of requiring the transponder to be capable of transmitting all 11 information pulses, the standard should be revised to specify that this requirement be made a function of the altitude ceiling of the equipment. It was not intended that equipment have a capability of transmitting all 11 information pulses and the Agency concurs in this comment. The proposal has been changed to require that the equipment have the capability of transmitting only those information pulses necessary for operation up to its design maximum altitude.

A comment was received objecting to the requirements of paragraphs 2.15 and 2.16 which refer to probable malfunctions of the monitor and the self-test feature. The comment points out that any malfunction that could possibly occur is a probable malfunction and that it is important to protect against malfunctions that are reasonably probable. The Agency concurs that protection against all probable malfunctions would be unreasonable and exceeds the state of the art. The Agency believes that the phrase "likely to occur" more appropriately expresses the intent of these paragraphs and achieves the objective of the comment. The proposal has been revised accordingly.

With respect to paragraph 2.17 concerning the equipment antenna, a comment noted that the antenna requirement is appropriate only if it may be assumed that any tests required of the antenna are made considering the antenna as an independent component operated on a specified ground plane, since the antenna radiation pattern is entirely dependent on the characteristics of both the antenna and ground plane in combination. The Agency agrees that the antenna radiation pattern is dependent on the performance of both the antenna and ground plane combination used in conducting the tests. Under paragraph 2.17 the antenna is not required to be installed on the aircraft and the manufacturer may select any suitable ground plane which would provide optimum performance for his antenna in conducting these tests. The requirement is reasonable and is not difficult to meet if commonly accepted design practices are followed.

Commenting on the emission of spurious radio frequency energy requirement contained in Appendix A of the FAA document "Environmental Test Procedures for Airborne Electronic Equipment", it was pointed out that as stated in the Appendix, any energy radiating on the selected transmitter frequency ±50 percent of the band of frequencies between adjacent channels is not included in the requirements. In this context, the commentator requests to be advised concerning this band of frequencies for a single channel device such as the transponder and indicates that exclusion of a band of frequencies around the 1090-Mc transmitter frequency is necesssary since it is extremely difficult to contain this energy at the power levels required in the transponder. In response to this comment, it is noted that DME channels are reserved above 1083 Mc and below 1094 Mc to provide protection for the secondary surveillance radar (SSR) system. Based on this protection plan, the next adjacent channel to the ATC transponder transmitter is 1094 Mc. For purposes of meeting the emission of spurious radio frequency energy requirements, the next adjacent channel would be considered 4.0 Mc from the 1090-Mc frequency of the transponder transmitter.

Paragraph 2.11a of the proposal contains the power output requirements for transponders. As stated in that paragraph, the requirement is based on the assumption that there is a transmission line loss of 3 db. Thus, if the transmission line loss exceeds 3 db, the power output must be adjusted accordingly. Since this was not clearly set forth in the proposal, a new subparagraph has been added providing the necessary clarification.

As proposed, the standard required selection of Modes 3/A and/or C. However, the Agency is now aware that the National Airspace System design will not accept transponder Mode C replies unless they are associated with Mode 3/A replies. The proposal has been revised to require selection of Mode 3/A or Modes 3/A and C.

Other changes of an editorial or clarifying nature have been made to the TSO as proposed. They are not substantive and do not impose any additional burden on regulated persons.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

(Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421)

In consideration of the foregoing, § 37.180 of Part 37 of the Federal Aviation Regulations is amended to read as hereinafter set forth, effective February 10, 1967.

Issued in Washington, D.C., on December 30, 1966.

C. W. WALKER,
Director, Flight Standards Service.

§ 37.180 Airborne ATC transponder equipment—TSO–C74a.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that ATC transponder equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after February 10, 1967, must meet the requirements of the "Federal Aviation Agency Standard, Airborne ATC Transponder Equipment," set forth at the end of this section and the FAA document for Environmental Test Procedures for Airborne Electronic Equipment, set forth in TSO–C87, effective February 1, 1966 (30 F.R. 15553, Dec. 17, 1965).

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental procedures outlined in the FAA document for Environmental Test Procedures for Airborne Electronic Equipment, that have categories established. These must be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." folowed by six letters which identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-altitude category.
(ii) Vibration category.
(iii) Audiofrequency magnetic field susceptibility category.
(iv) Radiofrequency susceptibility category.
(v) Emission of spurious radiofrequency energy category.
(vi) Explosion category.

(2) Equipment intended for installation in aircraft that operate at altitudes above 15,000 feet must be identified on the nameplate as Class I equipment.

(3) Equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet must be identified on the nameplate as Class II equipment. A typical nameplate identification follows: "Env. Cat. DBAAAX Class I."

(4) Where a manufacturer desires to substantiate his equipment in dual categories for one environment, the nameplate must be marked with both categories in the space designated for that category by placing one letter above the other in the following manner:

A
"Env. Cat. DBAAX Class I."

(5) Each separate component of equipment (antenna, power supply, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the operating instructions and equipment limitations of the manufacturer.

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a listing of components (by part number) or possible combinations thereof, which make up a system complying with this TSO. Indicate any limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the test report of the manufacturer.

(d) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to February 10, 1967, may continue to be manufactured under the provisions of its original approval.

FEDERAL AVIATION STANDARD

AIRBORNE ATC TRANSPONDER EQUIPMENT

1.0 *General standards*—1.1 *Operation of controls.* The design of the equipment must be such that the controls intended for use during flight cannot be operated in any possible position combination, or sequence that would result in a condition detramental to to the continued performance of the equipment. Controls that are not normally adjusted in flight must not be readily accessible in flight.

1.2 *Operating controls.* In addition to such other operating controls as are neces-

sary, controls must be provided to accomplish the following functions:

a. Selection of reply codes.

b. Selection of "standby" condition.

c. Selection of Mode 3/A only and Modes 3/A and C combined.

d. Activation of identification feature.

1.3 *Effects of test.* Unless otherwise stated, the design of the equipment must be such that the application of the specified tests produces no discernible condition that would be detrimental to the continued performance of equipment manufactured in accordance with such design.

2.0 *Minimum performance standards under standard conditions.* The test conditions and definitions of terms applicable to a determination of the performance of airborne ATC transponder equipment are set forth in Appendix A.

2.1 *Receiver operating frequency and bandwidth.* a. The receiver nominal center frequency must be 1030 Mc.

b. With an input signal level 3 db above the minimum triggering level, the receiver bandwidth must be such that the receiver accepts pulses as outlined in Appendix A with an interrogation center frequency drift of ± 0.2 Mc.

c. The skirt bandwidth must be such that the sensitivity of the receiver is at least 60 db down at ± 25 Mc and beyond.

2.2 *Receiver Sensitivity.* a. The sensitivity of the receiver must be such that the minimum triggering level is at least -72 dbm but not greater than -80 dbm at not less than 90 percent transponder efficiency as measured at the equipment antenna terminal.

b. With the transponder adjusted to comply with paragraph a., the random triggering rate (squitter) must not be greater than five reply pulse groups or suppressions per second averaged over a period of at least 30 seconds.

c. Variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 1 db.

d. The standards of this section assume that the transmission line loss is 3 db and that a matched resonant, monopole antenna mounted on a large flat highly conductive ground plane is employed. In the event that these assumed conditions do not apply, the equipment must be adjusted as necessary to provide a sensitivity equivalent to that specified.

2.3 *Spurious responses.* All spurious responses, including response to image frequencies, must be such that the response to such signals is at least 60 db down from the normal sensitivity of the receiver.

2.4 *Interrogation.* The equipment must accept and reply to interrogations on at least Modes 3/A and C.

NOTE: Interrogation Modes B and D as defined in Figure 1 have been agreed upon internationally and their use may be specified for certain flight operations. These modes may be provided as optional features on transponder equipment.

2.5 *Side-lobe suppression.* The equipment must provide side-lobe suppression.

2.6 *Decoding performance.* a. Conditions under which transponder must reply. When selected to reply to a particular interrogation mode, and with a signal amplitude range from the minimum triggering level to 50 db above that level, the transponder must reply to at least 90 percent of the interrogations when all of the following conditions are met:

(1) Either the received amplitude of P_1 is in excess of a level of 9 db above the received amplitude of P_2, or no pulse is received 2 ± 0.7 microsecond following P_1.

(2) The received amplitude of P_2 is in excess of a level of 1 db below the received amplitude of P_1.

(3) The received amplitude of a proper interrogation is more than 10 db above the received amplitude of random pulses where the latter are not recognized by the transponder as P_1, P_2, or P_3.

b. *Conditions under which transponder must not reply.* Over the signal amplitude from the minimum triggering level to 50 db above this level, the transponder must not reply to more than 10 percent of the interrogations under either of the following conditions:

(1) The interval between interrogation pulse P_1 and P_3 differs from the specified spacing for the particular mode setting by more than ± 1.0 microsecond.

(2) The interrogations consist of single pulses. However, this does not apply to those combinations of single pulses that occur at the selected interrogation spacing or to single pulses that have amplitude variations approximating a normal interrogation condition.

c. *Side-lobe suppression.* The transponder must be suppressed for a period of 35 ± 10 microseconds following receipt of a pulse pair of proper spacing and amplitude indicative of side-lobe interrogation. This suppression action must be capable of being reinitiated for the full duration within 2 microseconds after the end of any suppression period. The transponder must be suppressed with 99 percent efficiency over the received signal amplitude range from minimum triggering level to 50 db above that level and upon receipt of properly spaced interrogations when the received amplitude of P_2 is equal to or in excess of the received amplitude of P_1 and spaced 2.0 ± 0.15 microsecond from P_1.

2.7 *Transponder discrimination and desensitization*—a. *Pulse width discrimination.* Received signals of amplitude between minimum triggering level and at least 6 db above this level, and of a duration less than 0.3 microsecond, must not cause the transponder to initiate more than 10 percent reply or suppression action. With the exception of pulses having amplitude variations approximating a normal interrogation or suppression pulse pair condition, any pulse of a duration more than 1.5 microseconds must not cause the transponder to initiate reply or suppression action over the signal amplitude range from the minimum triggering level to 50 db above that level.

b. *Echo suppression and recovery*—(1) *Echo suppression desensitization.* Upon receipt of any pulse more than 0.7 microsecond in duration (desensitization pulse), the receiver must be desensitized by an amount that is within at least 9 db of the amplitude of the desensitizing pulse but must at no time exceed the amplitude of the desensitizing pulse except for overshoot during the first microsecond following the desensitizing pulse.

(2) *Recovery.* Following desensitization, the receiver must recover sensitivity (within 3 db of minimum triggering level) within 15 microseconds after reception of a desensitizing pulse having a signal strength up to 50 db above minimum triggering level. Recovery must be nominally linear at an average rate not exceeding 3.5 db per microsecond.

(3) *Narrow pulses.* Single pulses of duration less than 0.7 microsecond must not cause desensitization of duration or amount greater than that permitted in subparagraphs (1) or (2).

c. *Dead time.* After reception of a proper interrogation, the transponder must reply to no other interrogation for the duration of the reply pulse train. This dead time must end no later than 125 microseconds after the transmission of the last reply pulse of the group.

d. *Reply rate control.* A sensitivity-reduction type reply rate control must be provided. The range of this control must permit adjustment of the reply rate to any value between 500 replies per second and the maximum rate of which the transponder is capable, or 2,000 replies per second, whichever is the lesser, without regard to the number of pulses in each reply. Sensitivity reduction in excess of 3 db must not take effect until 90 percent of the selected reply rate is exceeded. The sensitivity must be reduced by at least 30 db when the rate exceeds the selected value by 50 percent.

2.8 *Transponder reply rate capability.* a. For equipment intended for installation in aircraft that operate at altitudes above 15,000 feet (Class I), the reply rate capability must be at least 1,200 reply groups per second for a 15-pulse coded reply.

b. For equipment intended for installation in aircraft that operate at altitudes not exceeding 15,000 feet (Class II), the reply rate capability must be at least 1,000 reply groups per second for a 15 pulse coded reply.

2.9 *Transponder reply code capability.* Transponders must provide the following code capability:

a. Framing pulses (see par. 2.13a.).

b. Information pulses in all combinations of the A, B, C, and D subscript groups, to create 4096 codes (see par. 2.13b.).

c. Special position identification pulse (SPI) (see par. 2.13c.).

2.10 *Reply transmission frequency.* The center frequency of the reply transmission must be 1090 ± 3 Mc.

2.11 *Transmitter power output.* a. For equipment intended for installation in aircraft which operate at altitudes above 15,000 feet (Class I), the transmitter power (peak pulse) must be between 24 and 30 db above 1 watt at the transponder antenna terminal at any reply rate up to 1,200 per second for a 15-pulse coded reply. This standard assumes a transmission line loss of 3 db.

b. For equipment intended for installation in aircraft which operate at altitudes not exceeding 15,000 feet (Class II), the transmitter power (peak pulse) must be between 20 and 28.5 db above 1 watt at the transponder antenna terminal at any reply rate up to 1,000 per second for a 15-pulse coded reply. This standard assumes a transmission line loss of 1.5 db.

c. In the event that the assumed transmission line losses specified in subparagraphs a. and b. of this paragraph do not apply, the equipment must be adjusted as necessary to provide a transmitter power output equivalent to that specified.

2.12 *Reply delay and jitter.* a. The time delay between the arrival, at the transponder input, of the leading edge of P_3, and the transmission of the leading edge of the first pulse of the reply must be 3 ± 0.5 microseconds.

b. The jitter of the reply pulse code group with respect to P_3 must not exceed ± 0.1 microsecond for receiver input levels between 3 and 50 db above the minimum triggering level.

c. Delay variations between modes on which the transponder is capable of replying must not exceed 0.2 microsecond.

2.13 *Reply transmission pulse characteristics*—a. *Framing pulses.* The reply function must employ a signal comprising two framing pulses spaced 20.3 microseconds measured leading-edge to leading-edge at half-voltage points, as the most elementary code.

b. *Information pulses.* Information pulses spaced at intervals of 1.45 microseconds measured leading-edge to leading-edge at the half-voltage points with the first pulse positioned 1.45 microseconds after the first framing pulse must be provided. The designation of these pulses and their position with respect to the first framing pulse is as follows:

Pulse	Position (microseconds)
C_1	1.45
A_1	2.90
C_2	4.35
A_2	5.80
C_4	7.25
A_4	8.70
X^1	10.15
B_1	11.60
D_1	13.05
B_2	14.50
D_2	15.95
B_4	17.40
D_4	18.85

[1] The X pulse is referenced here for possible future use.

NOTE: Details and nomenclature of the transponder reply pulse codes are set forth in Appendix A.

c. *Special position identification pulse (SPI).* In addition to the information pulses provided, a special position identification pulse, which may be used with any of the other information pulses upon request, must be provided at a spacing 4.35 microseconds following the last framing pulse. When replying to any mode of interrogation to which the transponder is capable, except Mode C, the selection of the SPI pulse must be initiated by an IDENT switch. Upon activation of the IDENT switch, the SPI pulse must be transmitted for a period between 15 and 30 seconds and must be repeatable at any time.

d. *Reply pulse shape.* All reply pulses and SPI pulses must be 0.45±0.10 microsecond in duration and have rise times of from 0.05 to 0.1 microsecond and decay times of from 0.05 to 0.2 microsecond. The pulse amplitude variation of one pulse with respect to any other pulse in a reply train must not exceed 1 db. The rise and decay time may be less providing the sideband radiation is no greater than that which would be produced theoretically by a trapezoidal wave having the stated rise and decay time.

e. *Reply pulse spacing tolerances.* The pulse spacing tolerances for each pulse (including the last framing pulse) with respect to the first framing pulse of the reply group must be ±0.10 microsecond. The pulse spacing tolerance of the special position identification pulse with respect to the last framing pulse of the reply group must be ±0.10 microsecond. The pulse spacing tolerance of any pulse in the reply group with respect to any other pulse (except the first framing pulse) must be no more than ±0.15 microsecond.

2.14 *Pressure-altitude transmission.* The equipment must have the capability for automatic pressure-altitude transmission in 100-foot increments on Mode C when operated in conjunction with a pressure-altitude encoder (digitizer). The equipment must be capable of automatic reply to Mode C interrogations with combinations of information pulses coded in binary form in 100-foot increments necessary for the equipment to operate up to design maximum altitude. Automatic pressure altitude transmission codes pulse position assignment are set forth in Appendix A.

2.15 *Monitor.* If a monitor is provided, any malfunction that is likely to occur must not degrade the transponder operation.

2.16 *Self-test.* If a self-test feature is provided, any malfunction that is likely to occur must not degrade the transponder operation.

2.17 *Antenna.* The equipment antenna radiation pattern must be predominantly vertically polarized and be essentially omnidirectional in the horizontal plane with a nominal vertical beamwidth of at least ±30 degrees from the horizontal plane. The voltage standing wave ratio (VSWR) produced on the antenna transmission line by the antenna must not exceed 1.5 : 1 when operating on the radio frequencies of 1030 and 1090 Mc.

2.18 *Interference suppression pulse response.* If the equipment is designed to accept and respond to suppression pulses from other electronic equipment in the aircraft (to disable it while the other equipment is transmitting), the equipment must regain normal sensitivity, within 3 db, not later than 15 microseconds after the end of the applied suppression pulse.

3.0 *Minimum performance standards under environmental conditions.* Unless otherwise specified herein, the environmental test procedures applicable to a determination of the performance of airborne ATC transponder equipment under environmental conditions are contained in the FAA document for Environmental Test Procedures for Airborne Electronic Equipment set forth in TSO–C87 (30 F.R. 15553), hereafter referred to as FAA Environmental Test Procedures.

3.1 *Temperature-altitude.* The equipment must be tested in accordance with paragraph 4 of FAA Environmental Test Procedures for the category to which the transponder is designed.

a. *Low temperature.* (1) When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures below −15° C, the sensitivity must not be less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures below −15° C the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

(2) Following the low temperature test, the requirements of paragraph 2.17 must be met.

b. *High temperature.* (1) When the equipment is subjected to the high operating temperature, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures above +40° C, the sensitivity must not be less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures above +40° C the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

(2) Following the high temperature test, the requirements of paragraph 2.17 must be met.

c. *Altitude.* (1) When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a, and b.; 2.10; 2.11; and 2.13d.

(2) Following the altitude test, the requirements of paragraph 2.17 must be met.

d. *Temperature variation.* The equipment must be tested in accordance with paragraph 8 of FAA Environmental Test Procedures.

(1) When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a; 2.2, except that at temperatures below −15° C and above +40° C, the sensitivity must not be less than −69 dbm and the variation of sensitivity of the receiver between any mode on which it is capable of operating must be less than 2 db; 2.6a(1); 2.6b(1); 2.6c; 2.7b; 2.7c; 2.10; 2.11; 2.12, except that at temperatures below −15° C and above +40° C, the delay variation between modes on which the transponder is capable of replying must be less than 0.4 microsecond; 2.13c; 2.13d; and 2.13e.

(2) Following the temperature variation test, the requirement of paragraph 2.17 must be met.

3.2 *Humidity.* The equipment must be tested in accordance with paragraph 5 of FAA Environmental Test Procedures. After subjection to this test, and

a. Within 15 minutes from the time primary power is applied, the receiver sensitivity must be within 3 db of that specified in paragraph 2.2 and the transmitter power output must be within 3 db of that specified in paragraph 2.11.

b. Within 4 hours from the time primary power is applied, the standards of paragraphs 2.1 a. and b.; 2.2; 2.10; 2.11; and 2.17 must be met.

3.3 *Shock.* The equipment must be tested in accordance with paragraph 6 of FAA Environmental Test Procedures.

a. Following the application of the 6G shocks, the standards of the following paragraphs must be met: 2.1a.; 2.2; 2.6a.(1); 2.6c.; 2.7b.; 2.7c.; 2.10; 2.11; 2.12; 2.13c.; 2.13d.; 2.13e.; and 2.17.

b. Following the application of the 15G shocks, the equipment must have remained in its mounting and no parts of the equipment or its mounting become detached and free of the shock test equipment.

NOTE: The application of the 15G shock test may result in damage to the equipment. Therefore, this test may be conducted after the other tests are completed.

3.4 *Vibration.* The equipment must be tested in accordance with paragraph 7 of FAA Environmental Test Procedures for the category to which the transponder is designed.

a. When the equipment is subjected to this test, the standards of the following paragraphs must be met: 2.1a.; 2.2; 2.6a.(1); 2.6b.(1); 2.6c.; 2.7b.; 2.7c.; 2.10; 2.11; 2.13c.; 2.13d.; and 2.13e.

b. Following the vibration test, the requirements of paragraph 2.17 must be met.

3.5 *Power input.* The equipment must be tested in accordance with paragraph 9 of FAA Environmental Test Procedures.

a. *Power input variation.* When the equipment is subjected to the voltage and frequency variation test set forth in paragraph 9.1 of FAA Environmental Test Procedures, the standards of the following paragraphs must be met: 2.1a.; 2.2; 2.6a.(1); 2.6b.(1); 2.6c.; 2.7b.; 2.7c.; 2.10; 2.11; 2.12; 2.13c.; 2.13d.; and 2.13e.

b. *Low voltage.* (1) When the equipment is subjected to the test specified in paragraph 9.2a. of FAA Environmental Test Procedures it must operate electrically and mechanically. Degradation of performance is permissible.

(2) When the equipment is subjected to the test specified in paragraph 9.2b.(1) of FAA Environmental Test Procedures, the standards of paragraphs 2.1 a. and b.; 2.2; 2.10; and 2.11 must be met.

(3) When the equipment is subjected to the test specified in paragraph 9.2b.(2) of FAA Environmental Test Procedures, there must be no evidence, external to the equipment, of the presence of fire or smoke.

NOTE: The application of this test may result in damage to the equipment. Therefore, this test may be conducted after the other tests are completed.

3.6 *Conducted voltage transient.* The equipment must be tested in accordance with paragraph 10 of the FAA Environmental Test Procedures. When the equipment is subjected to this test, the standards of paragraphs 2.1 a. and b.; 2.2; 2.10; and 2.11 must be met.

3.7 *Conducted audiofrequency susceptibility.* The equipment must be tested in accordance with paragraph 11 of FAA Environmental Test Procedures. When the equipment is subjected to this test, the standards of paragraphs 2.1 a. and b.; 2.2; 2.10; and 2.11 must be met.

3.8 *Audiofrequency magnetic field susceptibility.* The equipment must be tested in accordance with paragraph 12 of FAA Environmental Test Procedures. When the equipment is subjected to this test, the standards of paragraphs 2.1 a. and b.; 2.2; 2.10; and 2.11 must be met.

3.9 *Radiofrequency susceptibility (radiated and conducted).* The equipment must be tested in accordance with paragraph 13 of FAA Environmental Test Procedures. When the equipment is subjected to this test, the standards of paragraphs 2.1 a. and b.; 2.10; and 2.11 must be met.

3.10 *Emission of radiofrequency energy.* The equipment must be tested in accordance with Appendix A of FAA Environmental Test Procedures for the category to which the transponder is designed. In addition to the maximum levels of radiated CW, broadband and pulsed CW interference between the limits of 0.1 and 1000 megacycles there specified, the maximum levels of radiated CW, broadband and pulsed CW interference between the frequency limits of 1000 and 2500 megacycles are limited to those shown in Figures 20, 21, 22, and 23 for 1000 megacycles for the category to which the transponder is designed.

3.11 *Explosion (if required).* The equipment must be tested in accordance with paragraph 14 of FAA Environmental Test Procedures. During the application of this test, the equipment must cause no detonation of the explosive mixture within the test chamber.

APPENDIX A

1.0 *Test conditions.* The following definitions of terms and conditions of test are applicable to the ATC transponder equipment.

a. *Power input voltage—Direct current.* Unless otherwise specified, when the equipment is designed for operation from a direct current power source, all measurements must be conducted with the power input voltage adjusted to 13.75 volts, ±2 percent for 12–14 volt equipment, or to 27.5 volts, ±2 percent for 24–28 volt equipment. The input voltage must be measured at the equipment power input terminals.

b. *Power input voltage—Alternating current.* Unless otherwise specified, when the equipment is designed for operation from an alternating current power source, all tests must be conducted with the power input voltage adjusted to design voltage ±2 percent. In the case of equipment designed for operation from a power source of essentially constant frequency (e.g., 400 cps), the input frequency must be adjusted to design ±2 percent. In the case of equipment designed for operation from a power source of variable frequency (e.g., 350 to 1000 cps), tests must be conducted with the input frequency adjusted to within 5 percent of a selected frequency within the range for which the equipment is designed.

c. *Adjustment of equipment.* The circuits of the equipment under test must be properly aligned and otherwise adjusted in accordance with the manufacturer's recommended practices prior to the application of the specified tests.

d. *Test instrument precautions.* Due precautions must be taken during the conduct of the tests to prevent the introduction of errors resulting from the improper connection of headphones, voltmeters, oscilloscopes, and other test instruments across the input and output impedances of the equipment under test.

e. *Ambient conditions.* Unless otherwise specified, all tests must be conducted under conditions of ambient room temperature, pressure and humidity. However, the room temperature must not be lower than 10° C.

f. *Warm-up period.* Unless otherwise specified, all tests must be conducted after a warm-up period of not less than fifteen (15) minutes.

g. *Connected load.* Unless otherwise specified, all tests must be performed with the equipment connected to loads having the impedance value for which it is designed.

h. *Interrogation test signal.* The characteristics of the interrogation test signal are:

Radiofrequency. The frequency of the signal generator oscillator must be 1030 mc ±0.01 percent.

CW output. CW output between pulses must be at least 60 db below the peak level of the pulses.

Interrogation. The interrogation must consist of two transmitted pulses designated P_1 and P_2. When providing side-lobe suppression the basic interrogation is supplemented by pulse P_2 transmitted after P_1. The amplitude of P_2 must not be more than 1 db below the radiated amplitude of P_1.

Pulse coding. The interval, measured leading-edge, to leading-edge at half voltage points, between P_1 and P_2, is as follows:

Mode 3/A	8±0.2 microseconds.
Mode B	17±0.2 microseconds.
Mode C	21±0.2 microseconds.
Mode D	25±0.2 microseconds.

The interval between P_1 and P_2 when P_2 is used, must be 2.0±0.15 microseconds.

Pulse shape. The pulse envelope as detected by a linear detector must have a shape falling within the following limits:

(1) *Pulse rise time.* The time required for the leading edge of pulses P_1, P_2, and P_3 to rise from 10 to 90 percent of its maximum voltage amplitude must be between 0.05 and 0.1 microsecond.

(2) *Pulse fall time.* The time required for the trailing edge of pulses P_1, P_2, and P_3 to fall from 90 to 10 percent of its maximum voltage amplitude must be between 0.05 and 0.2 microsecond.

(3) *Pulse duration.* The duration of pulse P_1, P_2, and P_3 must be 0.8±0.1 microsecond measured at the half-voltage points.

i. *Code nomenclature.* The code designations consist of four digits each of which lies between 0 and 7, inclusive, and consist of the sum of the numerical subscripts of the pulse employed as follows:

Digit	*Pulse group*
First	A
Second	B
Third	C
Fourth	D

Examples.

1. Code 3600 consists of information pulses A_1, A_2, B_1, B_2.

2. Code 2057 consists of A_2, C_1, C_2, D_1, D_2, D_4.

j. *Minimum triggering level (MTL).* Means the lowest level of signal to which the transponder will reply to 90 percent of the received interrogations.

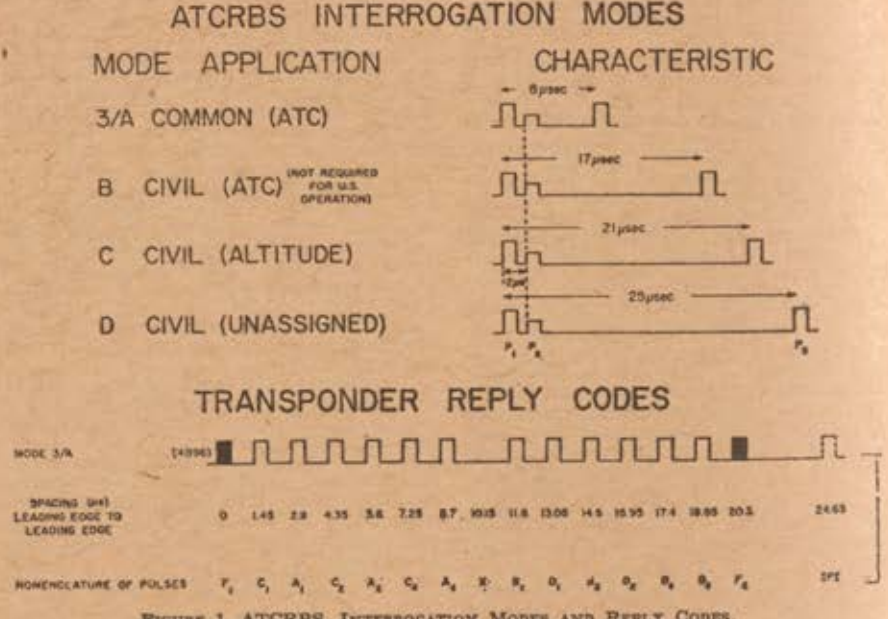


FIGURE 1. ATCRBS, INTERROGATION MODES AND REPLY CODES.

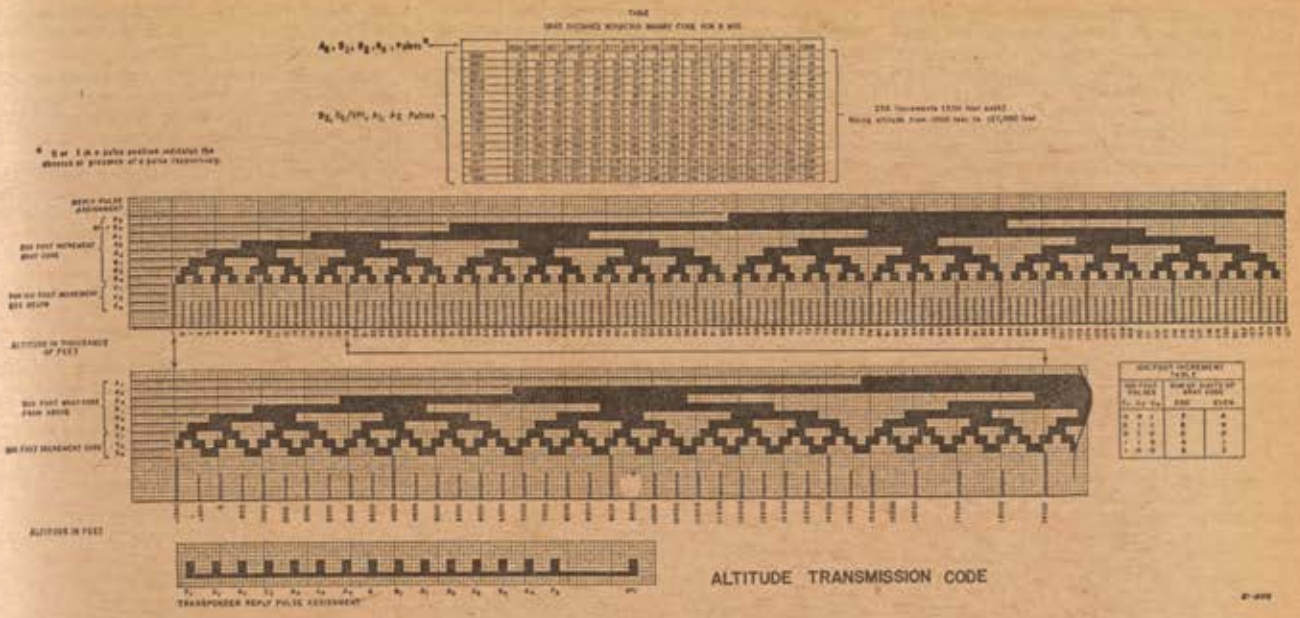


FIGURE 2. ALTITUDE TRANSMISSION CODE.

[F.R. Doc. 67-176; Filed, Jan. 9, 1967; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 80—NEWLY-MINED DOMESTIC SILVER REGULATIONS OF ULY 6, 1939, AS AMENDED

PART 81—NEWLY-MINED DOMESTIC SILVER REGULATIONS OF 1965

PART 93—OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS PROCEDURES AND DESCRIPTIONS OF FORMS

Conditions for Purchase of Newly-Mined Domestic Silver

1. Part 80 of Chapter I of Title 31 entitled "Newly-Mined Domestic Silver Regulations of July 6, 1939, as amended," is deleted from the Code of Federal Regulations. The statutory authority under which it was issued has been repealed.

2. The following new Part 81 of Chapter I of Title 31, "Newly-Mined Domestic Silver Regulations of 1965" is issued. These regulations prescribe the requirements to be observed in connection with the sale to the U.S. mints and assay offices, as provided in section 104 of the Coinage Act of 1965, P.L. 89-81 approved July 23, 1965, of newly mined domestic silver.

In accordance with the provisions of section 104 of the Coinage Act of 1965, the regulations set forth below provide that subject to the general regulations applicable to the receipt of bullion deposits at the mints and assay offices, silver will be received at the mints and assay offices for purchase at the price of $1.25 per fine troy ounce less mint charges provided the silver meets the requirements of the Act in that it has been mined or is the equivalent of silver mined subsequent to the date of enactment of the Act from natural deposits in the United States or any place subject to the jurisdiction thereof within 1 year preceding the date such silver is tendered to the mint or assay office.

The regulations require persons tendering silver to a U.S. mint or assay office under section 104 of the Coinage Act of 1965 to furnish evidence concerning its eligibility for purchase thereunder as follows:

(a) A certification with each such delivery that the requirements of the Act have been met together with a supporting miner's certificate;

(b) Monthly reports covering all transactions in newly mined domestic silver; and

(c) Such other evidence as may be required by the Office of Domestic Gold and Silver Operations.

In addition persons delivering silver to a mint or assay office under section 104 of the Coinage Act of 1965 will be required to keep records of all acquisitions and dispositions of newly mined domestic silver, such records to be available for inspection by a representative of the Treasury Department for a period of 5 years after the transactions to which they relate. In appropriate cases, an agreement by the person from whom the tenderer of the silver acquired it that such records will be kept may be required.

The regulations are as follows:

Sec.
81.01 Scope.
81.02 Definitions.
81.03 Forms.
81.04 Revocation or modification.
81.05 Silver which will be received.
81.06 Certificates.
81.07 Evidence which may be required.
81.08 Records.
81.09 Reports.
81.10 Agreement relating to records.
81.11 Settlement for silver delivered.

AUTHORITY: The provisions of this Part 81 issued under secs. 104, 107, P.L. No. 89-81, approved July 23, 1965, 79 Stat. 255.

§ 81.01 Scope.

The regulations in this part relate to the receipt by the U.S. mints and assay offices, pursuant to the provisions of section 104 of the Coinage Act of 1965, P.L. 89-81, of silver mined in the United States or any place subject to the jurisdiction thereof.

§ 81.02 Definitions.

As used in this part, the term "person" means an individual, partnership, association, or corporation. The authority conferred in the regulations in this part upon a U.S. mint or assay office is conferred upon the person locally in charge of such mint or assay office, acting in accordance with the instructions of the Secretary of the Treasury or his delegate.

§ 81.03 Forms.

Any form, the use of which is prescribed in this part, may be obtained at

or on written request to any U.S. mint or assay office or at the Office of Domestic Gold and Silver Operations, Treasury Department, Washington, D.C. 20220.

§ 81.04 Revocation or modification.

The provisions of this part may be revoked or modified at any time.

§ 81.05 Silver which will be received.

The U.S. mints and assay offices, under the conditions hereinafter specified, and subject to the appropriate regulations governing the mints and assay offices will receive:

(a) Silver which has been mined subsequent to July 23, 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof and was tendered to the mint or assay office within 1 year after the month in which the ore from which it is derived was mined;

(b) Silver which forms a part of a mixture of newly mined domestic, secondary, and/or foreign silver provided the amount of the silver so received does not exceed that amount of the mixture mined subsequent to July 23, 1965, from natural deposits in the United States or any place subject to the jurisdiction thereof within 1 year (computed from the first day of the month following the month in which the ore from which it is derived was mined) preceding the date such mixture is tendered to the mint or assay office.

§ 81.06 Certificates.

Every person delivering silver to a U.S. mint or assay office pursuant to the provisions of this part shall file with each delivery a properly executed certificate on form TSA–100 and supporting certificate or certificates of the miner or miners on forms TSA–200 or TSA–200A, whichever is appropriate, containing the information called for in such forms.

§ 81.07 Evidence which may be required.

Persons delivering silver under the provisions of this part shall furnish such further evidence as may from time to time be requested by the Office of Domestic Gold and Silver Operations, including affidavits, sworn reports, and sworn abstracts from books of account of any mines or any or all smelters or refineries handling such silver.

§ 81.08 Records.

Every person delivering silver pursuant to this part, and every person owning or operating a smelter or refinery at which silver to be delivered under this part is mixed with secondary or foreign silver, or both, shall keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequent to July 23, 1965, including, among other things, records of the date when such silver was mined, acquired, and disposed of. Such records shall be available for examination by a representative of the Treasury Department until the end of the fifth calendar year (or if such person's records are kept on a fiscal year basis until the end of the fifth fiscal year) following the date of the transaction to which they relate.

§ 81.09 Reports.

Every person delivering silver to a U.S. mint or assay office pursuant to this part shall file with the Director, Office of Domestic Gold and Silver Operations on or before the 25th day of each month after the date the first delivery is made, a report on form TSA–300 covering the preceding calendar month. The first report shall cover the period from July 23, 1965 to the end of the calendar month preceding the date of the report.

§ 81.10 Agreement relating to records.

Every person who delivers to a U.S. mint or assay office, in accordance with § 81.05(b), silver which has been mixed with secondary or foreign silver at a smelter or refinery, other than that of the person making the delivery, shall, upon request of the Director, Office of Domestic Gold and Silver Operations, also file with each delivery of such silver an agreement properly executed under oath by a duly authorized officer of such other smelter or refinery, that records will be kept in accordance with the provisions of § 81.08 and that such records will be available for examination by a representative of the Director, Office of Domestic Gold and Silver Operations for at least 5 years following the date of the transaction to which they relate.

§ 81.11 Settlement for silver delivered.

The U.S. mints and assay offices shall pay for silver delivered in accordance with this part at the rate of $1.25 per fine troy ounce but shall retain from such purchase price an amount equal to all mint charges.

§§ 93.75, 93.76, 93.77 [Deleted]

3. Sections 93.75, 93.76 and 93.77, Chapter I of Title 31, "Application to purchase silver from the Treasury Department under the Act of July 31, 1946," "Forms prescribed (for deposits) under the Act of July 6, 1939" and "Forms prescribed (for deposits) under the Act of July 31, 1946" respectively, are deleted from the Code of Federal Regulations. The statutes which these sections implemented have been repealed.

4. Part 93 of Chapter I of Title 31 is amended by adding § 93.80 as follows:

§ 93.80 Forms prescribed for deposits of silver under section 104 of the Act of July 23, 1965.

The following forms are required to be submitted to the U.S. mint or assay office in connection with the deposit of newly mined domestic silver pursuant to section 104 of the Act of July 23, 1965 (see Part 81 of this chapter).

(a) *Form TSA–100: Certificate by owner relative to silver mined subsequent to July 23, 1965.* This certificate is required to be submitted by the owner with each deposit of silver and requires information concerning the date the silver was mined and the ownership thereof.

(b) *Form TSA–200: Certificate of miner relative to silver mined subsequent to July 23, 1965.* This is a supporting certificate required to be submitted with Form TSA–100 except in cases where Form TSA–200A, set forth in paragraph (c) of this section, is applicable. It must be executed by the miner and contain information concerning the silver, the date it was mined, the location of the mine, the mint, assay office, smelter or refiner to which it was delivered, and the amount thereof.

(c) *Form TSA–200A:* Certificate of *miner relative to silver taken subsequent to July 23, 1965, from mine dumps and tailing piles which existed as such on midnight July 23, 1965.* This is also a supporting certificate required to be filed with Form TSA–100, whenever applicable in lieu of Form TSA–200 set forth in paragraph (b) of this section. The miner is required to certify that the silver was derived in the manner and from the source set forth therein. Information is also required concerning the date the silver was recovered, the location of the mine, the mint, assay office; smelter, or refiner to which the silver was delivered and the amount thereof.

(d) *Form TSA–300: Report of person delivering silver pursuant to the provisions of section 104 of the Act of July 23, 1965, and the regulations issued thereunder.* This must be submitted monthly by persons delivering silver to a U.S. mint or assay office under section 104 of the Act of July 23, 1965. Information is required concerning acquisitions, holdings, and dispositions of silver mined subsequent to July 23, 1965.

(R.S. 161, 5 U.S.C. 22)

The foregoing regulations are issued without notice, public procedure or postponement of the effective date because this is deemed necessary in order to carry out the requirements and purposes of section 104 of Public Law No. 89–81, approved July 23, 1965. They are effective upon publication in the FEDERAL REGISTER.

NOTE: The reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[SEAL] FREDERICK L. DEMING,
Under Secretary of the Treasury for Monetary Affairs.

JANUARY 4, 1967.

[F.R. Doc. 67-264; Filed, Jan. 9, 1967; 8:59 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Exemption of Certain Combination Drugs

Section 511(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360a (f)(2)) authorizes the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), to exempt by regulation any depressant or stimulant drug from the application of all or part of section 511 of the act, if (quoting section 511 (f)(2) (A) and (B) of the act):

(A) Such drug may, under the provisions of this act, be sold over-the-counter without a prescription; or

(B) He finds that such drug includes one or more substances not having a depressant or stimulant effect on the central nervous system or a hallucinogenic effect and such substance or substances are present therein in such combination, quantity, proportion, or concentration as to prevent the substance or substances therein which do have such an effect from being ingested or absorbed in sufficient amounts or concentrations as, within the meaning of section 201 (v), to—

(i) Be habit-forming because of their stimulant effect on the central nervous system, or

(ii) Have a potential for abuse because of their depressant or stimulant effect on the central nervous system or their hallucinogenic effect.

A notice was published in the FEDERAL REGISTER of December 18, 1965 (30 F.R. 15674), inviting interested persons to present by January 15, 1966, their views on specific drugs or classes of such drugs that should be exempted. In the FEDERAL REGISTER of January 8, 1966 (31 F.R. 264), the Commissioner promulgated § 166.51 (redesignated § 166.8 in the FEDERAL REGISTER of January 27, 1966 (31 F.R. 1074), in which combination drugs as described in section 511(f)(2) (A) and (B) of the act were temporarily exempted from the recordkeeping requirements of section 511(d)(1) of the act until August 1, 1966. This exemption was extended to February 1, 1967, by an order published in the FEDERAL REGISTER of July 27, 1966 (31 F.R. 10123), to provide for further study of data and problems associated with certain of the combinations, and was reextended to April 1, 1967, by an order published in the FEDERAL REGISTER of January 7, 1967.

The Commissioner has concluded that the combination drugs listed below, which may under the provisions of the act be sold over-the-counter without a prescription, should be exempted from the requirements of section 511 of the act.

Several hundred requests for exemptions of specific combinations received by the Food and Drug Administration have been received. From the data contained in them and from other available information, the Commissioner has further concluded that the depressant and stimulant drugs in combination with other drugs, as listed below, which are restricted to prescription sale, should be exempted from the requirements of section 511 of the act since such combinations are not likely to be ingested or absorbed in sufficient amounts or concentrations as to have a potential for abuse, and their control is not deemed necessary for the protection of the public health.

The listing of a drug in this order as a product that may be dispensed only on prescription, or as a product that may be sold without prescription, may be subject to change on the basis of further study.

As other combination drugs, both those which may be lawfully sold over-the-counter and those restricted to prescription dispensing, come to the Commissioner's attention, he will determine whether they also may be exempted by regulation in accordance with the act.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 511(f), 701(a), 52 Stat. 1055, 79 Stat. 230; 21 U.S.C. 360a(f), 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 166.8 is revised for the purposes described above and § 166.18 (d)(1) is revised to delete an obsolete reference. As revised, the affected portions read as follows:

§ 166.8 Combination of drugs; exemptions from section 511 of the act.

The following combination drugs are exempt from the requirements of section 511 of the act:

(a) The following drugs in unit-dosage form which contain quantities of a drug falling within the definition of a depressant or stimulant drug in section 201(v) of the act and which may be lawfully sold over-the-counter without a prescription:

EXEMPTED OVER-THE-COUNTER DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
Amodrine	Tablet: Phenobarbital, 8 mg.; aminophylline, 100 mg.; racephedrine hydrochloride, 25 mg.	G. D. Searle & Co.
Bronkaid	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Drew Pharmacal Co., Inc.
Bronkotab Elixir	Elixir (5 cc.): Phenobarbital, 4 mg.; ephedrine sulfate, 12 mg.; glyceryl guaiacolate, 50 mg.; theophylline, 15 mg.; chlorpheniramine maleate, 1 mg.	Breon Laboratories Inc.
Bronkotabs	Tablet: Phenobarbital, 8 mg.; ephedrine sulfate, 24 mg.; glyceryl guaiacolate, 100 mg.; theophylline, 100 mg.; thenyldiamine, 10 mg.	Do.
Primatene	Tablet: Phenobarbital, ¼ gr.; ephedrine, ¾ gr.	Whitehall Laboratories.
Tedral	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral one-half Strength	Tablet: Phenobarbital, 4 mg.; theophylline, 65 mg.; ephedrine hydrochloride, 12 mg.	Do.
Tedral Pediatric Suspension	Suspension (5 cc.): Phenobarbital, 4 mg.; ephedrine hydrochloride, 12 mg.; theophylline, 65 mg.	Do.
Verequad	Tablet: Phenobarbital, 8 mg.; theophylline calcium salicylate, 130 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 100 mg.	Knoll Pharmaceutical Co.
Verequad	Suspension (5 cc.): Phenobarbital, 4 mg.; theophylline calcium salicylate, 65 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 50 mg.	Knoll Pharmaceutical Co.

(b) The following drugs in unit-dosage form, restricted by law to dispensing on prescription, which have been found to include one or more substances not having a depressant or stimulant effect on the central nervous system, or a hallucinogenic effect, and which substance(s) are present therein in such combinations, quantities, proportions, or concentrations which prevent the substance(s) therein which do have such an effect from being ingested or absorbed in sufficient amounts or concentrations as to have a potential for abuse because of their depressant or stimulant effect on the central nervous system:

EXEMPTED PRESCRIPTION DRUGS

Trade name or other designation	Composition	Manufacturer or supplier
A.E.A	Tablet: Amobarbital, 25 mg.; aminophylline, 120 mg.; ephedrine hydrochloride, 25 mg.	Hauck Laboratories, Inc.
Aladrine	Tablet or solution (5 cc.): Secobarbital, 16 mg.; ephedrine sulfate, 8 mg.	Merit Pharmaceutical Co., Inc.
Alased	Tablet: Phenobarbital, 16.2 mg.; homatropine methylbromide, 3.6 mg.; aluminum hydroxide gel, dried, 7½ gr.; magnesium trisilicate, 2½ gr.	Norgine Laboratories, Inc.
Alcitex	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/150 gr.; calcium carbonate, 3½ gr.; magnesium carbonate, 2½ gr.; cerium oxalate, ½ gr.	Paul B. Elder Co., Inc.
Algoson	Tablet: Butabarbital sodium, 7.5 mg.; acetaminophen, 300 mg.	McNeil Laboratories, Inc.
Alhydrox	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide, 5 gr.; atropine sulfate, 1/200 gr.	Physicians Supply Co.
Alkasans	Tablet: Phenobarbital, 8.0 mg.; atropine sulfate, 0.06 mg.; kaolin-alumina gel, 500 mg.	P. J. Noyes Co.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Aistical	Powder (60 gr.): Phenobarbital, ¼ gr.; belladonna extract, ⅛ gr.; calcium carbonate, 24 gr.; magnesium trisilicate, 15 gr.; magnesium oxide, 10 gr.; aluminum hydroxide gel, dried, 10 gr.	Dorsey Laboratories.
Alubelap	Tablet: Phenobarbital, 8 mg.; aluminum hydroxide gel, dried, 300 mg.; belladonna extract, 4 mg.	Hasck Laboratories, Inc.
Aludrox SA Suspension	Suspension (5 cc.): Butabarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Wyeth Laboratories.
Aludrox SA Tablets	Tablet: Butabarbital, 8 mg.; ambutonium bromide, 2.5 mg.	Do.
Alu-Mag	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; magnesium trisilicate, 2½ gr.; belladonna leaf extract, ¼ gr.	Norsal Laboratories, Inc.
Alumasen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; magnesium trisilicate, 500 mg.; aluminum hydroxide gel, dried, 250 mg.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Aluminum hydroxide, magnesium trisilicate, and kaolin with phenobarbital and atropine sulfate.	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide, 2 gr.; magnesium trisilicate, 4 gr.; kaolin, colloidal, 2 gr.; atropine sulfate, 1/200 gr.	Buffalo Pharmaceutical Supply Corp.
Aminodrox with phenobarbital	Tablet: Phenobarbital, 15 mg.; aminophylline, 0.1 gm.; aluminum hydroxide gel, dried, 0.12 gm.	The S. E. Massengill Co.
Aminodrox-Forte with phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.; aluminum hydroxide gel, dried, 250 mg.	Do.
Aminophylline and Amytal	Capsule: Amobarbital, 32 mg.; aminophylline, 0.1 gm.	Eli Lilly and Co.
Aminophylline with pentobarbital.	Suppository: Pentobarbital sodium 100 mg.; aminophylline, 500 mg.	G. D. Searle & Co.
Aminophylline and phenobarbital.	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	The Zemmer Co.
Do	Tablet: Phenobarbital, ¼ gr.; aminophylline, 100 mg.	The Blue Line Chemical Co.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 16 mg.; aminophylline, 100 mg.	H. E. Dubin Laboratories, Inc.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 100 mg.	G. D. Searle & C.
Do	Tablet: Phenobarbital, 15 mg.; aminophylline, 200 mg.	Do.
Aminophylline with phenobarbital.	Tablet: Phenobarbital, 30 mg.; aminophylline, 200 mg.	G. D. Searle & Co.
Amobarbital and PETN	Capsule: Amobarbital, 50 mg.; pentaerythritol tetranitrate, 30 mg.	Meyer Laboratories, Inc.
Ampyrox with Butabarbital Sodium (AMPYROX).	Tablet: Butabarbital sodium, 15 mg.; scopolamine methylnitrate, 2 mg.	Paul B. Elder Co., Inc.
Ampyrox with Butabarbital Sodium, Elixir.	Elixir (5 cc.): Butabarbital sodium, 10 mg.; scopolamine methylnitrate, 1 mg.	Do.
Amsed (NAP-37)	Tablet: Phenobarbital, ¼ gr.; hyoscine hydrobromide, 0.0072 mg.; atropine sulfate, 0.024 mg.; hyoscyamine hydrobromide, 0.138 mg.	North American Pharmacal, Inc.
Amsodyne	Tablet: Phenobarbital, ¼ gr.; extract belladonna leaves, ⅛ gr.; aspirin, 5 gr.; caffeine, ¼ gr.	Paul B. Elder Co., Inc.
Antacis No. 3 with Phenobarbital and Atropine.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 5 gr.; magnesium hydroxide, 5 gr.	Meyers and Co.
Antispasmodic	Tablet (purple): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1037 mg.; homatropine methylbromide, 0.567 mg.; hyoscine hydrobromide, 0.0065 mg.	Hydrex Co., Inc.
Antispasmodic-Enzyme	Tablet: Phenobarbital, 8.1 mg.; hyoscyamine sulfate, 0.0519 mg.; homatropine methylbromide, 0.2835 mg.; hyoscine hydrobromide, 0.0033 mg.; pancreatin, 100 mg.; pepsin, 150 mg.	Do.
Antrocol	Tablet or capsule: Phenobarbital, 16 mg.; atropine sulfate, 0.228 mg.; colloidal sulfur, 22 mg.	Wm. P. Poythress & Co., Inc.
Aqualin-Plus, Children	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 1½ gr.	The Wm. A. Webster Co.
Aqualin-Plus No. 1	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 2¾ gr.	Do.
Aqualin-Plus No. 2	Suppository: Pentobarbital sodium, 1¾ gr.; theophylline, 7½ gr.	Do.
Aqualin-Plus No. 2A	Suppository: Pentobarbital sodium, ¾ gr.; theophylline, 7½ gr.	Do.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Asmuber	Tablet: Butabarbital, 20 mg.; ephedrine sulfate, 25 mg.; theophylline hydroxide, 130 mg.	The Blue Line Chemical Co.
Asmucol	Tablet: Butabarbital, 15 mg.; aminophylline, 180 mg.; phenylpropanolamine hydrochloride, 25 mg.; chlorpheniramine maleate, 2 mg.; aluminum hydroxide gel, dried, 60 mg.; magnesium trisilicate, 60 mg.	The Vale Chemical Co., Inc.
Asperease, Modified with Phenobarbital.	Tablet: Phenobarbital, 0.008 gm.; acetylsalicylic acid, 0.5 gm.	P. J. Noyes Co.
Atropal	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/150 gr.; magnesium trisilicate, 2½ gr.; aluminum hydroxide gel, dried, 2½ gr.	Neisler Laboratories, Inc.
Atrosilital	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.; magnesium trisilicate, 0.5 gm.; saccharin sodium, 0.12 mg.	The Zemmer Co.
Banthine with Phenobarbital	Tablet: Phenobarbital, 15 mg.; methantheline bromide, 50 mg.	G. D. Searle & Co.
Barbatro No. 1	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	The S. E. Massengill Co.
Barbatro No. 2	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.25 mg.	Do.
Barbeloid	Tablet: Amobarbital sodium, 20 mg.; hyoscyamine sulfate, 0.125 mg.; hyoscine hydrobromide, 0.007 mg.; homatropine methylbromide, 0.5 mg.	The Vale Chemical Co., Inc.
Barbidonna Elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Barbidonna Tablets	Tablet: Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1286 mg.; atropine sulfate, 0.0250 mg.; scopolamine hydrobromide, 0.0074 mg.	Do.
Barboma Elixir	Elixir (100 cc.): Phenobarbital, 0.4 gm.; homatropine methylbromide, 33.8 mg.	The Blue Line Chemical Co.
Barboma Tablets	Tablet: Phenobarbital, ¾ gr.; homatropine methylbromide, 1/48 gr.	Do.
Bardase	Tablet or elixir (4 cc.): Phenobarbital, 16.2 mg.; hyoscyamine sulfate, 0.1 mg.; hyoscine hydrobromide, 0.007 mg.; atropine, 0.020 mg.; Taka-Diastase, 162.0 mg.	Parke, Davis & Co.
Bar-Don Elixir	Elixir (30 cc.): Phenobarbital, 100 mg.; hyoscyamine hydrobromide, 0.60 mg.; hyoscine hydrobromide, 0.042 mg.; atropine sulfate, 0.12 mg.	Warren-Teed Pharmaceuticals Inc.
Bar-Don Tablets	Tablet: Phenobarbital, 16.670 mg.; hyoscyamine hydrobromide, 0.10 mg.; hyoscine hydrobromide, 0.007 mg.; atropine sulfate, 0.020 mg.	Do.
Belap No. 0	Tablet: Phenobarbital, 8 mg.; belladonna extract, 8 mg.	Hasck Laboratories, Inc.
Belap No. 1	Tablet: Phenobarbital, 15 mg.; belladonna extract, 8 mg.	Do.
Belap Ty-Med	Tablet: Amobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Hasck Laboratories, Inc.
Belladenal	Tablet: Phenobarbital, 50 mg.; belladiline, 0.25 mg.	Sandoz Pharmaceuticals.
Do	Elixir (15 cc.): Phenobarbital, 15.6 mg.; belladiline, 0.078 mg.	Do.
Bellatol Elixir	Elixir (5 cc.): Butabarbital sodium, 20 mg.; tincture belladonna, 0.83 cc.	The Zemmer Co.
Bellergal	Tablet: Phenobarbital, 20 mg.; ergotamine tartrate, 0.3 mg.; levorotatory alkaloids of belladonna, 0.1 mg.	Sandoz Pharmaceuticals.
Do	Tablet: Phenobarbital, 40 mg.; ergotamine tartrate, 0.6 mg.; levorotatory alkaloids of belladonna, 0.2 mg.	Do.
Beplete with Belladonna Elixir.	Elixir (4 cc.): Phenobarbital, 15 mg.; vitamin B_1, 1.5 mg.; vitamin B_2, 1 mg.; vitamin B_6, 0.33 mg.; vitamin B_{12}, 1.66 mg.; niacinamide, 10 mg.; pantothenol, 0.2 mg.; belladonna alkaloids, 0.2 mg.	Wyeth Laboratories.
Bexadonna	Tablet: Phenobarbital, 16 mg.; homatropine methylbromide, 10 mg.; hyoscine hydrobromide, 0.0065 mg.; hyoscyamine sulfate, 0.1 mg.	Bexar Pharmaceuticals.
Bilamide	Tablet: Phenobarbital, ¼ gr.; dried ox bile, 2 gr.; dehydrocholic acid, 2 gr.; homatropine methylbromide, 1/48 gr.	Norgine Laboratories, Inc.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Binitrin	Tablet: Butabarbital sodium, 15.0 mg.; nitroglycerin, 0.3 mg.; pentaerythritol tetranitrate, 10.0 mg.	The Vale Chemical Co., Inc.
Biorstphen	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.; bismuth subnitrate, 120 mg.; cerium oxalate, 120 mg.	The Zemmer Co.
Bismuth, belladonna, and phenobarbital.	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna leaf, ¼ gr.	The Bernard Co.
Buffadyne A-S	Tablet: Amobarbital, 15 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; homatropine methylbromide, 2.5 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Lemmon Pharmacal Co.
Buffadyne with barbiturates	Tablet: Secobarbital sodium, 8 mg.; amobarbital, 8 mg.; aspirin, 300 mg.; phenacetin, 150 mg.; caffeine, 30 mg.; aluminum hydroxide gel, 75 mg.; magnesium hydroxide, 45 mg.	Do.
Bunesia	Tablet: Butabarbital sodium, 10 mg.; homatropine methylbromide, 2.5 mg.; magnesium hydroxide, 300 mg.	McNeil Laboratories, Inc.
Buren	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; scopolamine hydrobromide, 0.0065 mg.; atropine sulfate, 0.0194 mg.; hyoscyamine sulfate, 0.1037 mg.	B. F. Ascher & Co., Inc.
Burrirem	Tablet: Butabarbital sodium, 10 mg.; reserpine, 0.1 mg.; rutin, 20 mg.; mannitol hexanitrate, 20 mg.	The Zemmer Co.
Butabarbital and hyoscyamine sulfate.	Tablet or elixir (5 cc.): Butabarbital, 15 mg.; hyoscyamine sulfate, 0.125 mg.	Meyer Laboratories, Inc.
Do	Capsule: Butabarbital, 45 mg.; hyoscyamine sulfate, 0.375 mg.	Do.
Butibel	Tablet or elixir (5 cc.): Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (hyoscyamine sulfate, 0.126 mg.; hyoscine hydrobromide, 0.027 mg.; atropine sulfate, 0.007 mg.).	McNeil Laboratories, Inc.
Butibel R-A	Tablet: Butabarbital sodium, 30 mg.; belladonna extract, 30 mg.	Do.
Butibel-Gel Suspension	Suspension (15 cc.): Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.187 mg.); activated attapulgite, 1.5 gm.; pectin, 75 mg.	McNeil Laboratories, Inc.
Butibel-Gel Tablets	Tablet: Butabarbital sodium, 7.5 mg.; belladonna extract, 7.5 mg. (total alkaloids 0.0935 mg.); activated attapulgite, 500 mg.; pectin, 45 mg.	Do.
Butibel-Zyme	Tablet: Butabarbital sodium, 15 mg.; belladonna extract, 15 mg. (total alkaloids 0.187 mg.); proteolytic enzyme standardized, 10 mg.; amylolytic enzyme standardized, 20 mg.; cellulolytic enzyme standardized, 5 mg.; lipolytic enzyme standardized, 100 mg.; iron ox bile (40% cholic acid), 30 mg.	Do.
Butisetic	Tablet: Butabarbital sodium, 15 mg.; acetaminophen, 200 mg.; phenacetin, 150 mg.; caffeine, 30 mg.	Do.
Cafergot P-B	Tablet: Phenobarbital sodium, 30 mg.; ergotamine tartrate, 1 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.125 mg.	Sandoz Pharmaceuticals.
Do	Suppository: Pentobarbital, 60 mg.; ergotamine tartrate, 2 mg.; caffeine, 100 mg.; levorotatory alkaloids of belladonna, 0.25 mg.	Do.
Cal-Ma-Phen	Tablet: Phenobarbital, ¼ gr.; calcium-carbonate, 5 gr.; magnesium hydroxide, 5 gr.; atropine sulfate, 1/400 gr.	Physicians Supply Co.
Cantil with Phenobarbital	Tablet: Phenobarbital, 15 mg.; mepenzolate bromide, 25 mg.	Lakeside Laboratories, Inc.
Carbonates No. 3 with Phenobarbital and Atropine.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.11 mg.; calcium carbonate, 224 mg.; magnesium carbonate, 160 mg.; bismuth subcarbonate, 32 mg.	P. J. Noyes Co.
Cardalin-Phen	Tablet: Phenobarbital, ¼ gr.; aminophylline, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ½ gr.	Neisler Laboratories, Inc.
Cardiflate-P	Tablet: Phenobarbital, 15 mg.; erythrityl tetranitrate, 10 mg.	Burroughs Wellcome & Co. (U.S.A.) Inc.
Cholarsoe	Tablet: Pentobarbital, 37.5 mg.; oxtriphylline, 200 mg.; racephedrine, 20 mg.	Warner-Chilcott Laboratories.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Co-Elorine 25	Capsule: Amobarbital, 8 mg.; tricyclamol chloride, 25 mg.	Eli Lilly and Co.
Co-Elorine 100	Capsule: Amobarbital, 16 mg.; tricyclamol chloride, 100 mg.	Do.
Cold Preparation, Special	Tablet: Phenobarbital, 8.1 mg.; chlorpheniramine maleate, 2 mg.; pseudoephedrine hydrochloride, 60 mg.; salicylamide, powder, 300 mg.	Knight Pharmacal Co.
Corentil	Tablet: Racemic methamphetamine hydrochloride, 1.25 mg.; clistin (carbinoxamine maleate), 2 mg.; belladonna extract, 8 mg.	McNeil Laboratories, Inc.
Covadil	Tablet: Butabarbital sodium, 20 mg.; pentaerythritol tetranitrate, 15 mg.	The Blue Line Chemical Co.
Dactil with Phenobarbital	Tablet: Phenobarbital, 16 mg.; piperidolate hydrochloride, 50 mg.	Lakeside Laboratories, Inc.
Dainite	Tablet: Pentobarbital sodium, ¼ gr. aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr	Neisler Laboratories, Inc.
Dainite-KI	Tablet: Phenobarbital, ¼ gr.; aminophylline, 3 gr.; ephedrine hydrochloride, ¼ gr.; potassium iodide, 5 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Neisler Laboratories, Inc.
Dainite Night	Tablet: Phenobarbital, ¾ gr.; pentobarbital sodium, ½ gr.; aminophylline, 4 gr.; aluminum hydroxide gel, dried, 2½ gr.; benzocaine, ¼ gr.	Do.
Dainite Pediatric	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1 gr.; ephedrine hydrochloride, 1/12 gr.; aluminum hydroxide gel, dried, ½ gr.; benzocaine, ¼ gr.	Do.
Darion PB	Tablet: Phenobarbital, 15 mg.; oxyphenonium chloride, 5 mg.	Pfizer Laboratories.
Distraegus	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/250 gr.; sodium nitrite, 1 gr.; tincture crataegus, 2 minims	Buffington's, Inc.
Dia-Tropine	Tablet: Diallylbarbituric acid, ¼ gr.; atropine sulfate, 1/400 gr.; magnesium carbonate, 2½ gr.; calcium carbonate, 3½ gr.; bismuth subcarbonate, 1 gr.	Do.
Dilantin with Phenobarbital	Capsule: Phenobarbital, ¼ gr.; diphenylhydantoin sodium, 0.1 gm.	Parke, Davis & Co.
Do	Capsule: Phenobarbital, ½ gr.; diphenylhydantoin sodium, 0.1 gm.	Do.
Dolonil	Tablet: Butabarbital, 15 mg.; phenazopyridine hydrochloride, 150 mg.; hyoscyamine hydrobromide, 0.3 mg.	Warner-Chilcott Laboratories.
Donabarb	Tablet: Phenobarbital, ¾ gr.; powder extract belladonna, ¼ gr.	Paul B. Elder Co., Inc.
Donaphen, New Special Donaphen.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.024 mg.; scopolamine hydrobromide, 0.0072 mg.; hyoscyamine hydrobromide, 0.128 mg.	Burt Krone Co.
Donna-Sed Elixir	Elixir (5 cc.): Phenobarbital, 16.2 mg.; hyoscyamine hydrobromide, 0.1037 mg.; atropine sulfate, 0.0194 mg.; hyoscine hydrobromide, 0.0065 mg.	North American Pharmacal, Inc.
Donnasep	Tablet: Phenobarbital, 8.1 mg.; phenazopyridine hydrochloride, 50.0 mg., methenamine mandelate, 500 mg.; hyoscyamine sulfate, 0.0519 mg.; atropine sulfate, 0.0097 mg.; hyoscine hydrobromide, 0.0033 mg.	A. H. Robins Co., Inc.
Donphen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1 mg.; atropine sulfate, 0.02 mg.; scopolamine hydrobromide, 6 μg.	Lemmon Pharmacal Co.
Dormitol-HM	Tablet: Phenobarbital, ¼ gr.; homatropine methylbromide, 1/64 gr.; strontium bromide, 1 gr.	Buffington's Inc.
Dynapin with Phenobarbital	Tablet: Phenobarbital, 15 mg.; nitroglycerin, 0.5 mg.; pentaerythritol tetranitrate, 15 mg.	Key Pharmacal Co.
Edrisal	Tablet: Dextroamphetamine sulfate, 2.5 mg.; aspirin, 0.36 gm.; phenacetin 0.14 gm.	Smith Kline & French Laboratories.
Elmalois with Phenobarbital	Capsule: Phenobarbital, 15 mg.; diphenylhydantoin, 1½ gr.	Paul B. Elder Co., Inc.
Ephedrine and sodium phenobarbital.	Tablet: Sodium phenobarbital, ¼ gr.; ephedrine sulfate, ¼ gr.	The Vale Chemical Co., Inc.
Ephedrine sulfate and phenobarbital.	Tablet: Phenobarbital, 15 mg.; ephedrine sulfate, 25 mg.	The Zemmer Co.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Ephedrine with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; ephedrine sulfate, ⅓ gr.	P. J. Noyes Co.
Ercafital	Tablet: Phenobarbital, 7.5 mg.; ergotamine tartrate, 0.5 mg.; caffeine, 50 mg.	The Blue Line Chemical Co.
Eskatrol	Capsule: Dextroamphetamine sulfate, 15 mg.; prochlorperazine, 7.5 mg.	Smith Kline & French Laboratories.
Ethrava-trate	Tablet: Mephobarbital, 10 mg.; pentaerythrityl tetranitrate, 20 mg.; ethaverine hydrochloride, 30 mg.	North American Pharmacal, Inc.
Eu-Phed-Amin	Tablet: Phenobarbital, 30 mg.; aminophylline, 0.1 gm.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.1 gm.	Warren-Teed Pharmaceuticals, Inc.
Eu-Phed-Ital	Tablet: Phenobarbital sodium, 30 mg.; ephedrine sulfate, 30 mg.; extract euphorbia, 0.12 gm.	Warren-Teed Pharmaceuticals, Inc.
Fensobel	Tablet: Phenobarbital, 8.1 mg.; belladonna extract, 2.95 mg.; aluminum hydrochloride gel, dried, 63 mg.; magnesium trisilicate, 63 mg.; bismuth subcarbonate, 32.5 mg.; magnesium carbonate, 252 mg.; precipitated calcium carbonate, 203.5 mg.; malt diastase, 12.5 mg.; peppermint oil, 3 mg.	United States Vitamin & Pharmaceutical Corp.
Franol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine hydrochloride, 32 mg.	Winthrop Laboratories.
Genegesic Capsules	Capsule: Methamphetamine hydrochloride 1.2 mg.; chlorpheniramine maleate, 3.8 mg.; phenacetin, 120.0 mg.; salicylamide, 180.0 mg.; caffeine, 30.0 mg.; ascorbic acid, 50.0 mg.	General Pharmaceutical Products, Inc.
Homechol	Tablet: Pentobarbital sodium, 8.0 mg.; homatropine methylbromide, 2.5 mg.; dehydrocholic acid, 60.0 mg., ox bile extract, 150.0 mg.	Lemmon Pharmacal Co.
Homadonna	Tablet or elixir (5 cc.): Phenobarbital, 16 mg.; homatropine methylbromide, 2.5 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Homopent	Tablet: Pentobarbital sodium, 15 mg.; homatropine methylbromide, 2.5 mg.; magnesium trisilicate, 300 mg.	Lemmon Pharmacal Co.
Hovizyme	Tablet: Methamphetamine hydrochloride, 0.5 mg.; conjugated estrogen-equine, 0.125 mg.; methyl testosterone, 1.25 mg.; amylase, 10.0 mg.; protease, 5.0 mg.; cellulase, 2.0 mg.; nicotinyl alcohol tartrate, 7.5 mg.; dehydrocholic acid, 50.0 mg.; ascorbic acid, 50.0 mg.; ferrous fumarate, 6.0 mg.	Ayerst Laboratories.
H-P-A (Modified)	Tablet: Phenobarbital, ¼ gr.; aspirin, 5 gr.; extract hyoscyamus, ¼ gr.	Paine Drug Co.
Hybephen	Tablet: Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	The S. E. Massengill Co.
Hybephen Elixir	Elixir (5 cc.): Phenobarbital, 15 mg.; hyoscyamine sulfate, 0.1277 mg.; atropine sulfate, 0.0233 mg.; hyoscine hydrobromide, 0.0094 mg.	Do.
Hydrochol Plus	Tablet: Amobarbital, 15 mg.; dehydrocholic acid, 200 mg.; scopolamine methylnitrate, 0.8 mg.; ox bile desiccated, 50 mg.	Paul B. Elder Co., Inc.
Hytrona Antispasmodic Elixir	Elixir (5 cc.): Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Pitman-Moore.
Hytrona Antispasmodic Tablets.	Tablet: Phenobarbital, 16 mg.; belladonna alkaloids, 0.2 mg.	Pitman-Moore.
Ibocalm	Tablet: Mephobarbital, 30 mg.; methscopolamine nitrate, 2.5 mg.; d-calcium pantothenate, 25 mg.	Warren-Teed Pharmaceuticals Inc.
Isordil with Phenobarbital	Tablet: Phenobarbital, 15 mg.; isosorbide dinitrate, 10 mg.	Ives Laboratories Inc.
Isufranol	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 10 mg.	Winthrop Laboratories.
Isufranol, Mild	Tablet: Phenobarbital, 8 mg.; theophylline, 130 mg.; benzylephedrine, 32 mg.; isoproterenol hydrochloride, 5 mg.	Do.
Isuprel Compound Elixir	Elixir (15 cc.): Phenobarbital, 6 mg.; isoproterenol hydrochloride, 2.5 mg.; ephedrine sulfate, 12 mg.; theophylline, 45 mg.; potassium iodide, 150 mg.	Do.
Kaphebel	Tablet: Phenobarbital, ¼ gr.; belladonna root, ¼ gr.; kaolin colloidal, 7½ gr.	Paul B. Elder Co., Inc.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Kanumedic	Tablet: Pentobarbital, 8 mg.; methscopolamine nitrate, 2 mg.; cellulase, 9 mg.; pancreatin, 500 mg.; glutamic acid hydrochloride, 200 mg.; ox bile extract, 100 mg.; pepsin, 150 mg.	Dorsey Laboratories.
Kavatrate	Tablet: Phenobarbital sodium, ¾ gr.; veratrum veride, ¾ gr.; mistletoe, ⅓ gr.; hawthorn tincture, 30 minims; sodium nitrite, 1 gr.	Key Pharmacal Co.
Kie with Phenobarbital	Tablet: Phenobarbital, 16 mg.; potassium iodide, 400 mg.; ephedrine sulfate, 24 mg.	Laser Inc.
Klophyllin	Tablet: Phenobarbital, 15 mg.; aminophyllin, 150 mg.; potassium iodide, 125 mg.	G. D. Searle & Co.
Luftodil Suspension	Suspension (5 cc.): Phenobarbital, 8 mg.; theophylline, 50 mg.; ephedrine hydrochloride, 12 mg.; glyceryl guaiacolate, 100 mg.	Mallinckrodt Pharmaceuticals Division of Mallinckrodt, Chemical Works.
Luftodil Tablets	Tablet: Phenobarbital, 16 mg.; theophylline, 100 mg.; ephedrine hydrochloride, 24 mg.; glyceryl guaiacolate, 200 mg.	Do.
Lufyllin-EP	Tablet: Phenobarbital, 16 mg.; lufyllin (dyphylline), 100 mg.; ephedrine hydrochloride, 16 mg.	Do.
Magnesium hydroxide-phenobarbital compound.	Tablet: Phenobarbital sodium, 15 mg.; magnesium hydroxide, 300 mg.; atropine sulfate with aromatics, 0.12 mg.	McNeil Laboratories, Inc.
Malglyn Compound	Tablet or suspension (5 cc.): Phenobarbital, 16.2 mg.; belladonna alkaloids, 0.162 mg.; dihydroxy aluminum aminoacetate, 0.5 gm.	Brayten Pharmaceutical Co.
Manniphen	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The Vale Chemical Co., Inc.
Manniphen with Rutin	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.; rutin, 20 mg.	Do.
Mannitol hexanitrate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ½ gr.	The Blue Line Chemical Co.
Maxitol	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 15 mg.; rutin, 15 mg.; ascorbic acid, 15 mg.	Burt Krone Co.
Mediatric	Tablet or capsule: Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyltestosterone, 2.5 mg.	Ayerst Laboratories.
Mediatric Liquid	Solution (15 cc.): Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyltestosterone, 2.5 mg.	Do.
Meprane Phenobarbital	Tablet: Phenobarbital, 16 mg.; promethestrol dipropionate, 1 mg.	Reed & Carnrick.
Mesopin-PB	Tablet or elixir (5 cc.): Phenobarbital, 15 mg.; homatropine methylbromide, 5 mg.	Endo Laboratories Inc.
Metamine with Butabarbital	Tablet: Butabarbital, 16.2 mg.; trolnitrate phosphate, 2 mg.	Pfizer Laboratories.
Do	Tablet: Butabarbital, 48.6 mg.; trolnitrate phosphate, 10 mg.	Do.
Mezal	Tablet: Phenobarbital, 16 mg.; mannitol hexanitrate, 32 mg.	The S. E. Massengill Co.
Monomeb	Tablet: Mephobarbital, 32 mg.; penthienate bromide, 5 mg.	Winthrop Laboratories.
Mudrane	Tablet: Phenobarbital, 21 mg.; potassium iodide, 195 mg.; aminophylline, 130 mg.; ephedrine hydrochloride, 16 mg.	Wm. P. Poythress & Co., Inc.
Mudrane GG Elixir	Elixir (5 cc.): Phenobarbital, 5.4 mg.; theophylline, 20 mg.; ephedrine hydrochloride, 4 mg.; glyceryl guaiacolate, 26 mg.	Do.
Nactisol	Tablet: Butabarbital sodium, 15 mg.; poldine methylsulfate, 4 mg.	McNeil Laboratories, Inc.
Natroca Compound	Tablet: Phenobarbital, 15 mg.; extract hawthorn berries, 30 mg.; extract mistletoe, 15 mg.; sodium nitrite, 60 mg.; sodium bicarbonate, 0.2 gm.	The Zemmer Co.
Neocholan	Tablet: Phenobarbital, 8 mg.; dehydrocholic acid, 250 mg.; bile extract, 15 mg.; homatropine Methylbromide, 1.2 mg.	Pitman-Moore.
Nergestic	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.10 mg.; magnesium trisilicate, 0.5 gm.	The S. E. Massengill Co.
Nitrased	Tablet: Secobarbital, 15 mg.; nitroglycerin, 0.4 pentaerythrityl tetranitrate, 15 mg.	Lemmon Pharmacal Co.
Nophesan Tablets	Tablet: Phenobarbital, 8 mg.; acetylsalicylic acid, 300 mg.	P. J. Noyes Co.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Novalene	Tablet: Phenobarbital, 16 mg.; ephedrine sulfate, 24 mg.; potassium iodide, 162 mg.; calcium lactate, 162 mg.	Lemmon Pharmacal Co.
Oxsorbil-PB	Capsule: Phenobarbital, 7.5 mg.; belladonna extract, 7.5 mg.; dehydrocholic acid, 32 mg.; desoxycholic acid, 32 mg.; ox bile extract, 65 mg.; sorbitan monooleate, 160 mg.; oleic acid, 180 mg.	Ives Laboratories, Inc.
Paminal Elixir	Elixir (5 cc.): Phenobarbital 8 mg.; methscopolamine bromide, 1.25 mg.	The Upjohn Co.
Pamine PB Elixir	Elixir (5 cc.): Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pamine PB, Half Strength	Tablet: Phenobarbital, 8 mg.; methscopolamine bromide, 1.25 mg.	Do.
Pediatric Piptal Antipyretic	Solution (0.6 cc.): Phenobarbital 3 mg.; pipenzolate bromide, 5 mg.; acetaminophen, 60 mg.	Lakeside Laboratories, Inc.
Pediatric Piptal with Phenobarbital.	Solution (0.5 cc.): Phenobarbital, 3 mg.; pipenzolate bromide, 2 mg.	Lakeside Laboratories, Inc.
Penoetylon	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.	Paul B. Elder Co., Inc.
Pentaerythrityl Tetranitrate with Phenobarbital.	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 10 mg.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 16 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Pentastrol with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	North American Pharmacal Co.
Pentraline	Tablet: Butabarbital sodium, 30 mg.; reserpine, 0.05 mg.; pentaerythrityl tetranitrate, 10 mg.	McNeil Laboratories, Inc.
Perbuzem	Tablet: Butabarbital sodium, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	The Zemmer Co.
Peribar L-A No. 1	Tablet: Phenobarbital, 48.6 mg.; pentaerythrityl tetranitrate, 30 mg.	Whittier Laboratories, Inc.
Peritrate with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Warner-Chilcott Laboratories.
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Do.
Peritrate with Phenobarbital S.A.	Tablet: Phenobarbital, 45 mg.; pentaerythrityl tetranitrate, 80 mg.	Do.
Phedorine	Tablet: Diallylbarbituric acid, 16 mg.; extract stramonium, 8 mg. (alkaloids 0.0015 gr.); ephedrine, 8 mg.; theophylline, 100 mg.	Buffington's, Inc.
Phensphen Plus	Tablet: Phenobarbital, 16.2 mg.; phenacetin, 194 mg.; sapirin, 162 mg.; hyoscyamine sulfate, 0.031 mg.; phenyramine maleate, 12.5 mg.; phenylephrine hydrochloride, 10 mg.	A. H. Robins Co., Inc.
Phenobarbital and atropine.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/400 gr.	The Blue Line Chemical Co.
Do	do	Meyers & Co.
Do	do	Paine Drug Co.
Do	do	The Vale Chemical Co., Inc.
Phenobarbital with atropine sulfate	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/400 gr.	The Zemmer Co.
Phenobarbital with atropine sulfate No. 2	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.06 mg.	Do.
Phenobarbital with atropine sulfate.	Tablet: Phenobarbital, 15 mg.; atropine sulfate, 0.12 mg.	Buffington's, Inc.
Phenobarbital & Atropine No. 1.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/400 gr.	Pitman-Moore.
Phenobarbital & Atropine No. 2.	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 0.13 mg.	Do.
Phenobarbital and Atropine Tablets.	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.65 mg.	P. J. Noyes Co.
Do	Tablet: Phenobarbital, 8 mg.; atropine sulfate 1/300 gr.	Do.
Phenobarbital and Atropine Tablets No. 2.	Tablet: Phenobarbital, 16 mg.; atropine sulfate, 1/200 gr.	Do.
Phenobarbital and Atropine Tablets No. 3.	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/400 gr.	P. J. Noyes Co.
Phenobarbital and belladonna.	Tablet: Phenobarbital, ¼ gr.; belladonna leaves ½ gr. (total alkaloids 0.0015 gr.).	The Vale Chemical Co., Inc.
Do	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ¼ gr.	Paine Drug Co.
Do	Tablet: Phenobarbital, 16 mg.; belladonna extract, 8 mg.	Eli Lilly and Co.
Phenobarbital and belladonna (tablets 1960).	Tablet: Phenobarbital, 32 mg.; belladonna extract, 8 mg.	Do.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Phenobarbital and Belladonna No. 2.	Tablet: Phenobarbital, ¼ gr.; belladonna extract, ¼ gr. (alkaloids 0.00156 gr.).	The Upjohn Co.
Phenobarbital with mannitol hexanitrate.	Tablet: Phenobarbital, 7.5 mg., mannitol hexanitrate, 15 mg.; ascorbic acid powder, 25 mg.; rutin, 25 mg.	Paul B. Elder Co., Inc. (Harold M. Harter, D.V.M.)
Phenobarbital and mannitol hexanitrate.	Tablet: Phenobarbital, ¼ gr.; mannitol hexanitrate, ¼ gr.	Meyer Drug & Surgical Supply Co.
Phenobarbital Sodium Atropine No. 1.	Tablet: Phenobarbital sodium, 8 mg.; atropine sulfate, 60 μg.	McNeil Laboratories, Inc.
Phenobarbital Sodium Atropine No. 2.	Tablet: Phenobarbital sodium, 15 mg.; atropine sulfate, 120 μg.	Do.
Phenobarbital Sodium Atropine No. 3.	Tablet: Phenobarbital sodium, 20 mg.; atropine sulfate, 200 μg.	Do.
Phenobarbital and sodium nitrite.	Tablet: Phenobarbital, ¼ gr.; sodium nitrite, 1 gr.	P. J. Noyes Co.
Phenobarbital Theocalcin	Tablet: Phenobarbital, 15 mg.; theobromine calcium salicylate, 0.5 gm.	Knoll Pharmaceutical Co.
Phenodonna Tablets	Tablet: Phenobarbital, ¼ gr.; tincture belladonna, 6 minims.	Flint Medical & Surgical Supply Co.
Phenodrex	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/400 gr.; magnesium trisilicate, 4 gr.; aluminum hydroxide gel, dried, 4 gr.	North American Pharmacal Inc.
Phyldros	Tablet: Phenobarbital, 15 mg.; neothylline, 100 mg.; ephedrine sulfate, 25 mg.	Lemmon Pharmacal Co.
Piptal PHB Elixir	Elixir (5cc.): Phenobarbital, 16 mg.; pipenzolate bromide, 5 mg.	Lakeside Laboratories, Inc.
Piptal PHB Tablets	Tablet: Phenobarbital, 16 mg.; pipenzolate bromide, 5 mg.	Do.
Prantal with Phenobarbital	Tablet: Phenobarbital, 16 mg.; diphemanil methylsulfate, 100 mg.	Schering Corp.
Premarin with Phenobarbital	Tablet: Phenobarbital, 32 mg.; conjugated estrogens-equine, 0.625 mg.	Ayerst Laboratories.
Probanthine with Phenobarbital.	Tablet: Phenobarbital, 15 mg.; probanthine, 15 mg.	G. D. Searle & Co.
Probital	Tablet: Phenobarbital, 15 mg.; probanthine, 7.5 mg.	Do.
Propenite	Tablet: Pentobarbital sodium, 12 mg.; sodium nitrite, 60 mg.; hawthorn berries extract, 120 mg.; mistletoe extract, 60 mg.	The Zemmer Co.
Prydonnal Spansule	Capsule: Phenobarbital, 65 mg.; belladonna alkaloids, 0.4 mg. (hyoscyamine sulfate, 0.365 mg.; atropine sulfate, 0.06 mg., scopolamine hydrobromide, 0.035 mg.).	Smith Kline & French Laboratories.
Quadrinal	Tablet: Phenobarbital, 24 mg.; ephedrine hydrochloride 24 mg.; theophylline calcium salicylate, 130 mg.; potassium iodide, 300 mg.	Knoll Pharmaceutical Co.
Do	Suspension (5 cc.): Phenobarbital, 12 mg.; ephedrine hydrochloride, 12 mg.; theophylline calcium salicylate, 65 mg.; potassium iodide, 150 mg.	Do.
Quintrate with Nitroglycerin and Phenobarbital.	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.; nitroglycerin, 0.4 mg.	Paul B. Elder Co., Inc. (Glynn A. Beard).
Quintrate with Phenobarbital	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 10 mg.	Do.
Do	Tablet: Phenobarbital, 15 mg.; pentaerythrityl tetranitrate, 20 mg.	Dd.
Rhenstat	Suspension (1 fluid ounce (32 cc.)): Phenobarbital, 16 mg.; hyoscyamine sulfate, 0.1296 mg.; atropine sulfate, 0.0260 mg.; scopolamine hydrobromide, 0.0074 mg.; kaolin, colloidal, 3.76 gm.; pectin, 320 mg.; sodium (as Cl), 6 meq.; potassium (as Cl), 4 meq.	Mallinckrodt Pharmaceuticals Division of Mallinckrodt Chemical Works.
Robinul-PH	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 1.0 mg.	A. H. Robins Co., Inc.
Robinul-PH Forte	Tablet: Phenobarbital, 16.2 mg.; glycopyrrolate, 2.0 mg.	Do.
Ruhexatal	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; ascorbic acid, 10 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Rutol	Tablet: Phenobarbital, 8.0 mg.; mannitol hexanitrate, 16 mg.; rutin, 10 mg.	Pitman-Moore.
Salisil with Phenobarbital	Tablet: Phenobarbital, ¼ gr.; acetylsalicylic acid, 5 gr.; magnesium trisilicate, 2 gr.	Paul B. Elder Co., Inc.
Sebella	Tablet: Phenobarbital, ¼ gr.; aluminum hydroxide, 5 gr.; belladonna extract, ¼ gr.	Wyeth Laboratories.
Sed-Tens	Tablet (12 hr.): Amobarbital, 50 mg.; homatropine methylbromide, 7.5 mg.	Lemmon Pharmacal Co.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Siberus	Tablet: Butabarbital sodium, 16 mg.; simethicone, 25 mg.; belladonna extract, 16 mg. (total alkaloids 0.26 mg.).	Plough Laboratories, Inc.
Sodium nitrite with phenobarbital.	Tablet: Phenobarbital sodium, ½ gr.; sodium nitrite, 1 gr.; sodium bicarbonate, 2 gr.; hawthorn berries, fluid extract, ½ minim.	Paine Drug Co.
Do	Tablet: Phenobarbital, ¼ gr.; sodium nitrite, 1 gr.	Buffalo Pharmaceutical Supply Corp.
Spasticol PB	Tablet: Phenobarbital, 15 mg.; homatropine methylbromide, 2.5 mg.	Key Pharmaceuticals, Inc.
Spastosed	Tablet: Phenobarbital, 8 mg.; atropine sulfate, 0.13 mg.; calcium carbonate, 227 mg.; magnesium hydroxide, 162 mg.	North American Pharmacal, Inc.
Special Formula 711	Tablet: *d*-Amphetamine sulfate, 2.5 mg.; mephenesin, 300 mg.; salicylamide, 300 mg.	Detroit First Aid Co.
Synirin	Tablet: Pentobarbital, 8 mg.; aspirin, 324 mg.	Wm. P. Poythress & Co., Inc.
TCS	Tablet: Phenobarbital 16, mg.; theobromine salicylate, 0.4 gm.; calcium salicylate, 0.06 gm.	Do.
Tedral-25	Tablet: Butabarbital, 25 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Warner-Chilcott Laboratories.
Tedral S.A	Tablet: Phenobarbital, 25 mg.; theophylline, 180 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tedral Anti-H	Tablet: Phenobarbital, 8 mg.; chlorpheniramine maleate, 2 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Tedral Suppositories Double Strength.	Suppository: Phenobarbital, 16 mg.; theophylline, 260 mg.; ephedrine hydrochloride, 48 mg.	Do.
Tedral Suppositories Regular Strength.	Suppository: Phenobarbital, 8 mg.; theophylline, 130 mg.; ephedrine hydrochloride, 24 mg.	Do.
Tensodin	Tablet: Phenobarbital, 15 mg.; ethaverine hydrochloride, 30 mg.; theophylline calcium salicylate, 200 mg.	Knoll Pharmaceutical Co.
Tensophen	Tablet: Phenobarbital, 16 mg.; nitroglycerin, 0.26 mg.; sodium nitrite, 32 mg.; podophyllin, 1 mg.; extract beef bile, 16 mg.	P. J. Noyes Co.
Thedrinem	Tablet: Phenobarbital, 8 mg.; theophylline, hydrous, 100 mg.; ephedrine hydrochloride, 25 mg.	The Zemmer Co.
Theobarb	Tablet: Phenobarbital, 32 mg.; theobromine, 325 mg.	Mallinckrodt Pharmaceuticals, Division of Mallinckrodt Chemical Works.
Theobarb-R	Tablet: Phenobarbital, 10 mg.; reserpine, 0.1 mg.; theobromine, 324 mg.	Do.
Theobarb Special	Tablet: Phenobarbital, 16 mg.; theobromine, 325 mg.	Do.
Theobromine and phenobarbital.	Tablet: Phenobarbital, 16 mg.; theobromine, 0.3 gm.	P. J. Noyes Co.
Theobromine-Phenobarbital	Tablet: Phenobarbital, 30 mg.; theobromine, 0.3 gm.	The S. E. Massengill Co.
Do	Tablet: Phenobarbital, 32 mg.; theobromine, 324 mg.	The Upjohn Co.
Theobromine-Phenobarbital Compound.	Tablet: Phenobarbital, ¼ gr.; theobromine, 2½ gr.; potassium iodide, 2½ gr.; potassium bicarbonate, 2 gr.	Do.
Theobromine with Phenobarbital No. 1.	Tablet: Phenobarbital, 15 mg.; theobromine, 324 mg.	Buffington's Inc.
Theobromine and sodium acetate with phenobarbital.	Tablet: Phenobarbital, ¼ gr.; theobromine and sodium acetate, 3 gr.	Paul B. Elder Co., Inc.
Theobromine sodium salicylate with phenobarbital.	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 300 mg.	The Zemmer Co.
Theocardone No. 1	Tablet: Phenobarbital, 15 mg.; theobromine, 300 mg.	Haack Laboratories, Inc.
Theocardone No. 2	Tablet: Phenobarbital, 30 mg.; theobromine, 300 mg.	Do.
Theodide	Tablet: Phenobarbital, ¼ gr.; potassium iodide, 2½ gr.; theobromine sodium salicylate, 2½ gr.	The Vale Chemical Co., Inc.
Theoglycinate with Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophyllin-sodium glycinate, 324 mg.	Brayten Pharmaceutical Co.
Theoglycinate with Racephedrine and Phenobarbital.	Tablet: Phenobarbital, 16 mg.; theophylline-sodium glycinate, 324 mg.; racephedrine hydrochloride, 24 mg.	Do.
Theoplaphen	Tablet: Phenobarbital, 15 mg.; theobromine sodium salicylate, 0.2 gm.; calcium lactate, 0.1 gm.	The S. E. Massengill Co.
Theominal	Tablet: Phenobarbital, 32 mg.; theobromine, 320 mg.	Winthrop Laboratories.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
Theominal M	Tablet: Phenobarbital, 15 mg.; theobromine, 330 mg.	Do.
Theominal R.S	Tablet: Phenobarbital, 10 mg.; theobromine, 320 mg.; alseroxylon, 1.5 mg.	Do.
Theophen	Tablet: Phenobarbital, ¼ gr.; theobromine sodium salicylate, 5 gr.; calcium carbonate, 2½ gr.	The Vale Chemical Co., Inc.
Theorate	Tablet: Phenobarbital, 16.2 mg.; theobromine, 324 mg.	Whittier Laboratories, Inc.
Thora-Dex No. 1	Tablet: Dextroamphetamine sulfate, 2 mg.; chlorpromazine hydrochloride, 10 mg.	Smith Kline & French Laboratories.
Thora-Dex No. 2	Tablet: Dextroamphetamine sulfate, 5 mg.; chlorpromazine hydrochloride, 25 mg.	Do.
Thymodyne	Tablet: Phenobarbital, 32 mg.; theophylline anhydrous, 130 mg.; ephedrine sulfate, 24 mg.	P. J. Noyes Co.
Trocinate with Phenobarbital	Tablet: Phenobarbital, 16 mg.; thiphenamil hydrochloride, 100 mg.	Wm. P. Poythress & Co., Inc.
Tricoloid	Tablet: Phenobarbital, 16 mg.; tricyclamol chloride, 50 mg.	Burroughs Wellcome & Co.
Triophen	Tablet: Phenobarbital, ⅛ gr.; atropine sulfate, 1/200 gr.; magnesium trisilicate, 7 gr.	The Vale Chemical Co., Inc.
Unitensen-Phen	Tablet: Phenobarbital, 15 mg.; cryptenamine, 1 mg.	Neisler Laboratories, Inc.
Valpin-PB	Tablet or elixir (3 cc.): Phenobarbital, 8 mg.; anisotropine methylbromide, 10 mg.	Endo Laboratories Inc.
Vasorutin	Tablet: Diallylbarbituric acid, ¼ gr.; nitroglycerin, 1/200 gr.; sodium nitrate, 1 gr.; tincture crataegus, 2 minims; rutin, 20 mg.	Buffington's, Inc.
Venafler	Tablet: Phenobarbital, 15 mg.; cryptenamine, 65 CSR (carotid sinus reflex) units; rutin, 20 mg.	Neisler Laboratories, Inc.
Veralnem	Tablet: Phenobarbital, 15 mg.; veratrum viride, 30 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Veranitrite	Tablet: Phenobarbital, ¼ gr.; cryptenamine, 40 CSR (carotid sinus reflex) units; sodium nitrite, 1 gr.	Neisler Laboratories, Inc.
Veritag	Tablet: Phenobarbital, 16 mg.; veratrum viride, 40 mg.; sodium nitrite, 65 mg.	S. J. Tutag and Co.
Vertegus	Tablet: Phenobarbital, ¼ gr.; veratrum viride, ¼ gr.; sodium nitrite, 1 gr.; mistletoe, ⅓ gr.; hawthorn berries, ½ gr.	Burt Krone Co.
Veruphen	Tablet: Phenobarbital, 15 mg.; rutin, 20 mg.; veratrum viride, 15 mg.; sodium nitrite, 60 mg.	The Zemmer Co.
Viritin	Tablet: Phenobarbital, 15 mg.; mannitol hexanitrate, 30 mg.; veratrum viride alkaloids, 1.5 mg.; rutin, 20 mg.	Lemmon Pharmacal Co.
Weytabs No. 1	Tablet: *dl*-Desoxyephedrine hydrochloride, 5 mg.; thyroid, 60 mg.; atropine sulfate, 0.125 mg.; aloin, 15 mg.	The Vale Chemical Co., Inc.
Weytabs No. 2	Tablet: *dl*-Desoxyephedrine hydrochloride, 5 mg.; thyroid, 60 mg., atropine sulfate, 0.125 mg.	Do.
Weytabs No. 3	Tablet: Phenobarbital, 15 mg., *dl*-desoxyephedrine hydrochloride, 5 mg.; thyroid 60 mg.	Do.
W-T	Powder (4 gm.): Phenobarbital, 15 mg.; belladonna extract, 10 mg. (0.12 mg. belladonna alkaloids); benzocaine, 15 mg.; calcium carbonate, 1.55 gm.; magnesium oxide, 0.5 gm.; aluminum hydroxide gel, dried, 60 mg.	Warren-Teed Pharmaceuticals Inc.
W-T	Tablet: Phenobarbital, 1/16 gr.; belladonna extract, 1/24 gr.; benzocaine, 1/16 gr.; calcium carbonate, 6 gr.; magnesium trisilicate, 3½ gr.; aluminum hydroxide gel, dried, 2½ gr.; chlorophyll extract, 1%.	Do.
Xanthophen	Tablet: Phenobarbital, 16.2 mg.; theobromine, 162 mg.; ethylenediamine dihydriodide, 32.4 mg.	Pitman-Moore.
Zallogen Compound	Tablet: Phenobarbital, 8 mg.; tocamphyl, 75 mg.; homatropine methylbromide, 2.5 mg.	The S. E. Massengill Co.
Zantrate	Tablet: Cyclopentenylallylbarbituric acid, ¼ gr.; ephedrine sulfate, ¾ gr.; theophylline anhydrous, 2 gr.	The Upjohn Co.
Zem-Dab	Tablet: Butabarbital sodium, 10 mg.; dehydrocholic acid, 60 mg.; ox bile desiccated, 120 mg.; homatropine methylbromide, 2.5 mg.	The Zemmer Co.
No. 23	Tablet: Phenobarbital, ½ gr.; aminophylline, 3 gr.	Stayner Corp.

EXEMPTED PRESCRIPTION DRUGS—Continued

Trade name or other designation	Composition	Manufacturer or supplier
No. 35	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.; ephedrine sulfate, ⅛ gr.	Do.
No. 36	Tablet: Pentabarbital sodium, ¾ gr.; ephedrine sulfate, ¾ gr.; aminophylline, 3 gr.	Do.
No. 65	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 66	Tablet: Phenobarbital, ¼ gr.; extract belladonna, ¼ gr.	Do.
No. 75	Tablet: Phenobarbital, ¼ gr.; belladonna, ⅛ gr.	Bariatric Corp.
No. 88	Tablet: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.	Stayner Corp.
No. 89	Tablet: Phenobarbital, ½ gr.; aminophylline, ½ gr.	Do.
No. 111	Tablet: Phenobarbital, ½ gr.; ephedrine sulfate, ¾ gr.	Do.
No. 136	Tablet: Phenobarbital, 20 mg.; homatropine methylbromide, 5 mg.	Do.
No. 643	Tablet: Phenobarbital, ¼ gr.; theophylline, 2 gr.; ephedrine hydrochloride, ¾ gr.	Do.
Rx. No. 4104	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 7½ gr.; magnesium oxide, 4 gr.; atropine sulfate, 1/200 gr.	The Zemmer Co.
Rx. No. 4105	Tablet: Phenobarbital, ¼ gr.; calcium carbonate, 10 gr.; atropine sulfate, 1/200 gr.	Do.
Rx. No. 4108	Capsule: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 6½ gr.; magnesium oxide, heavy, 2 gr.	Do.
Rx. No. 4123	Capsule: Phenobarbital, ¼ gr.; bismuth subgallate, 5 gr.; extract belladonna, ¼ gr.	Do.
Rx. No. 4126	Capsule: Pentabarbital sodium, 15 mg.; extract belladonna, 10 mg.	Do.
Rx. No. 4143	Capsule: Phenobarbital, ¼ gr.; aminophylline, 1.5 gr.; potassium iodide, 1 gr.	Do.
Rx. No. 4152	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.	Do.
Rx. No. 4155	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.; aluminum hydroxide gel, 3¾ gr.; kaolin, 3¾ gr.	Do.
Rx. No. 4170	Tablet: Phenobarbital, ¼ gr.; atropine sulfate, 1/200 gr.; calcium carbonate, 10 gr.	Do.
Rx. No. 4184	Capsule: Sodium butabarbital, 15 mg.; belladonna extract, 15 mg.	Do.

* * * * *

§ 166.18 **Label symbol.**

* * * * *

(d) * * *

(1) All drugs subject to control on February 1, 1966, as set forth in paragraph (a) of this section, and packaged after September 1, 1966, must bear the symbol.

This order exempts certain drugs from the requirements of section 511 of the Federal Food, Drug, and Cosmetic Act and is, accordingly, nonrestrictive in nature; therefore, I find that notice and public procedure are unnecessary prerequisites to this promulgation.

Effective date. This order shall become effective April 1, 1967.

(Secs. 511(f), 701(a), 52 Stat. 1055, 79 Stat. 230; 21 U.S.C. 360a(f), 371(a))

Dated: December 21, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-4; Filed, Jan. 9, 1967; 8:45 a.m.]

PART 165—HABIT-FORMING DRUGS

Exemption From Prescription Dispensing Requirements

In this issue of the FEDERAL REGISTER, an order is published revising § 166.8 (21 CFR 166.8) to exempt from the requirements of section 511 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360a) certain combination drugs that contain quantities of drugs falling within the definition of a depressant or stimulant drug in section 201(v) of the act (21 U.S.C. 321(v)) and that may be lawfully sold over-the-counter without a prescription. The Commissioner of Food and Drugs finds that said order clarifies or makes more explicit the exemption of certain habit-forming drugs from prescription dispensing requirements set forth in § 165.5(d) which, therefore, should be revised as set forth below.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(d), 503(b)(1), (3), 511(f)(2), 52 Stat. 1050, as amended, 1052, as amended, 79 Stat. 230; 21 U.S.C. 352(d), 353(b)(1), (3), 360a(f)(2)) and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008), § 165.5(d) is revised to read as follows:

§ 165.5 **Exemption of certain habit-forming drugs from prescription requirements.**

* * * * *

(d) Combination drugs listed in § 166.8(a) of this chapter as exempted from section 511 of the act.

Since this amendment clarifies or makes more explicit a previous exemption under provisions of the Federal Food, Drug, and Cosmetic Act, I find that notice and public procedure are unnecessary prerequisites to the promulgation of this order.

Effective date. This order shall become effective April 1, 1967.

(Secs. 502(d), 503(b)(1), (3), 511(f)(2), 52 Stat. 1050, as amended, 1052, as amended, 79 Stat. 230; 21 U.S.C. 352(d), 353(b)(1), (3), 360a(f)(2))

Dated: December 21, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3; Filed, Jan. 9, 1967; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter VII—Advisory Commission on Intergovernmental Relations

PART 1700—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Chapter VII of Title 5, consisting of Part 1700 is corrected to read as follows:

Sec.
1700.735–101 Adoption of regulations.
1700.735–102 Review of statements of employment and financial interests.
1700.735–103 Disciplinary and other remedial action.
1700.735–104 Gifts, entertainment, and favors.
1700.735–105 Outside employment.
1700.735–108 Specific provisions of Commission regulations governing special Government employees.
1700.735–109 Statements of employment and financial interest.

AUTHORITY: The provisions of this Part 1700 issued under E. O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101, et seq.

§ 1700.735–101 **Adoption of regulations.**

Pursuant to § 735.104(f) of this title, the Advisory Commission on Intergovernmental Relations (referred to hereinafter as the Commission) hereby adopts the following sections of Part 735 of this title §§ 735.101, 735.102, 735.202 (a), (c), (d), (e), 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403 (a), (b), 735.404–735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 1700.735–102 **Review of statements of employment and financial interests.**

Each statement of employment and financial interests submitted under this part shall be reviewed by the Executive Director. When this review indicates a conflict of interest of an employee or special Government employee of the Commission and the performance of his services for the Government, the Executive Director shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and at-

tempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Executive Director shall forward a written report on the indicated conflict to the Chairman, Advisory Commission on Intergovernmental Relations.

§ 1700.735–103 Disciplinary and other remedial action.

An employee or special Government employee of the Commission who violates any of the regulations in this part or adopted under § 1700.735–101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to, or in lieu of, disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee of his conflicting interests; or

(c) Disqualification for a particular assignment.

§ 1700.735–104 Gifts, entertainment, and favors.

The Commission authorizes the exceptions to § 735.202(a) of this title set forth in § 735.202(b) (1)–(4) of this title.

§ 1700.735–105 Outside employment.

(a) An employee of the Commission may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his supervisor.

(b) Employees and special Government employees of the Commission may engage in teaching, writing, and lecturing: *Provided, however,* Employees and special Government employees shall not receive compensation or anything of monetary value for any consultation, discussion, writing, lecturing, or appearance the subject matter of which is devoted substantially to the specific responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not been published or otherwise publicly released by the Commission. The foregoing limitation on the receipt of compensation or anything of monetary value shall not be construed as applying to amounts received for reimbursement for travel and other expenses incurred in performing the outside employment.

§ 1700.735–108 Specific provisions of Commission regulations governing special Government employees.

(a) The term "special Government employee" as used in this part means an officer or employee who is retained, designated, appointed, or employed by the Commission to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(b) Special Government employees shall adhere to the standards of conduct applicable to employees set forth in this part and adopted under § 1700.735–101, except that § 735.203(b) of this title is not applicable to a special Government employee.

(c) Pursuant to § 735.305(b) of this title, the Commission authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 1700.735–104.

§ 1700.735–109 Statements of employment and financial interests.

(a) In addition to the employees required to submit statements of employment and financial interests under § 735.403 (a) and (b) of this title, employees in the following named positions shall submit statements of employment and financial interest to the Executive Director.

Assistant Director, Taxation and Finance.
Assistant Director, Governmental Structure and Functions.
Senior Analyst, Taxation and Finance.

(b) The statement of employment and financial interests required by this section shall be submitted by the Executive Director to the Chairman of the Commission.

(c) A statement of employment and financial interests is not required under this part from Members of the Commission. Members of the Commission are subject to 3 CFR 100.735–31 and are required to file a statement only if requested to do so by the Counsel to the President.

This Part 1700 was approved by the Civil Service Commission on August 19, 1966.

This Part 1700 shall become effective upon publication in the FEDERAL REGISTER.

WM. G. COLMAN,
Executive Director.

[F.R. Doc. 67–210; Filed, Jan. 9, 1967; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENTS AND SCHOLARSHIPS

Subpart H—Grants To Improve the Quality of Training Centers for Allied Health Professions

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart H—Grants to Improve the Quality of Training Centers for Allied Health Professions, which relates solely to grants. This addition shall become effective on the date of publication in the FEDERAL REGISTER.

New Subpart H is added as follows:

AUTHORITY: The provisions of this Subpart H issued under sec. 215(b) of the Public Health Service Act as amended, 58 Stat. 690; 42 U.S.C. 216(b). Interpret or apply secs. 792 and 795 of the Public Health Service Act as amended, 80 Stat. 1226–1229.

§ 57.701 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Surgeon General" means the Surgeon General of the Public Health Service or any other officer or employee of the Public Health Service to whom the Surgeon General has delegated authority to act in his behalf to carry out the purposes of Part G of Title VII of the Act.

(c) "Training Center for the Allied Health Professions" or "center" means a junior college, college, or university which provides training in one or more of the allied health professional or technical curriculums listed in § 57.703 and which meets the requirements specified in section 795(1) of the Act.

(d) "Curriculum" means that portion of a program of study leading to an associate or baccalaureate degree or to the equivalent of either or to a higher degree which the center demonstrates to be the professional or technical component of the program of study.

(e) "Full-time student" means a student who (1) is enrolled in a curriculum (as defined in paragraph (d) of this section and specified in § 57.703(a)) not exceeding the last 2 academic years plus a period of clinical experience not longer than 24 months required for professional certification, registration, or licensure, or who is enrolled in the last academic year of a curriculum specified in § 57.703 (b), and (2) is enrolled for sufficient number of credit hours or their equivalent to complete the requirements for such degree within the number of semesters or other academic terms usually required therefor by the center in which he is enrolled.

(f) "Junior college" means an academic institution providing programs of posthigh school education and offering the associate degree as the highest earned academic award.

(g) "Council" means a national advisory council appointed to advise the

Surgeon General on matters relating to the Allied Health Professions.

(h) "Construction" for purposes of improvement grants includes (1) the construction of new buildings or the acquisition of existing buildings (including related costs such as architects' fees, acquisition of land, and off-site improvements), (2) the expansion, remodeling, alteration and repair of existing buildings except where the cost with respect to any single project is less than $50,000, and (3) the initial equipping of such buildings.

(i) "Budget year" means the 12-month period specified in the grant award document.

(j) "Fiscal year" means the Federal fiscal year beginning on July 1 and ending on the following June 30.

§ 57.702 Eligibility.

(a) To be eligible for a basic improvement grant under the Act, the applicant shall:

(1) Meet the applicable requirements of sections 792 and 795 of the Act and of these regulations;

(2) File an application as required in § 57.706;

(3) Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, or Guam; and

(4) Have as one of its institutional components a teaching hospital which provides the hospital component of the clinical training required for completion of the curriculums listed in § 57.703 for which grant support is sought, or be affiliated with one or more such hospitals by means of an agreement which provides for effective coordination of academic and clinical components of these curriculums and their supervision by the faculty of the center.

(b) To be eligible for a special improvement grant under the Act, the applicant must:

(1) Have filed an application for a basic improvement grant which has been approved by the Surgeon General;

(2) Demonstrate in its application that the special improvement grant funds will be utilized to contribute toward provision, maintenance, or improvement of the specialized functions which the center serves, and

(3) Demonstrate in its application that during the academic year following the first budget year students will be receiving training in three or more of the curriculums specified in § 57.703 and that such curriculums will be administered as a school, department, division, or other administrative unit under the direction of a Dean or other such official.

§ 57.703 Specified curriculums.

(a) Basic and special improvement grant funds authorized under section 792 of the Act may be used to develop and improve curriculums which qualify students for the baccalaureate degree or its equivalent or masters degree to the extent required to meet the basic professional requirements for employment as one of the following:

(1) Medical Technologist.
(2) Optometric Technologist.
(3) Dental Hygienist.
(4) Radiologic Technologist
(5) Medical Records Librarian.
(6) Dietitian.
(7) Occupational Therapist.
(8) Physical Therapist.

(b) Basic and special improvement grant funds authorized under section 792 of the Act may also be used to develop and improve curriculums which qualify students for the associate degree or its equivalent and for employment as one of the following:

(1) X-ray Technician.
(2) Medical Records Technician.
(3) Inhalation Therapy Technician.
(4) Dental Laboratory Technician.
(5) Dental Hygienist.
(6) Dental Assistant.
(7) Ophthalmic Assistant.
(8) Occupational Therapy Technician.
(9) Food Service Assistant.

(c) Curriculums which lead to an associate degree or its equivalent must be fully creditable toward a baccalaureate degree or designed to prepare students for employment in the categories specified in paragraph (b) of this section. Fully creditable toward a baccalaureate degree means that the associate degree or its equivalent is acceptable as 2 academic years of college credit as determined by one or more institutions which offer the baccalaureate degree in the relevant curriculum.

§ 57.704 Equivalents of degrees.

(a) A certificate, diploma, or other document awarded by the center which signifies satisfactory completion of a program of study of not less than 2 academic years shall be considered to be the equivalent of an associate degree.

(b) In the curriculums which include a clinical component that is undertaken, in whole or in part, after the awarding of the baccalaureate degree, but not creditable to a higher degree, the certificate or document which signifies satisfactory completion of the clinical experience, shall be considered to be the equivalent of a baccalaureate degree.

§ 57.705 Accreditation.

Applicant colleges and universities must be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education. (See also § 57.707(e)). Junior colleges must be accredited by the regional accrediting agency for the region in which they are located or provide satisfactory assurance afforded by such accrediting agency to the Surgeon General that reasonable progress is being made toward accreditation.

§ 57.706 Application.

Each center desiring an improvement grant under the Act shall submit an application in such form and at such time as the Surgeon General may require. Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(a) An application for a basic improvement grant shall include a description of the manner and method by which all funds granted will be utilized by the applicant to improve the curriculums specified in § 57.703 for which grant support is sought.

(b) An application for a special improvement grant shall include a plan setting forth specifically the manner and methods by which both basic and special improvement grant funds will be used (1) to contribute toward provision, maintenance or improvement of the specialized function which the training center serves and (2) to establish or improve the curriculums specified in § 57.703.

§ 57.707 Assurances required.

In addition to any other requirements imposed by law, each improvement grant shall be subject to the condition that the applicant will furnish and comply with the following assurances and requirements. The Surgeon General may require additional assurances where he finds that such additions are necessary to carry out the purposes of the Act.

(a) With respect to the assurance required by section 792(d)(2) of the Act, relating to the continued expenditure of non-Federal funds, the amounts of non-Federal funds to be expended during the fiscal year for which the grant is sought and expended during the 3 fiscal years immediately preceding the fiscal year for which the grant is sought shall be determined on the basis of the non-Federal funds expended in support of those curriculums for which grant support is sought and exclude the cost of construction as defined in § 57.701(h).

(b) With respect to the assurance required by section 792(b)(2) of the Act relating to increased enrollment, the center shall, except as otherwise provided in this paragraph, furnish such reasonable assurances as the Surgeon General may require that for the first school year beginning after the fiscal year for which the grant is made and each school year thereafter during which a grant is made, the enrollment of full-time students in such center in curriculums for which grant support is sought will exceed the highest enrollment in such curriculums for any of the 5 school years during the period July 1, 1961, through July 1, 1966, by at least 2½ per centum of such enrollment, or by three students, whichever is greater. (See §§ 57.701(e) and 57.709(c) for determining number of full-time students.) This increase shall be in addition to the increase of 5 per centum required under section 791(b)(2)(B)(iv) of the Act with respect to a construction grant application, where assurance of such increase has been given by the center. Where a training center cannot, because of limitations of physical facilities, increase its enrollment as required by section 792(b)(2) of the Act, such training center may request the Surgeon General to waive, in whole or in part (in accordance with the last sentence of sec. 792(b)(2) of the Act), the assurance of increased enrollment. The

training center shall in its application state the reasons why the required increase in enrollment of full-time students in such center cannot, because of limitations of physical facilities available to the center for training, be accomplished without lowering the quality of training for such students.

(c) The applicant shall provide assurance satisfactory to the Surgeon General that the funds for which applications is made will be used in a manner which will supplement grants, if any, received for the support of allied health professions training from other Federal sources and will not be charged with expenses which are being paid from grants from other Federal sources.

(d) With respect to an application for a basic improvement grant, the applicant shall provide assurance satisfactory to the Surgeon General that the center has a plan for developing within a reasonable time a coordinated program of training for the health occupations in a school, department, division, or other administrative unit or under the general supervision of a standing committee of the faculty.

(e) With respect to those curriculums which lead to the baccalaureate or equivalent degree or to a higher degree, the applicant shall provide assurance satisfactory to the Surgeon General that such curriculums will qualify graduates for eligibility for professional certification, registration, or licensure, or such other professional recognition as the Surgeon General may find acceptable.

§ 57.708 Determination of curriculums for computing basic improvement grants.

For purposes of computing the amount of the basic improvement grant, the number of curriculums shall be the number of curriculums specified in § 57.703 for which the applicant provides assurance satisfactory to the Surgeon General that a minimum of six full-time students received training in each such curriculum on October 15 of the fiscal year in which the application is made.

§ 57.709 Determination of number of students.

(a) For purposes of section 795(1)(B) of the Act, the number of students to which a center provides training in one or more of the curriculums specified in § 57.703 shall be the number of full-time students receiving training in such curriculums on October 15 of the fiscal year in which application is made, provided that assurances satisfactory to the Surgeon General are received that a minimum of six full-time students received training in each such curriculum on such date.

(b) For purposes of computing the amount of the basic improvement grant, the number of full-time students in such center receiving training in each of the curriculums offered by the center which are specified in § 57.703 shall be the number of full-time students receiving such training on October 15 of the fiscal year in which application is made, provided that assurances satisfactory to the Surgeon General are received that a minimum of six full-time students received training in each such curriculum on such date.

(c) For purposes of the assurance required by section 792(b)(2) of the Act, the number of full-time students enrolled at the center for any of the 5 school years during the period July 1, 1961, through July 1, 1966, and for any school year after the first budget year shall be the number of full-time students receiving training on October 15 of such year in curriculums which are specified in § 57.703 for which a grant is sought.

§ 57.710 Grant awards.

(a) After consultation with the Council, the Surgeon General shall award a basic improvement grant to each applicant whose application he has approved after determining that it meets the requirements of the Act and the regulations in this subpart.

(b) The Surgeon General may award a special improvement grant to any applicant after consultation with the Council, and after the Surgeon General determines that such grant will be utilized by the applicant in accordance with the purposes specified in section 792(c) of the Act. In making special improvement grants, the Surgeon General shall give consideration to the following factors:

(1) The relative financial need of the applicant for such grant.

(2) The relative effectiveness of the applicant's proposal in contributing toward provision, maintenance, or improvement of the specialized function which the center serves.

(3) The extent to which the applicant's proposal contributes to an equitable geographical distribution of centers offering high quality training in the curriculums specified in § 57.703.

§ 57.711 Amount of grants.

(a) The amount of each basic improvement grant shall be an amount computed in accordance with section 792(b)(1) of the Act. Where the amount of funds available for any Federal fiscal year is less than the total of the amounts computed, the grant awarded to each center shall be reduced proportionately.

(b) Within the limits of available funds and the restrictions specified in section 792(c)(3) of the Act with respect to the maximum amount of the grant, the amount of each special improvement grant shall be that which the Surgeon General deems to be reasonably necessary to carry out the applicant's approved special improvement plan. In evaluating applications and in determining the amount of special improvement grants, the Surgeon General shall take into consideration the availability of other Federal financial assistance to the center for the support of curriculums for which application has been made in order to insure complementary utilization of Federal financial support. For purposes of assisting him in these considerations, the Surgeon General shall consult with the Commissioner of Education and the Commissioner of Vocational Rehabilitation.

§ 57.712 Expenditure of grant funds.

(a) Basic improvement grant funds may be obligated by the center at any time between the beginning of the budget year, and the end of the 12-month period following the budget year, for any purpose which will strengthen, develop, or improve the curriculums for which the grant is made but may not be expended for the purposes listed in paragraph (c) of this section. Any funds not so obligated must be refunded to the Public Health Service.

(b) Special improvement grant funds may be expended only to carry out the purposes of the special improvement plan set forth in the center's application and approved by the Surgeon General. Any unobligated special improvement funds remaining in the grant account at the close of a budget year, will be carried forward and will be available for obligation during subsequent budget years. The amount of the subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget year any unobligated special improvement funds remaining in the grant account must be refunded to the Public Health Service.

(c) Basic or special improvement grant funds may not be expended for the following purposes:

(1) Construction (as defined in § 57.701): *Provided, however,* That the Surgeon General may in particular cases approve the expenditure of improvement grant funds for remodeling, alteration, and repair of existing buildings in excess of $50,000 where he finds that such expenditure is necessary in order to improve the quality of the curriculums for which the grant is made;

(2) Research;

(3) Research Training;

(4) Student assistance;

(5) Patient care; or

(6) Operation of hospitals.

§ 57.713 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 251: P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (section 601). A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Each grant for expansion, remodeling, alteration, or repairs shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246 (Sept. 24, 1965), and with the applicable rules, regulations and procedures prescribed pursuant thereto.

§ 57.714 Payments.

The Surgeon General shall from time to time make payments to a granteee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.715 Records, reports, inspection.

(a) Each grant award pursuant to this subpart shall be subject to the condition that the grantee shall maintain such progress and fiscal reports relating to the use of grant funds as the Surgeon General may find necessary to carry out the purposes of the Act and regulations.

(b) Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Surgeon General of the facilities, equipment and other resources of the applicant and to interviews with the principal staff members to the extent that such resources and personnel will be, or are, involved in the project. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.716 Termination of grants.

Whenever the Surgeon General finds that a grantee has failed to comply with the Act or the regulations of this subpart he may, on reasonable notice to the grantee, withhold further payments.

Dated: December 30, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: January 3, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-255; Filed, Jan. 9, 1967; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 18—RECREATION FEES

The Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), authorizes the President to provide for the establishment of entrance, admission, and user fees at designated Federal recreation areas. Executive Order 11200 provided for the designation of areas at which such fees shall be charged and directed the Secretary of the Interior to adopt such coordination measures as are necessary to carry out the purposes of sections 2(a) and 4(a) of the Act and the provisions of that order. A revised Part 18 providing for criteria for designation of Federal recreation areas, posting, and a schedule of fees applicable to Designated Fee Areas is published below. This revision shall become effective on April 1, 1967.

Part 18 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec.
18.1 Application.
18.2 Designation.
18.3 Posting.
18.4 Types of fees.
18.5 Fee for annual permit.
18.6 Fees for short-term permits.
18.7 Validation and display of entrance permits.
18.8 User fees.
18.9 Effective dates of fees.
18.10 Period for collection of fees.
18.11 Enforcement.
18.12 Exceptions, exclusions, and exemptions.
18.13 Public notification.
18.14 Production, distribution, and sale of permits and revision or interpretation of this part.

AUTHORITY: The provisions of this Part 18 are issued under sec. 2, 78 Stat. 897, and Executive Order 11200.

§ 18.1 Application.

(a) This part is promulgated pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, and Executive Order 11200. Any recreation fee which may be charged by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the U.S. Section of the International Boundary and Water Commission (United States and Mexico) shall be selected from the schedule of fees according to the criteria set forth in this part.

§ 18.2 Designation.

(a) The heads of the administering agencies and departments listed in § 18.1 hereof shall at least annually review all areas under their respective jurisdictions to determine:

(1) Whether any additional areas should, in accordance with the designation criteria prescribed in this section, be designated as areas at which recreation fees shall be charged;

(2) Whether the recreation fee for an area theretofore designated should be increased or reduced; or

(3) Whether the designation of an area as one at which fees shall be charged should be eliminated.

(b) An area or closely related group of areas shall be designated as an area at which fees shall be charged (hereinafter referred to as Designated Fee Area) and fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in § 18.1 hereof;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical. For the purposes of this section, it shall be presumed that it is administratively and economically feasible to collect fees at a Federal recreation area or closely related group of Federal recreation areas whenever the estimated annual collections equal or exceed estimated costs of collection assuming enforcement or whenever the annual visitation exceeds 6,000 visitor-days. In addition, other circumstances may justify the presumption that fee collection is administratively and economically practical.

§ 18.3 Posting.

(a) The heads of the administering agencies and departments shall provide for the posting of the official designation sign prescribed in § 18.3(b) hereof at all entrances to Designated Fee Areas in a manner such that the visiting public will be clearly notified that recreation fees are charged therein. Such signs may be used in combination with other entrance signs or incorporated into larger entrance signs.

(b) The official designation sign shall be designed as indicated in the rendition below and have the following characteristics:

(1) Be constructed of enameled steel, coated aluminum, silk-screen reflective material attached to wood or metal, or other permanent materials;

(2) Consist of the basic elements, proportion, and color as indicated below;

(3) The color midnight blue shall be Pantone Matching System 282; the color gold shall be Pantone Matching System 130;

(4) The rounded triangle shall be 18 inches in vertical height at all Designated Fee Areas, except that at those areas entered only by foot, the rounded triangle may be 9 inches in vertical height;

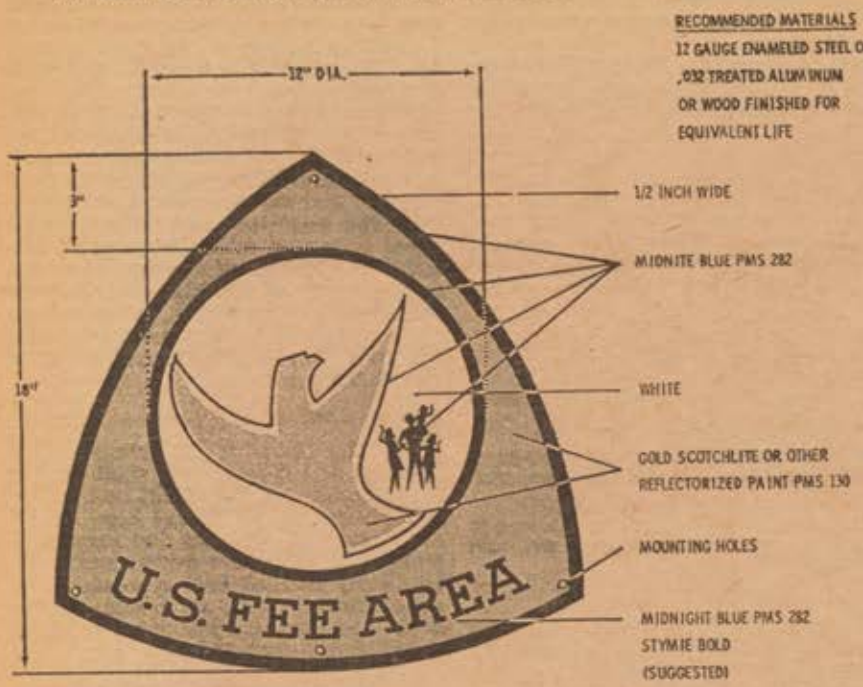
(5) Contain the words "U.S. Fee Area" as indicated below.

(c) In addition to the official designation sign, all Designated Fee Areas shall also be prominently posted with at least one other sign of attractive design, easy readability and suitable permanence showing, where applicable, fee options for entrance or admission, whether user fees are charged, and similar appropriate information. It shall contain the words, "Authorized by the Land and Water Conservation Fund Act of 1965."

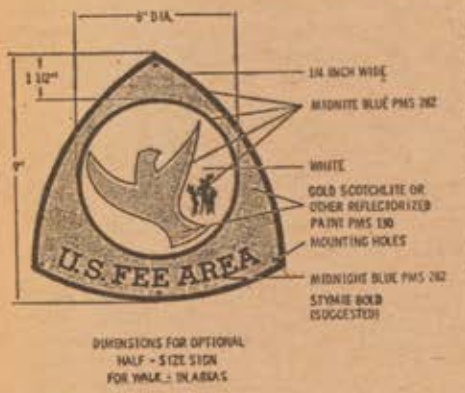
(d) An appropriate sized edition of the designation sign may be used in conjunction with all signs erected by the administering agency or department which directs the public to a Designated Fee Area.

(e) No recreation fee established pursuant to this part shall be effective at any Designated Fee Area until that area has been posted.

SPECIFICATIONS FOR OFFICIAL DESIGNATION SIGN



DIMENSIONS FOR STANDARD SIGN



§ 18.4 Types of fees.

There shall be two general types of fees: Entrance or admission fees, and user fees. There shall be two types of entrance or admission fees: A fee for an annual permit, and a fee for a short-term permit.

§ 18.5 Fee for annual permit.

(a) The annual permit shall be valid for the 12-month period of April 1 through March 31 at all Designated Fee Areas at which entrance or admission fees are charged. The fee for the annual permit for the period April 1, 1967, through March 31, 1968, and each 12-month period thereafter shall be $7.

(b) The annual permit shall admit the purchaser, regardless of the mode of transportation, without further payment to all Designated Fee Areas where entrance or admission fees are charged during the period for which the permit is valid. In addition, all those who accompany the purchaser in a private, noncommercial vehicle shall also be admitted without further charge to Designated Fee Areas commonly entered by such vehicles.

(c) "Private, noncommercial vehicle," for the purposes of this part, shall include any passenger car, station wagon, pickup, camper truck, motorcycle, or other motor vehicle which is conventionally used for private recreation purposes by a family.

§ 18.6 Fees for short-term permits.

(a) For those who choose not to purchase the annual permit, there shall be two fees for short-term permits charged at Designated Fee Areas where entrance or admission fees are charged: One applicable to those entering by private, noncommercial vehicle, and one applicable to those entering by any other means.

(b) The fee for a short-term permit applicable to those entering by private, noncommercial vehicle shall be one of the following at the discretion of the heads of the administering agencies or departments:

(1) $1 per day; or

(2) From $3 to $5 for a period not to exceed 6 months.

The short-term permit shall be valid only at the one Designated Fee Area for which it is purchased. The head of the administering agency or department shall select for each area either (1) or (2), or both. If (2) is selected, he may determine the exact fee and its duration within the limits indicated: *Provided*, All short-term permits shall expire not later than March 31, 1968. The short-term permit shall admit without further payment, the purchaser and all who accompany him in a private noncommercial vehicle for a single visit or series of visits during its period of validity.

(c) The fee for a short-term permit charged at Designated Fee Areas, applicable to those entering by any means other than private, noncommercial vehicle shall be $0.50 per person per day and shall be valid only at the one Designated Fee Area for which it is purchased.

(d) Any of the permits provided for in paragraphs (b)(1) and (c) of this section shall be valid for a single visit or series of visits to the Designated Fee Area for which it was purchased during the same calendar day for which it was purchased. In addition, at areas in which overnight use is permitted, such permits shall be valid until noon of the day following purchase, unless such area is posted for an earlier departure time in which case such permits shall be valid only until such departure time.

§ 18.7 Validation and display of entrance permits.

(a) Every annual permit shall be validated by the signature of its owner on the face of the permit at the time of its receipt.

(b) All annual and short-term permits shall be nontransferable, except the annual permit, and those issued pursuant to § 18.6(b) may be used by members of the purchaser's immediate family (spouse and children): *Provided*, Such member is driving a private, noncommercial vehicle duly registered, or under rental contract, in the name of a member of that family.

(c) Every permit shall be kept on the person of its owner, except that, whenever a person enters a Designated Fee Area by private, noncommercial vehicle, the annual permit or short-term permit shall be displayed on the sun visor or the dashboard on the left side of such vehicle in a manner to be readily visible to persons outside the vehicle unless a different manner of display is prescribed by instructions posted at the area.

§ 18.8 User fees.

(a) User fees are payable for the use of sites, facilities, equipment, or services provided by the United States especially for recreationists in Designated Fee Areas which include, but are not limited to, well-developed campsites, picnic

areas, bathhouses, lockers, boat launching facilities, boats, other marine equipment, guide services, firewood, and winter sport facilities. User fees may be charged at Designated Fee Areas singly or in addition to entrance or admission fees.

(b) User fees shall be selected from within the range of fees in accord with the criteria below:

(1) The direct and indirect cost to the United States of establishing and maintaining the area;

(2) The quality and variety of recreation opportunities offered in the area;

(3) The amount charged for admission to or the use of comparable Federal, State, local, and private areas;

(4) The impact of the fee on potential development of other outdoor recreation areas and facilities in the locality by State and local governments and by private investors;

(5) The contributions of State and local governments and private contributions to the maintenance and development of the area.

(c) User fees may be charged for additional types of sites, facilities, equipment, and services not listed below in such amounts as are recommended by the Secretary of the Interior.

RANGE OF USERS FEES

SITES

Camp and trailer sites.	$1 to $3 for overnight use.	
Picnic sites.	$0.50 to $0.75 per site per day.	
	Persons in group	Fee range per group per day [1]
Group camping and picnicking sites.	Up to 50.	$5.00 to $10.00.
	51 to 100.	10.00 to 20.00.
	101 to 200.	20.00 to 40.00.
	201 to 300.	30.00 to 60.00.
	301 to 400.	40.00 to 80.00.
	401 to 500.	50.00 to 100.00.
Boat launching sites.	$0.50 to $1.50 daily fee.	

[1] Any fee within the range may be charged the group if the number of persons 16 years of age and older falls within the relevant group size limits set for that fee. This fee may be selected in lieu of the above "Camp and trailer sites" fee or the above "Picnic sites" fee, or both.

No such site shall be the subject of a user fee unless it contains or is within a reasonable distance of the following facilities:

Basic facility required	Camp and trailer sites	Picnic sites	Boat launching sites
Access and circulatory roads [2]	X	X	X
Parking [2]	X	X	X
Drinking water	X	X	----
Toilet facilities	X	X	X
Refuse containers	X	X	X
Picnic tables [2]	X	X	----
Firegrates [3] or fireplaces	X	X	----
Adequate tent or trailer spaces	X	----	----
Boat launching ramps or facilities	----	----	X

[2] Except at campsites accessible only by boat.
[3] Not applicable to trailer sites.

FACILITIES

Lockers	$0.25 per locker daily.
Boat storage and handling	To be established at a daily, weekly, monthly, or annual rate in accord with the criteria set forth in this section.
Vehicle and trailer parking	To be established at a daily, weekly, or monthly rate in accord with the criteria set forth in this section.
Elevators	At least $0.10 per person per round trip.
Ferries or other means of transportation.	To be established at a rate in accord with the criteria set forth in this section.
Bathhouses	$0.25 to $0.50 per day per person 6 years or over.
Swimming pools	To be established at a daily rate in accord with the criteria set forth in this section.
Overnight shelters	To be established at a daily rate in accord with the criteria set forth in this section.

EQUIPMENT

Boats, row	A minimum of $1 per boat per day or fraction thereof.
Boats, motorized	A minimum of $5 per boat per day or fraction thereof.

SERVICES

Firewood	To be established at a rate in accord with the criteria set forth in this section.
Guided tours	To be established at a rate in accord with the criteria set forth in this section.

§ 18.9 Effective dates of fees.

Effective April 1, 1967, at least one of the fees provided for in this part shall be charged at every Designated Fee Area.

§ 18.10 Period for collection of fees.

(a) Fees shall be charged at all Designated Fee Areas on a yearlong basis.

(b) The heads of the administering agencies and departments shall provide for the collection of fees at every Designated Fee Area at all times unless recreation use at such an area or closely related group of areas is insufficient to make collections equal or exceed administrative costs or there are other overriding difficulties.

§ 18.11 Enforcement.

The heads of the administering agencies and departments shall use such legal means at their disposal to collect fees at Designated Fee Areas and to enforce these fee regulations. The Director, Bureau of Outdoor Recreation, shall issue from time to time to heads of administering agencies and departments guidelines with respect to enforcement.

§ 18.12 Exceptions, exclusions, and exemptions.

In the application of the provisions of this part, the following exceptions, exclusions, and exemptions shall apply:

(a) Nothing contained herein shall authorize Federal hunting or fishing licenses or fees;

(b) No fee shall be charged for the use of any waters;

(c) No fee shall be charged for travel by private, noncommercial vehicle over any National Parkway, any road or highway established as part of the national Federal-aid system, or any road within the National Forest System or a public land area, which, although it is part of a larger area, is commonly used by the public as a means of travel between two places, either or both of which are outside the area;

(d) No fee shall be charged any person in the exercise of a right of access to privately owned lands;

(e) No short-term entrance or admission fee shall be charged at any area where more than 50 percent of the land within such area has been donated to the United States by a State, unless the Governor of such State or his designee has been advised of such fee at least 60 days prior to its establishment and unless any recommendation of such Governor and all legal and other obligations of the United States to such State with respect to such areas have been taken into consideration;

(f) No fee shall be charged for access to waters or shorelines by those classes of persons which have rights thereto under treaty or law;

(g) No fee shall be charged for commercial or other activities not related to recreation;

(h) No entrance or admission fee shall be charged any person conducting State, local, or Federal Government business;

(i) No entrance or admission fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances;

(j) No entrance or admission fees shall be charged at Designated Fee Areas requiring such fees for persons who have not reached their 16th birthday;

(k) Under authority granted in 80 Stat. 258 (1966), Boy Scouts from foreign countries or nations, who are in uniform and are en route to or from the 1967 Boy Scout World Jamboree, shall be exempted from all Federal fees collected at Designated Fee Areas.

§ 18.13 Public notification.

The administering agencies and departments shall notify the public of the specific recreation fees which will be charged for each Designated Fee Area under their respective jurisdictions. Such notification shall be accomplished by posting such information at each area and by local public announcements, press releases, and other suitable means.

§ 18.14 Production, distribution, and sale of permits and revision or interpretation of this part.

(a) The Director, Bureau of Outdoor Recreation, shall issue from time to time to the heads of the administering agencies and departments, as well as other concerned parties, instructions with respect to the production, distribution, and sale of permits.

(b) The Director, Bureau of Outdoor Recreation, shall be consulted prior to their issuance, with respect to agency-wide instructions implementing these regulations. He shall also consider recommendations from the heads of the agencies and departments administering the Designated Fee Areas for revision of §§ 18.2, 18.3, 18.6, 18.8, 18.11, and 18.13 of this part and, based upon justifications received, make such revisions, interpretations, and supplements as he deems appropriate.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 23, 1966.

[F.R. Doc. 67-186; Filed, Jan. 9, 1967; 8:45 a.m.]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4129]

[Arizona 034094]

ARIZONA

Powersite Restoration No. 627; Partial Revocation of Powersite Reserve No. 188

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and to the determination of the Federal Power Commission in DA-142-Arizona, it is ordered as follows:

1. The Executive Order of June 16, 1911, creating Powersite Reserve No. 188, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 4 W.,
Sec. 6, lots 2 and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼.

The areas described aggregate 320.21 acres in Maricopa and Yavapai Counties, of which lots 2 and 3 and the SE¼SE¼ are public lands. The remainder are patented.

2. Until 10 a.m. on July 4, 1967, the State of Arizona shall have a preferred right of application to select the public lands, as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 4, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Ariz.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-219; Filed, Jan. 9, 1967; 8:45 a.m.]

[Public Land Order 4130]

[Misc. 80709]

MONTANA

Reservoir Site Restoration No. 45; Revocation of Reservoir Site No. 34

By virtue of the authority contained in the act of October 2, 1888 (25 Stat. 527; 43 U.S.C. 662), as amended, it is ordered as follows:

1. The departmental order of August 18, 1894, insofar as it withdrew the following described lands in Reservoir Site No. 34, Montana, is hereby revoked in compliance with the provisions of the act of March 3, 1891 (26 Stat. 1101; 43 U.S.C. 663):

PRINCIPAL MERIDIAN

T. 13 N., R. 11 E.,
Sec. 35, NW¼NE¼;
Sec. 36, SW¼NW¼.

The areas described, including the national forest lands and patented lands, aggregate approximately 80 acres in Judith Basin County. Those in section 35 are in the Lewis and Clark National Forest.

2. At 10 a.m. on February 8, 1967, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-220; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4131]

[Colorado 0127104]

COLORADO

Partial Revocation of Coal Land Withdrawal

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive Order of July 7, 1910, creating Coal Land Withdrawal, Colorado No. 1, is hereby revoked so far as it affects the following described lands of the Southern Ute and Ute Mountain Indian Reservations:

NEW MEXICO PRINCIPAL MERIDIAN

T. 32 N., R. 13 W.,
Secs. 1 to 12, inclusive.
T. 33 N., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 34 N., R. 13 W., South of Ute Line,
Secs. 1 U to 12 U, inclusive;
Secs. 13 to 36, inclusive.
T. 34 N., R. 16 W., North of Ute Line,
Secs. 1 to 5, inclusive;
Secs. 8 to 12, inclusive.
T. 35 N., R. 16 W.,
Secs. 25 and 26;
Sec. 27, E½, SW¼;
Sec. 28, SE¼;
Secs. 32 to 36, inclusive.

The areas described aggregate approximately 65,280 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-221; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4132]

[Oregon 49]

OREGON

Withdrawal for Protection of Pine and Fir Seed Orchard

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for protection of a pine and fir seed orchard:

WILLAMETTE MERIDIAN

T. 35 S., R. 6 W.,
Sec. 9, NW¼ and NW¼SE¼.

The areas described aggregate approximately 200 acres of revested Oregon and California Railroad grant lands in Josephine County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the revested lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-222; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4133]

[Anchorage AA-155]

ALASKA

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928

(45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 686 of November 9, 1950, so far as it withdrew the following described lands as Air Navigation Site Withdrawal No. 260, is hereby revoked:

PORTAGE

TRACT NO. 1

Beginning at a point from which a point on the centerline of the Alaska Railroad main line on the south abutment of the bridge at mile 64.3, approximate latitude 60°50'20" N., longitude 148°48' W., bears N. 81°00' E., 660 feet, N. 9°00' W., 101.53 feet; thence by metes and bounds:

S. 9°00' E., 798.60 feet;
West, 428.79 feet;
N. 52°00' W., 400.00 feet;
N. 23°00' W., 280.00 feet;
N. 52°00' W., 380.00 feet;
N. 38°00' E., 625.00 feet;
S. 52°00' E., 380.00 feet;
S. 23°00' E., 225.68 feet;
East, 255.49 feet to point of beginning.

Containing approximately 18.01 acres.

TRACT NO. 2

A right-of-way for a 2 inch fuel oil pipeline, the centerline of which is as follows:

Beginning at a point which is an 8 inch creosoted piling at the tank car unloading stand, from which a point on the centerline of the Alaska Railroad main line on the south abutment of the bridge at mile 64.3, bears N. 81°00' E., 40 feet, N. 9°00' W., 850 feet; thence by metes and bounds:

N. 54°00' W., 9.90 feet;
N. 9°00' W., 711.47 feet;
S. 81°00' W., 603.00 feet;
S. 60°00' W., 10.70 feet to a point on the east boundary of the area above described.

2. Until 10 a.m., on April 4, 1967, the State of Alaska shall have a preferred right to select the lands as provided by section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on April 4, 1967 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, Anchorage, Alaska.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-223; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4134]

[Anchorage 025267]

ALASKA

Correction and Amendment of Public Land Order No. 4074

1. Public Land Order No. 4074 of August 8, 1966, so far as it describes "Lot 47" in sec. 13, T. 13 N., R. 3 W., Seward Meridian, is corrected to read "Lot 46."

2. The preference right period of selection afforded the State of Alaska in paragraph 2 thereof, and the date for simultaneous filings and for mineral locations provided in paragraphs 2 and 3 are extended from October 8, 1966, to April 4, 1967, so far as the order affects Lot 46.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-224; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4135]

[New Mexico 538]

NEW MEXICO

Revocation of Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of February 4, 1919, creating Stock Driveway Withdrawals No. 60 (New Mexico No. 9) and No. 61 (New Mexico No. 10), and the departmental order of April 29, 1919, creating Stock Driveway Withdrawal No. 81 (New Mexico No. 12) as modified by the departmental order of March 18, 1929, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 3 E.,
Sec. 22, lots 2, 3, 4, 5, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 23, lot 1;
Sec. 27, W½.
T. 21 N., R. 7 E.,
Sec. 25;
Sec. 26, S½;
Secs. 33 and 34;
Sec. 35, N½.
T. 20 N., R. 9 E.,
Sec. 36, lots 5, 6, 7, and 8.
T. 20 N., R. 10 E.,
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½.

The areas described, including the public lands and State-owned lands, aggregate 3,971.48 acres, of which lots 5, 6, 7, and 8, sec. 36, T. 20 N., R. 9 E., N.M.P.M. are the State lands.

The lands lie in Santa Fe and Rio Arriba Counties, N. Mex. They are largely steep, rough, wooded lands.

2. At 10 a.m. on February 8, 1967, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 8, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-225; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4136]

[New Mexico 790]

NEW MEXICO

Partial Revocation of Withdrawals in Aid of State Exchanges

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Orders No. 6143 of May 23, 1933, and No. 6276 of September 8, 1933, withdrawing lands in New Mexico to aid the State in making exchange selections, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 16 W.,
Sec. 19.
T. 22 S., R. 18 W.,
Sec. 18, lots 3 and 4;
Sec. 19, lot 1.

The areas described aggregate 756.10 acres in Grant and Hidalgo Counties.

The lands are within 20 miles of the town of Lordsburg, New Mexico. The topography is level to gently sloping. Soils range from medium to deep and are sandy loam and clay loam in texture. Vegetal cover consists mainly of tobosa grass with scattered yucca and mesquite.

2. At 10 a.m., on February 8, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on Feb. 8, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m., on February 8, 1967. They have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Manager, Land Of-

fice, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-226; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4137]

[New Mexico 0557950, 0557962, 0557963, 0557964, 0557965, 0557966]

NEW MEXICO

Revocation of Department of Air Force Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order 2749 of August 8, 1962, withdrawing public lands for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following described lands:

(a) NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 19 E.,
Sec. 14, lot 5.
T. 11 S., R. 21 E.,
Sec. 7, lots 2 and 3.

The areas described aggregate 130.63 acres which, except for any minerals therein, have been determined to be "Property" within the meaning of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 472), as amended.

(b) *Public Lands.*

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 19 E.,
Sec. 14, SW¼ of Lot 3, S½ of Lot 4, Lot 6, N½ of Lot 11, and Lot 12;
Sec. 15, NE¼SE¼ and N½SE¼SE¼.
T. 11 S., R. 20 E.,
Sec. 12, E½NE¼, NE¼SE¼, and N½NE¼SE¼SE¼.
T. 11 S., R. 21 E.,
Sec. 7, Lot 1, N½N½ of Lot 4, E½NW¼, and NE¼SW¼.
T. 8 S., R. 23 E.,
Sec. 23, S½NE¼SE¼, S½NE¼NE¼SE¼, E½E½SW¼SE¼, and SE¼SE¼;
Sec. 26, NE¼NE¼ and N½NE¼SE¼NE¼.
T. 8 S., R. 25 E.,
Sec. 24, E½SE¼SE¼SE¼;
Sec. 25, E½E½NE¼NE¼.
T. 8 S., R. 26 E.,
Sec. 19, S½S½ of Lot 3, S½N½S½ of Lot 3, Lot 4, S½N½S½NE¼SW¼, S½S½NE¼SW¼, and SE¼SW¼.
T. 14, S., R. 27 E.,
Sec. 17, NW¼NE½SE½, N½SW¼NE¼SE¼, and NW¼SE¼.
T. 14 S., R. 28 E.,
Sec. 27, S½S½NW¼NE¼, SW¼NE¼W½W½SE¼NE¼, E½SW¼SE¼NE¼, S½S½NE¼NW¼, SE¼NW¼, NW¼SE¼, W½W½NE¼SE¼, and W½E½W½NE¼SE¼.

The areas described aggregate 965.68 acres in Lincoln and Chaves counties, N. Mex.

2. The topography of the lands varies from rough to low rolling hills to gently sloping terrain with some sand duning. The soils are variable, medium to thin silty loams with rock and caliche outcrops and red sandy loam to sandy soils to gravelly loams with some gyp and rock outcrops. Vegetation consists of native grasses with mesquite, snakeweed, yucca cacti, tarbush, and cholla invasives.

3. At 10 a.m. on February 8, 1967, the public land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 8, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The public land has been open to application and offers under the mineral leasing laws. They will be open to location and entry under the general mining laws at 10 a.m. on February 8, 1967.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the lands shall be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Sante Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-227; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4138]

[Wyoming 0317658]

WYOMING

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental orders of January 20, 1932, October 6, 1933, October 13, 1933, and June 25, 1940, withdrawing lands for the North Platte-Kendrick Projects, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 83 W.,
Sec. 24, SE¼NW¼.
T. 26 N., R. 84 W.,
Sec. 3, SW¼, NW¼SE¼, E½SE¼;
Sec. 10, N½N½;
Sec. 11, NW¼NW¼.
T. 27 N., R. 84 W.,
Sec. 5, S½NE¼, NE¼SW¼, N½SE¼;
Sec. 8, E½SW¼, SE¼;
Sec. 20, N½SE¼.

The areas described aggregate approximately 1,040 acres in Carbon and Natrona Counties.

The lands are located about 50 miles southwest of Casper, Wyo. Vegetative cover is native grasses, brush, scattered pine, and juniper.

2. Until 10 a.m., on July 4, 1967, the State of Wyoming shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 4, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Except for the NW¼SE¼ and E½SE¼, sec. 3, T. 26 N., R. 84 W., which have been open to the mining laws, the lands will be open to location under the U.S. mining laws at 10 a.m., on July 4, 1967.

All of the lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-228; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4139]

[Oregon 183]

OREGON

Powersite Cancellation No. 252; Partial Cancellation of Powersite Classification Nos. 378 and 426

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-526-Oregon, it is ordered as follows:

1. The orders of the Geological Survey dated February 10, 1948, and July 25, 1952, creating Powersite Classification Nos. 378 and 426, respectively, are hereby cancelled so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 4 N., R. 25 E.,
Sec. 2 NE¼ lot 2, S½ lot 2, NE¼NE¼ lot 3, S½NE¼ lot 3, SW¼SW¼ lot 3, E½SW¼ lot 3, SE¼ lot 3, E½NE¼ lot 4, SE¼ lot 4, N½NE¼SW¼SW¼;
Sec. 11, that portion of the N½NW¼ lying easterly of the westerly right-of-way line of U.S. Highway 730, containing approximately 34.25 acres, and SE¼NW¼.

The areas described aggregate approximately 149.25 acres.

The lands are located along the left bank of the Columbia River in the north-central part of Oregon, in Morrow County.

2. At 10 a.m. on February 8, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid appli-

cations received at or prior to 10 a.m. on February 8, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

The State of Oregon has waived the preference rights granted under R.S. 2276, as amended (43 U.S.C. 852), and under section 24 of the act of June 10, 1920, supra.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-229; Filed, Jan. 9, 1967; 8:46 a.m.]

[Public Land Order 4140]

[Montana 044168 (S.D.)]

SOUTH DAKOTA

Withdrawal for Department of Air Force (Ellsworth Air Force Base); Revocation of Public Land Order Nos. 2449, 2631

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved under jurisdiction of the Department of the Air Force for military purposes:

BLACK HILLS MERIDIAN

T. 9 N., R. 1 E.,
Sec. 12, S½SW¼SW¼, S½N½SW¼SW¼.
T. 11 N., R. 1 E.,
Sec. 13, SE¼NE¼NE¼, NE¼SE¼NE¼.
T. 12 N., R. 2 E.,
Sec. 4, lots 2 and 3, SW¼NE¼, SE¼NW¼, N½NE¼SW¼, N½NW¼SE¼.
Sec. 33, E½SE¼NE¼, E½W½SE¼NE¼, SE¼NE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼.
T. 11 N., R. 3 E.,
Sec. 19, N½NE¼NE¼;
Sec. 20, N½NW¼NW¼.
T. 12 N., R. 3 E.,
Sec. 29, SE¼NE¼.
T. 10 N., R. 6 E.,
Sec. 5, SW¼SW¼.
T. 10 N., R. 8 E.,
Sec. 18, lots 1 and 2, NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼.

Aggregating approximately 583.56 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of the Air Force finds that the proposed use of the lands will not interfere with the proper operation of its facilities, on the lands or on adjacent lands.

3. Public Land Order No. 2449 of July 26, 1961, and No. 2631 of April 13, 1962, withdrawing 97.50 acres and 135.40 acres respectively, in the areas withdrawn by paragraph 1 of this order, are hereby revoked. This revocation eliminates the N½NE¼SW¼SW¼, sec. 12, T. 9 N., R. 1 E., Black Hills Meridian, from all withdrawals, the remaining lands withdrawn by Public Land Order Nos. 2449 and 2631 being included in the withdrawal made by paragraph 1 hereof.

4. Until 10 a.m. on July 4, 1967, the State of South Dakota shall have a preferred right of application to select the N½NE¼SW¼SW¼ of the said sec. 12 as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the said lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 4, 1967, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws after 10 a.m. on July 4, 1967.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-230; Filed, Jan. 9, 1967; 8:47 a.m.]

[Public Land Order 4141]

[Oregon 03393]

OREGON

Partial Revocation of Public Land Order No. 1096

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 1096 of March 15, 1955, withdrawing lands for use in connection with the McNary Lock and Dam Project is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 5 N., R. 29 E.,
Sec. 14, the southwest quarter lying west of the easterly line of the abandoned right-of-way of the O.W.R. & N. Co.

The area described contains 31.68 acres of patented land in Umatilla County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-231; Filed, Jan. 9, 1967; 8:47 a.m.]

[Public Land Order 4142]

[Washington 05490]

WASHINGTON

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described lands in the Wenatchee National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Antilon Reservoir, Chelan Division, Chief Joseph Dam Project:

WILLAMETTE MERIDIAN

T. 29 N., R. 21 E.,
Sec. 25, W½SE¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 35, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼.

The areas described aggregate 110 acres in Chelan County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-232; Filed, Jan. 9, 1967; 8:47 a.m.]

[Public Land Order 4143]

[Anchorage AA-251]

ALASKA

Partial Revocation of Executive Order of June 13, 1902

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831) it is ordered as follows:

The Executive Order of June 13, 1902, which reserved lands for naval purposes is hereby revoked so far as it affects the following described lands:

ADAK ISLAND

A tract situated on the easterly shore of the Bay of Waterfalls, beginning at a point 6,000 feet, measured along the shore, to southward of Low Point; thence
N. 41°45' E., 6762 feet;
North, 4818 feet;
West, to shore line;
Southerly, along shore line to point of beginning.

Containing approximately 580 acres.

The lands are a part of the Aleutian Islands National Wildlife Refuge.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-233; Filed, Jan. 9, 1967; 8:47 a.m.]

[Public Land Order 4144]

[Arizona 035731]

ARIZONA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

COCONINO AND SITGREAVES NATIONAL FORESTS

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 12 E.,
Sec. 15, W½W½;
Sec. 16, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 17, SE¼NE¼ and NE¼SE¼;
Sec. 21, NE¼, N½NW¼, and NW¼SE¼;
Sec. 22, NW¼NW¼.

The areas described aggregate approximately 670.40 acres in the Coconino National Forest, and approximately 489.60 acres in the Sitgreaves National Forest; all within Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-234; Filed, Jan. 9, 1967; 8:47 a.m.]

[Public Land Order 4145]

[Oregon 017791]

OREGON

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

West Eagle Meadow Campground

T. 5 S., R. 43 E., unsurveyed,
Sec. 32, S½NW¼SW¼ and SW¼SW¼.
T. 6 S., R. 43 E.,
Sec. 5, NE¼ lot 4.

The areas described aggregate 69.82 acres in Baker and Union Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-235; Filed, Jan. 9, 1967; 8:47 a.m.]

[Public Land Order 4146]

[New Mexico 20]

NEW MEXICO

Withdrawal for Protection of Mexican Duck Habitat, San Simon Cienega

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and reserved for protection of the San Simon Cienega Mexican Duck Habitat Development Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 S., R. 21 W.,
Sec. 31, lots 3 and 4.
T. 26 S., R. 22 W.,
Sec. 1, lots 8, 9, SW¼NE¼ and NW¼SE¼.

The areas described aggregate 190.36 acres in Hidalgo County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 3, 1967.

[F.R. Doc. 67-236; Filed, Jan. 9, 1967; 8:47 a.m.]

[Public Land Order 4147]

[New Mexico 0559836]

NEW MEXICO

Addition to Cibola National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to existing valid rights, the following described lands, acquired by the United States in exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Cibola National Forest and shall hereafter be subject to all laws and regulations applicable to such national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 6 N., R. 5 E.,
Sec. 14, E½SW¼;
Sec. 23, NW¼NE¼, S½NE¼, W½ and SE¼;
Sec. 26, W½NW¼NE¼ and N½NW¼.
T. 7 N., R. 6 E.,
Sec. 22, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 24, S½NE¼NE¼.

The areas described aggregate 960 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 4, 1967.

[F.R. Doc. 67-237; Filed, Jan. 9, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Miscellaneous Amendments

Notice was published in the November 30, 1966, issue of the FEDERAL REGISTER (31 F.R. 15022) regarding a proposal based on the unanimous recommendation of the Date Administrative Committee, to revise § 987.501 of Subpart—Container Regulation and amend § 987.155 (a)(1) of Subpart—Administrative Rules and Regulations. These subparts are operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. Additional time through December 19, 1966, for filing such written comments was granted (31 F.R. 15746). Comments were received from a date repacker.

The revision of § 987.501 is intended to clarify the basic intent of container regulation for free dates by changing the term "net weight capacity" to "net weight content", and by permitting free dates certified for handling to be handled by sale or otherwise to repackers who comply with the container regulations of the program. The amendment of § 987.155(a)(1), intended to clarify the intent of container regulation for restricted dates for export, will prescribe separate, rather than the same, net weight packs for whole dates and for pitted dates.

After consideration of all relevent matter presented, including that in the

notice, the information and recommendation submitted by the Date Administrative Committee, the views submitted pursuant to the notice, and other available information, it is found that to revise the container regulation and to amend the administrative rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, it is ordered:

1. Subpart—Container Regulation (7 CFR 987.501) is revised to read:

§ 987.501 Container regulation.

No handler shall package or handle any whole or pitted Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of dates in plastic containers, other than bags and master shipping containers, unless the net weight content of the dates in the container is: (a) For whole dates, either 12 ounces, 1 pound 8 ounces, or more than 2 pounds; and (b) for pitted dates, either 10 ounces, 1 pound 8 ounces, or more than 2 pounds. Whole or pitted dates packed in other than plastic containers may be handled without regard to the net weight content. However, no handler shall, either directly or through another person, handle any dates certified for handling (other than for packing specialty packs as permitted pursuant to §§ 987.52 and 987.152) by selling or otherwise making such dates available to a repacker of dates unless the repacker is on the Committee's list of approved repackers. Placement on such list shall be contingent upon the repacker entering into a written agreement with the Committee to comply with the container requirements of this part; and retention on the list shall continue only so long as the repacker complies. Such list shall be maintained by the Committee and available to interested persons. For purposes of this section: "repacker" means any packer of dates who is not a handler or not a person primarily engaged in retailing dates; and "plastic container" means any container of any shape made from a plastic and in which dates are packed without the use of cardboard boats, trays, or other like stiffening material.

§ 987.155 [Amended]

2. Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174) is amended by revising subdivision (ii) of § 987.155(a)(1) to read:

(ii) Be packed prior to export either in bulk containers each having a net weight content of 10 pounds or more, or in individual containers (not including bags) each having, for whole dates a net weight content of 8, 12, or 24 ounces, or for pitted dates a net weight content of 8, 10, or 24 ounces.

Dated January 4, 1967, to become effective February 10, 1967.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-240; Filed, Jan. 9, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Miscellaneous Amendments

1. Sections 577.65 and 577.66 (f) and (g) are revised to read as follows:

§ 577.65 Source of hospitalization for spouses and children.

(a) *Spouses and children residing apart from sponsor.* Spouses and children who are not residing with their sponsor may elect to obtain authorized care in either uniformed services facilities (§ 577.66 (d), (e), and (f)) or from civilian sources (§§ 577.67 (b), (c), and (d) and 577.70). Some care authorized in uniformed services facilities, however, is not authorized from civilian sources.

(b) *Spouses and children residing with sponsor*—(1) *In the United States and Puerto Rico.* Spouses and children residing with their sponsor may obtain authorized hospitalization at Government expense from civilian sources only after it has been determined that such hospitalization cannot be provided by a uniformed services facility located within reasonable distance of the patient's residence, except in emergencies and under other circumstances listed herein. For the purposes of §§ 577.60–577.72, the term "spouses and children residing with their sponsor" includes those who reside in an area to which their sponsor is assigned; e.g., those who reside in the household of the sponsor in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship from the permanent duty station or home port or home yard, respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty orders. Therefore, the DA Forms 1863–1 and 1863–2 covering a dependent residing in an area to which the sponsor is assigned should be filled in to show that the dependent is residing with the sponsor.

(i) A DD Form 1251 (Nonavailability Statement—Dependents Medical Care Program) normally will be furnished spouses and children who reside with their sponsors in the following instances: When there are no medical facilities of the uniformed services in the area in question; or when available medical facility (or facilities) of the uniformed services in the area cannot provide the required hospitalization because it lacks the necessary staff, facilities, or space; or when the dependent does not live within a reasonable distance of the uniformed services facility. The form (4-part set) will be signed by the issuing officer. Three copies will be furnished to the patient; one to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

(*a*) The issuing authority will explain to the patient that the DD Form 1251 must be presented to the civilian hospital and physician if the dependent chooses to seek hospitalization under the Dependents' Medical Care Program. The issuing authority will point out that the statement is for immediate use and will emphasize that the statement should not under any circumstances or conditions be considered as an indication that the Government will necessarily pay for the civilian hospitalization obtained. The issuance of a statement may be considered to reflect the following:

(*1*) The hospitalization requested is not available from uniformed services facilities.

(*2*) If the hospitalization obtained from civilian sources is subsequently determined to be authorized hospitalization under the Dependents' Medical Care Program, it will be paid for by the Government to the extent authorized by §§ 577.60–577.72.

(*3*) If the hospitalization obtained is not hospitalization authorized to be obtained from civilian sources under the program, the issuance of the DD Form 1251 will not render the Government liable for payment of any portion of the unauthorized hospitalization received.

(*b*) Under the provisions of the Dependents' Medical Care Program, the contractor processing a claim for civilian hospitalization must be governed by the statements and information entered on, or attached to, the DA Forms 1863–1 and 1863–2 submitted by the hospital and physician and not by the statements of the individual issuing the DD Form 1251. Accordingly, no entry will be made on the nonavailability statement by the issuing authority as to diagnosis or classification of the condition (acute or chronic). Additionally, a commander of a uniformed services installation or activity, or any member of his command, will not make any commitment to a civilian physician or civilian hospital that the care provided in a specific case will be authorized for payment by the Government under the Dependents' Medical Care Program.

(ii) When residing in an area where there is no uniformed services medical facility, the sponsor or dependent may request a DD Form 1251 from the nearest uniformed services installation or off-post activity (except installations and off-post activities of the Environmental Science Services Administration) to obtain civilian hospitalization. It is the responsibility of the commander of such installation or off-post activity, or his designated representative, to furnish the sponsor or dependent with a DD Form 1251 if he determines that a medical facility of the uniformed services is not within reasonable distance of the dependent's residence. In determining what constitutes reasonable distance, in addition to the distance factor, consideration will be given to time required to normally complete the trip, unusual geographic and transportation factors, such as availability of private or public transportation, and the presence of toll bridges or ferries which would increase

unreasonably the time and expense of travel. The fact that a uniformed services medical facility is located in another geographic area, as delineated by a State, county, city, town, or similar boundary, does not in and of itself, place the facility outside the area of the dependent's residence.

(iii) When residing in an area where there is a uniformed services medical facility, the dependent will apply to that facility. The commander of the medical facility, or his designee, will determine whether adequate medical facilities and medical staff are available to furnish the required hospitalization and whether the dependent's home is within reasonable distance of the uniformed services facility. When it is determined that the hospitalization cannot be provided by the uniformed services medical facility or that the dependent does not live within reasonable distance of such facility, it is the responsibility of the commander of the medical facility, or his designee, to furnish the dependent or sponsor a DD Form 1251. Dependents will not be referred to a specific hospital or physician.

(iv) In areas where there are medical facilities of two or more uniformed services and hospitalization required by a dependent cannot be furnished at the medical facility to which the dependent applies, the other uniformed services medical facilities in the area will be contacted to determine whether the hospitalization can be provided at such facilities. A DD Form 1251 will be issued only after it is determined that the hospitalization is not available at any of the uniformed services medical facilities in the area. See § 577.66(h), on cross utilization of service facilities.

(v) An issuing authority may issue a DD Form 1251 on a retroactive basis to cover hospitalization already commenced or completed by civilian sources when it is determined that the DD Form 1251 could have been issued before the hospitalization was commenced if application had been made. DD Forms 1251 issued under these circumstances will bear a statement in the "Remarks" section of the form that it was issued on a retroactive basis with an effective date of (_____).

(vi) A DD Form 1251 is not required—

(*a*) When in an emergency it is necessary for a spouse or child to obtain hospitalization from civilian sources, e.g., serious injury following an accident or illness of sudden onset requiring immediate hospitalization at the nearest available medical facility to preserve life, health, or to prevent undue suffering. In such cases, the attending physician is required to certify as to the existence of the emergency.

(*b*) During a period of absence from the area of the sponsor's household on a trip. This provision will not be used to circumvent the requirement for a nonavailability statement.

(vii) When a spouse or child is residing apart from sponsor at the time of admission to a civilian hospital and acquires the status of "residing with sponsor" during hospitalization, such spouse or child may complete authorized care for that admission (and readmission as authorized in § 577.67(f)(7)) without a DD Form 1251.

(viii) A spouse or child who is residing apart from the sponsor when the types of care described below commence, and who takes up residence with the sponsor during the period of treatment, may continue to obtain care from civilian sources without a DD Form 1251 until that course of care is completed, provided there is no change in the attending physician. If such a dependent cannot continue with the same physician, care will be obtained as outlined in subdivision (ii) or (iii) of this subparagraph.

(*a*) Prenatal and postnatal outpatient care incident to delivery in a hospital.

(*b*) Outpatient services incident to hospitalization for surgery or bodily injury as described in § 577.67(f) (7) and (8).

(2) *Outside the United States and Puerto Rico.* (i) Where medical facilities of the uniformed services are available within the area and are capable of providing the required hospitalization, spouses and children who are residing with their sponsors will utilize these facilities for hospitalization except as follows:

(*a*) In an emergency.

(*b*) When temporarily absent from the area.

(*c*) When a dependent's status changes from "residing apart from sponsor" to "residing with sponsor" while hospitalized in a civilian facility.

(ii) In areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate hospitalization, spouses and children who are residing with their sponsors will be provided authorized civilian hospitalization from professionally acceptable local sources in accordance with §§ 577.60–577.72. The oversea commander will determine whether a uniformed services medical facility is near enough to the dependent's residence to be considered "in the area," and if so, whether the facility can provide what he considers to be adequate hospitalization.

§ 577.66 Care for dependents at facilities of the uniformed services.

* * * * *

(f) *Dental care authorized.* (1) Dependents are authorized routine dental care at uniformed services dental facilities in the following locations:

(i) Outside the United States.

(ii) At designated remote areas within the United States.

(2) In those areas within the United States which have not been designated remote for dental care purposes, dental treatment authorized dependents is limited to the following:

(i) Emergency dental treatment to relieve pain and suffering. This does not include permanent types of restorative dentistry or fabrication of dental prostheses or orthodontic appliances.

(ii) Adjunctive dental treatment to effect or enhance recovery from a medical or surgical condition for which the patient is under the care of a physician. This refers to the dental treatment deemed necessary by the cognizant dentist and physician as an adjunct to medical or surgical treatment of an acute or chronic physical condition; e.g., dental treatment deemed necessary as an added measure for the recovery from a chronic nephritis caused or complicated by a preexisting dental infection.

NOTE: The above limitation on dental treatment does not preclude the carrying out of preventive measures such as fluoridation of water, instructions in oral hygiene, etc., under preventive dentistry programs of the individual services. Nor does it preclude the taking of appropriate X-rays.

(g) *Designation of remote areas for dental care.* Subject to review and approval of military requests by the Secretary of Defense, the Secretary of the Army, Navy, or Air Force will respectively designate remote areas within the United States; upon approval of the Secretary of Health, Education, and Welfare, the Surgeon General of the Public Health Service will act similarly on U.S. Public Health Service requests for such designation. Normally, an area will be considered for the remote designation if the civilian dentists in active practice within the 30-mile radius of the uniformed services dental facility is below the approximate national average of one dentist per 2,000 population. Consideration will also be given to such unfavorable factors as unusual climatic conditions, unsurfaced, or mountainous winding roads, toll bridges, or other conditions that make transportation hazardous, protracted, or unreasonably expensive. Regardless of the foregoing, a local commander may request the remote area designation for purposes of providing expanded dependent dental care in the local facility when he believes adequate justification exists. All requests for such designation will include information in the following areas:

(1) The number of civilian dentists engaged in active practice within a 30-mile radius of the uniformed services dental facility.

(2) The civilian population, including dependents, within the 30-mile radius of the uniformed services dental facility.

(3) The dependent population of active members residing on or near the uniformed services facility who probably would be seeking care therein if request is approved.

(4) An estimate of the number of retired members of the uniformed services residing within the 30-mile radius who are eligible for care in the facility.

(5) An estimate of the number of dependents of retired members residing within the 30-mile radius who would be eligible for care in the facility if request is approved.

(6) The average distance local dependents must travel to obtain care in a community with adequate civilian dental facilities (in miles and time) including unusual transportation factors, if any, which must be considered.

(7) The capability of the uniformed services dental facility to provide dental care to dependents in the area.

(8) Itemize the civilian specialized dental services available within the 30-mile radius of the requesting agency.

(9) Statement concerning excessive costs, if any, for care from the local civilian dentists within the area.

(10) The average waiting time in obtaining routine dental care from the local civilian dentists.

(11) Attitude of the local dental society toward the uniformed services facility being approved for designation.

(12) Signed statement from the State dental society indicating its position toward the designation proposal.

* * * * *

2. In § 577.67, the section heading and paragraphs (a), (b), (e)(2) (iii) and (iv), (d), (f) (6), (7), (8), and (9) are revised, and new subparagraph (10) is added; and paragraph (g)(2) is revised, as follows:

§ 577.67 Hospitalization and inpatient care for spouses and children from civilian sources.

(a) *Eligibility for civilian-hospitalization.* (1) Only a wife, a dependent husband, and children of active duty members of the uniformed services are eligible to receive hospitalization from civilian sources at Government expense. Spouses and children requesting care from civilian hospitals will be required to observe the identification procedures prescribed by the uniformed services (§ 577.64(a)). In addition, spouses and children who are residing with their sponsors in the United States and Puerto Rico are required to provide the civilian hospital and physician with a DD Form 1251 except in an emergency or when the dependent is absent from the area of the sponsor's household on a trip (§ 577.65(b)(1)(vi)).

(2) When seeking civilian hospitalization the dependent should ascertain that the civilian hospital and physician desire to participate in the Dependents' Medical Care Program. Following acceptance of the patient under the program by the civilian source of care, the patient is not responsible for payment of any amount for authorized care except as specified in § 577.67(f).

(b) *Hospitalization and inpatient medical care authorized from civilian sources.* (1) The following inpatient care is authorized spouses and children from civilian sources:

(i) Treatment during hospitalization of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(ii) Treatment during hospitalization of acute surgical conditions and surgical conditions that are not classified as acute but for which good medical practice dictates prompt attention (e.g., tonsillectomies). However, treatment of some nonacute surgical conditions requiring hospitalization will be authorized only if certain conditions prevail. Following are some examples of surgery falling in this category.

(a) Ears—surgery for restoration or improvement of hearing.

(b) Eyes—surgery for glaucoma, cataracts, strabismus (squint), or other conditions to aid or improve vision of the affected eye.

(c) Harelip and/or cleft palate—surgery for initial repairs, including surgery for subsequent repair known and established as a requirement at the time of original surgery. Subsequent revisions are not authorized.

(d) Rhinoplasties — authorized only for improvement of nasal respiratory physiology.

(e) Skeletal defects (e.g., clubfoot, congenital dislocated hip)—surgical treatment is authorized only when treatment is required as an in-hospital patient to improve function.

(f) Surgical treatment for removal of supernumerary digits or for correction of syndactylism is authorized only for improvement of function.

(g) Scars—surgical treatment is authorized only when a scar is ulcerated, shows clinical evidence of malignancy, or when a contracture impairing anatomical function is present.

(h) Surgical treatment for removal of nevi, hemangiomas and/or telangiectatic lesions is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(i) Surgical treatment for removal of plantar warts, verrucae, sebaceous cysts, condylomata, or moles is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(j) Mammoplasty is authorized only when severe pain or marked disability is present.

(k) Tubal ligation or other sterilization procedure is authorized only when the procedure is a necessary requirement in the proper management of a medical or surgical condition for which treatment is authorized under §§ 577.60–577.72.

NOTE: Those surgical procedures that are customarily performed by a dentist may be performed by a dentist who is a member of the staff of a hospital and normally performs these surgical procedures in that hospital. The removal of teeth, gingivectomies and alveolectomies are not authorized surgical procedures unless they meet the criteria specified in subdivision (vi) or (vii) of this subparagraph. When authorized surgical treatment is performed by a dentist, other procedures, diagnostic tests, services and supplies authorized or ordered by him may be paid to the same extent as if a physician or surgeon authorized or ordered them.

(iii) Treatment of contagious diseases during hospitalization.

(iv) Maternity and infant care. Maternity care will include delivery in a hospital and prenatal care and postnatal care on an inpatient or outpatient basis. Payment for hospitalization will be in accordance with § 577.67(f). Payment for prenatal care, delivery, and postpartum care will be made to the physician performing the respective service in accordance with § 577.67(e)(2)(iii)(a).

(a) Allowances are authorized for laboratory tests, pathological or radiological examinations and other procedures performed or authorized by the attending physician on an outpatient basis in the management of the pregnancy before and after hospital delivery.

(b) The attending physician may include in his bill the cost of drugs administered by injection to maternity patients on an outpatient basis before and after hospital delivery provided such drugs are necessary and directly related to the pregnancy. (See § 577.70 for drugs authorized as outpatient benefits.)

(c) Necessary infant care will be provided during the period of hospitalization following delivery. If the infant requires further hospitalization after discharge of the mother, such care is authorized as a continuation of the original admission.

(d) Obstetrical and maternity patients who develop acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the 6 weeks' postpartum period authorized for maternity care, are authorized in-hospital care for such disorders. See subdivision (v) of this subparagraph.

NOTE: Any patient hospitalized in a civilian hospital for treatment authorized by subdivisions (i) through (iv) of this subparagraph may be transferred to a hospital of the uniformed services subject to the availability of space and facilities and the capabilities of the professional staff. Government transportation may be utilized for transfer to the uniformed services hospital. Movement by non-Government ambulance is authorized as an outpatient benefit (§ 577.70). Arrangements for transfer should be made between the sponsor or patient and the commander of the nearest uniformed services medical facility.

(v) In-hospital treatment for nervous and mental disorders is authorized as follows:

(a) Treatment for nervous and mental disorders, including acute emotional disorders, required by a dependent during a period of hospitalization for a condition that qualifies as authorized care.

(b) Treatment for acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the authorized 6 weeks' postpartum period.

(c) Treatment for an acute emotional disorder is such disorder is considered to constitute an emergency which is a threat to the life or health of the patient.

(d) Ordinarily, care will be provided for an acute emotional disorder only until the disorder subsides, until arrangements are made for care elsewhere, or until the end of 21 days of hospitalization, whichever occurs earliest. Extension beyond 21 days may be granted on a case-by-case basis for a specified number of days where arrangements for care elsewhere cannot be completed within the 21-day period. In the United States and Puerto Rico, requests for extension will be submitted to the Executive Director, Office for Dependents' Medical Care, and outside the United States and Puerto

Rico, to the appropriate oversea commander. Requests must be supported by a statement from the attending physician that the treatment given, or to be given, during the time period covered by the requested extension is for the acute phase of the disorder. A request for extension will be considered only if made by the service member, the dependent, or the representative of either, and if it is shown that—

(1) Due to absence, the service member was unable to join the dependent in sufficient time to make suitable arrangements, within the 21-day period, for care elsewhere.

(2) No other competent member of the service member's family was available to make such arrangements.

(3) The number of days requested for extension represents the minimum time required to complete suitable arrangements.

(e) In special and unusual cases, additional care for an acute emotional disorder may be provided in a hospital of the uniformed services in accordance with § 577.66(d)(2). In such cases Government transportation may be utilized for transfer to the uniformed services hospital. (See § 577.70 for non-Government ambulance service authorized as an outpatient benefit.)

(vi) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital patient. Such dental care will not include removable or fixed prosthodontic restorations, orthodontics, permanent types of restorative dentistry, and/or prolonged series of periodontal therapy.

(vii) Hospitalization of dependents with chronic diseases for the purpose of performing oral surgery determined by the cognizant physician and dentist to be a necessary adjunct to, and required for the proper treatment of, recurrently progressive debilitative diseases. See note at end of subdivision (ii) of this subparagraph.

(viii) All diagnostic and therapeutic tests and procedures, including laboratory tests and pathological and radiological examinations, when ordered by the attending physician and accomplished during a period of hospitalization.

(ix) The cost of blood and the service charge for blood required during authorized hospitalization of eligible dependents in civilian facilities are allowable benefits. However, friends and relatives of the patient having the type blood required should be encouraged to donate blood. In the instances where blood must be purchased, these purchases should be made by the civilian source of care and included in its claim for reimbursement. Any person providing blood for a dependent undergoing treatment at Government expense may be reimbursed therefor at the local prevailing rate provided the sum of $50 for each withdrawal is not exceeded.

(x) If a consultant's services are required for proper care and treatment of an inpatient, such services are authorized.

(2) Hospitalization for authorized care is allowable only in semiprivate accommodations (except as provided in § 577.67(f)).

(3) Hospitalization for the types of care referred to in subparagraph (1) (i) through (iv) of this paragraph is limited to a maximum of 365 days for each admission (except as provided in § 577.67(g)).

(4) The necessary services and supplies furnished by the hospital to a dependent in an inpatient status are considered part of hospitalization.

(5) Clinical evidence and certification furnished by the source of civilian care will be used as a basis for determining whether or not bills for care furnished under this section will be paid.

(c) *Special definitions and policies.* * * *

(2) *Policies.* * * *

(iii) *Inpatient professional services.* Payment for professional services during hospitalization is authorized as follows:

(a) Payment of physicians, including necessary consultants, at their usual charge for the service provided but not exceeding the charge listed therefor in the local schedule of allowances incorporated in the applicable contract.

NOTE: Where a local schedule of allowances has not been negotiated and approved, the Executive Director, Office for Dependents' Medical Care, may provide a schedule of allowances for use in payment for physicians' services in the United States and Puerto Rico. Where no schedule is in existence, particularly in oversea areas, the standard charge for services by physicians in the locality concerned will be used as a guide in lieu of such schedule.

(b) Payment of dentists' fees for authorized care.

(c) Payment for services of self-employed anesthetists and self-employed physical therapists for services provided eligible dependents when the attending physician certifies that such services were required for the proper care and treatment of the patient.

(d) Payment of a portion of the cost for private-duty nursing care when the attending physician certifies that such care was required for the proper care and treatment of the patient while receiving authorized hospital care (§ 577.67(f)(5)).

(iv) *Drugs and medicinals.* Payment is authorized for medication prescribed by a physician or dentist and furnished by a hospital to an eligible dependent during hospitalization for use during such hospitalization. (See § 577.70 for drugs authorized as outpatient benefit.)

(d) *Inpatient care not authorized from civilian sources.* The following medical care is not authorized from civilian sources on an inpatient basis:

(1) Treatment of chronic diseases (§ 577.61(h)(5)) except as provided in § 577.67(b)(1)(i) and (vii).

(2) Treatment of nervous and mental disorders (§ 577.61(h)(6)), including acute emotional disorders, except as provided in § 577.67(b)(1)(v).

(3) Domiciliary care (§ 577.61(h)(4)).

(4) Surgical care that is requested by the patient which is not medically indicated. The opinion of the attending physician will determine whether the care is medically indicated and therefore payable under the provisions of § 577.67(b)(1)(ii), except that the types of surgery described below are not authorized for payment under any circumstances:

(i) Cosmetic surgery—any surgery for improvement or change of appearance or for psychological reason.

(ii) Ears—reconstruction and/or revision of the external ear; surgery based on psychological reasons.

(iii) Congenital defects of skeletal and/or central nervous system which are readily identifiable as representing chronic long-term conditions and characteristically respond poorly to surgical intervention.

(iv) Sterilization procedures for multiparity and/or socioeconomic reasons.

(v) Procedures designed to correct a state of infertility or sterility.

(vi) Removal of tattoos.

(5) Treatment for nonacute medical conditions. Examples of types of care not authorized are set forth below:

(i) Procedures designed to determine state of infertility or sterility.

(ii) Pseudocyesis (false pregnancy) or pregnancy suspected but not proven.

(iii) Tests to determine pregnancy, except when the patient is in fact pregnant and when tests are required for proper conduct of maternity or postpartum care (hydatid mole).

(iv) Diagnostic evaluation and hospital admission in connection therewith when patients are not acutely ill or when diagnostic surveys are not followed by surgery.

(v) Rehabilitation procedures for persons with congenital defects, cerebral palsy, or poliomyelitis (except when related to in-hospital care of surgical procedure performed for improvement or restoration of function).

(vi) Treatment for tuberculosis—inactive (nonacute) when determined by clinical tests. Treatment is authorized only for the active (acute) phase as determined by acceptable medical standards (positive sputa; positive gastric washings; or positive chest or other X-rays).

(vii) Tests and procedures such as the following:

(a) Psychological, psychometric, or intelligence measuring tests.

(b) Speech and/or hearing therapy, remedial reading, or orthoptic training.

(c) Child guidance therapy.

(6) The following services are not authorized as a part of inpatient care:

(i) Non-Government ambulance service. (Such service is authorized only as an outpatient benefit subject to payment by the patient of a deductible and a portion of the charges in excess of the deductible.)

(ii) Prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports and aids.

* * * * *

(f) *Charges for civilian care.* * * *

(6) All admissions to a hospital of an obstetrical patient as an in-patient for

care required in direct connection with the pregnancy, including admissions for direct complications thereof, during the period of pregnancy up to and including delivery, and admissions for postpartum inpatient care for complications of pregnancy where the complication arises within the authorized 6-week postpartum period and where treatment is commenced by the attending physician within that period, will be considered as one admission for the purpose of determining charges to the patient. Admission for a nonobstetrical diagnosis in the course of but not connected with a pregnancy would require the patient to pay the charges for a separate admission. When the patient is hospitalized for delivery or is otherwise hospitalized for the proper management of the pregnancy, all care related to that pregnancy will be considered as inpatient care for the purpose of computing the patient's share of the charges.

(7) When a patient is hospitalized for surgery, the following services will be considered as inpatient care for the purpose of computing the patient's share of the charges:

(i) Services required of a physician within 30 days before and 120 days after hospitalization which are directly related to the surgery.

(ii) Diagnostic tests and procedures performed or authorized by the attending physician within 30 days before and 120 days after hospitalization and directly related to the surgical procedure.

(8) When a patient receives both inpatient and outpatient care for treatment of a bodily injury, all services and supplies provided for treatment of the injury within 30 days before and 120 days after hospitalization will be considered as inpatient care for the purpose of computing the patient's share of the charges. Posthospitalization services are limited to immediate and necessary followup treatment of the injury itself. This provision does not apply to admission or readmission for care of complications (e.g., sequelae) arising out of the injury.

NOTE: Drugs and medicines furnished by the physician on an outpatient basis in connection with the care described in subparagraphs (6), (7), and (8), of this paragraph are payable at the cost to the physician. Drugs prescribed by the physician and procured from a civilian pharmacy by the patient are authorized as outpatient benefits under § 577.70.

(9) Patients who previously were admitted to a hospital for authorized care, who paid at least $25 of the hospital charges for that admission and who are readmitted to a civilian hospital within 14 days following discharge from the previous admission for authorized treatment of the original condition for which initially hospitalized, or direct complications thereof, will not be required to pay the first $25 of the subsequent hospitalization, but will be required to pay an amount determined by multiplying the number of days of the current hospitalization by $1.75, plus additional charges for a private room and private duty nursing care, when appropriate, in accordance with subparagraphs (2), (3), (4), and (5) of this paragraph. Hospitals will be responsible for obtaining from the patient, sponsor, physician, or other hospitals satisfactory evidence that the patient is entitled to the lesser charge.

(10) When an inpatient is transferred to another hospital for necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it will be considered as one admission for the purpose of payment of charges by the patient in accordance with this section.

(g) *Hospitalization beyond period of 365 days.* * * *

(2) Government transportation may be utilized to transfer the spouse or child from the civilian hospital to a uniformed services hospital. See § 577.70 for ambulance services as outpatient benefits.

* * * * *

3. New §§ 577.70, 577.71, and 577.72 are added, as follows:

§ 577.70 Civilian outpatient care for dependents.

(a) *General*—(1) *Effective date.* Effective October 1, 1966, a new program of civilian outpatient benefits is established for the spouses and children of active duty members of the uniformed services.

(2) *Election of facilities.* Spouses and children authorized outpatient services by this section may elect to receive outpatient services either in uniformed services facilities or from civilian sources. A Nonavailability Statement is not required when seeking civilian outpatient care.

(b) *Definitions.* The definitions in § 577.61 are applicable to this section. The following additional definitions are applicable to this section only:

(1) *Physician.* Physician means a Doctor of Medicine or Doctor of Osteopathy who is legally qualified and licensed, without limitation, to practice medicine and perform surgery at the time and place the service is provided. For services covered in this section, Doctors of Dental Surgery, Doctors of Dental Medicine and Doctors of Surgical Chiropody, when acting within the scope of their licenses, are deemed to be physicians.

(2) *Christian Science practitioner.* Christian Science practitioner means a practitioner listed as such in the Christian Science Journal current at the time he provides service. Excludes "absent treatment."

(3) *Private-duty nurse.* Includes:

(i) A professional registered nurse (RN).

(ii) A technical registered nurse.

(iii) A licensed practical nurse.

(iv) A Christian Science nurse who is listed in the Christian Science Journal current at the time she provides the service.

(4) *Allied scientist.* Allied scientist means a practitioner specializing in a science allied to the practice of medicine who is licensed or certified to practice at the time and place the service is provided. Includes physical therapists, anesthetists, psychologists, and similar practitioners.

(5) *Charges.* Charges means the amount billed by the source of care.

(6) *Schedule of allowances.* Local schedule of allowances means the maximum allowances for payment of services applicable to a local area.

(c) *Outpatient services authorized.* Authorized outpatient services from civilian sources include, but are not limited to—

(1) Treatment of—

(i) Medical and surgical conditions.

(ii) Nervous and mental disorders.

(iii) Chronic conditions and diseases.

(iv) Contagious diseases.

(v) Bodily injury.

(2) Maternity and infant care when delivery is outside a hospital. (See § 577.67(b)(1)(iv) for maternity care where hospitalization is involved.)

(3) Diagnostic examinations, including X-ray, laboratory, basal metabolism, electrocardiogram, electroencephalogram, and radioisotope examinations.

(4) Anesthetics and their administration.

(5) Oxygen and equipment for its administration.

(6) Physical therapy.

(7) Orthopedic braces (except orthopedic shoes) and crutches.

(8) Dental care required as a necessary adjunct to medical or surgical treatment.

(9) Local non-Government ambulance service to or from a source of care when medically necessary. (See Chapter M7107, Volume 1, Joint Travel Regulations, for additional transportation authorized spouses and children of active duty members outside the United States.)

(10) Drugs and medicines limited to—

(i) Drugs and medicines obtainable only by written prescription.

(ii) Insulin.

(11) Artificial limbs and artificial eyes, including initial issue and fitting, replacement, repair, and adjustment.

(12) Durable equipment, such as wheelchairs, iron lungs, and hospital beds, on a rental basis.

(d) *Routine physical examinations and immunizations.* Routine physical examinations and immunizations may be provided only when required by spouses and children who are under orders to perform travel outside the United States as a result of a member's duty assignment.

(e) *Professional services.* The services of professional personnel are authorized on an outpatient basis as follows:

(1) Physician services.

(2) Services of Christian Science practitioners.

(3) Services of private-duty nurses when ordered by the attending physician or Christian Science practitioner.

(4) Services of allied scientists when ordered by the attending physician.

(f) *Outpatient hospital facilities.* The charge for use of hospital outpatient facilities is an authorized outpatient benefit.

(g) *Outpatient services not authorized.* The following outpatient services from civilian sources are excluded:

(1) Routine physical examinations and immunizations except in the case of spouses and children on orders to travel outside the United States.

(2) Routine care of the newborn and well-baby care.

(3) Eyeglasses or examinations for them.

(4) Prosthetic devices (other than artificial limbs and artificial eyes), hearing aids, and orthopedic shoes.

(5) Dental care except as a necessary adjunct to medical or surgical treatment.

(h) *Payment for outpatient services—*(1) *The deductible.* Outpatient services are subject to an annual deductible of the first $50 of expenses incurred by each family member each fiscal year; however, a family group of three or more dependents will not be required to pay collectively more than two deductibles ($100) of the expenses incurred each fiscal year for outpatient services. For the purpose of computing the deductible, an expense is "incurred" on the date the service or supply, for which a charge is made, is received, regardless of the date on which payment is made.

(2) *Payment for services.* The patient will pay the annual deductible, plus 20 percent of the charges for outpatient services in excess of the annual deductible each fiscal year. The Government will pay the remainder of the charges for authorized outpatient services, subject to the appropriate schedule of allowances where applicable.

(3) *Procedure for initial payment each fiscal year.* Each individual or family group will pay directly to the sources of outpatient services until the annual deductible is satisfied. Receipted bills should be obtained for all payments. When a payment is made which, together with previous payments, exceeds the deductible for the fiscal year, the patient will submit a claim for reimbursement, including receipted bills, and will be reimbursed in an amount equal to the total payment less the deductible and 20 percent of charges in excess of the deductible. The agency reimbursing the patient will provide him a certificate indicating that the deductible has been satisfied for the fiscal year in question.

(i) Claims for outpatient care obtained in the United States and Puerto Rico will be submitted to the fiscal agent for the area concerned (§ 577.72). Claims for reimbursement for outpatient benefits provided aboard commercial vessels en route to the United States or Puerto Rico will be submitted to the Executive Director, Office for Dependents' Medical Care.

(ii) Claims for outpatient care obtained in areas outside the United States and Puerto Rico will be submitted to the appropriate oversea commander in accordance with applicable directives of the uniformed service concerned.

(4) *Procedure for payment after deductible has been satisfied.* (i) The patient will pay the source of care 20 percent of the charges for services and supplies furnished on an outpatient basis.

(ii) The source of care will submit a claim to the appropriate fiscal agent or oversea commander for payment of the balance of the charges. In the United States and Puerto Rico, this will be in accordance with the schedule of allowances applicable in the local area. Pending revision of existing claim forms, all sources of outpatient care, except hospitals and pharmacists, may submit their claims on either DA Form 1863–1 or DA Form 1863–2. Pharmacists will submit their claims on the form provided by the appropriate fiscal agent. Hospitals will submit claims on DA Form 1863–1.

(iii) In completing his portion of the claim form, the patient will insert the following statement: "Outpatient deductible satisfied in_____(insert State or oversea area)."

(iv) In the event that the patient has paid the source of care more than 20 percent of the allowable amount reflected in the schedule of allowances, the fiscal agent will reimburse the patient to the extent of such overpayment. Amounts of less $1 due the patient will not be paid.

(v) It is emphasized that, except for the deductible and 20 percent of outpatient charges in excess of the deductible which he is required to pay, the patient should not pay directly to the source of care. If he does so, he may seek reimbursement.

(vi) Claims for reimbursement and claims under subparagraph (3) of this paragraph will be submitted in accordance with the procedures outlined in § 577.84.

§ 577.71 The Federal Medical Care Recovery Act (42 U.S.C. 2651–3).

Special notification-injury cases: Public Law 87–693, now codified in Title 42, U.S. Code 2651 through 2653, requires the Government to recover from third persons the reasonable cost of hospital, medical, surgical, or dental care which it provides uniformed services personnel or their dependents who are injured under circumstances creating a tort liability upon some third person. All uniformed services personnel will be instructed to notify their commanding officers and staff judge advocates of all accidents involving injury to themselves or their dependents by a third person (party) when such injury is treated in a uniformed services medical facility or civilian medical facility. The service member will provide all facts and circumstances pertaining to such incidents. In addition, the hospital commander, of a uniformed services medical facility where an injured dependent is hospitalized will also notify the appropriate staff judge advocate in such cases.

§ 577.72 Appendix II—Physician's Contractors.

Fiscal agents for payment of outpatient charges:

ALABAMA, OHIO, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, AND TEXAS

Mutual of Omaha Insurance Co., 3316 Farnam Street, Omaha, Nebr. 68131.

ALASKA

Washington Hospital Service Association, 601 Broadway, Seattle, Wash. 98111.

ARIZONA

Arizona Blue Shield Medical Service, 331 West Indian School Road, Phoenix, Ariz. 85002.

ARKANSAS

Arkansas Medical Society, 218 Kelley Building, Fort Smith, Ark. 72902.

CALIFORNIA

California Physicians' Service, 720 California Street, San Francisco, Calif. 94108.

COLORADO

Colorado Medical Service, Inc., 244 University Boulevard, Denver, Colo. 80206.

CONNECTICUT

Connecticut Medical Service, Inc., 221 Whitney Avenue, New Haven, Conn. 06509.

DELAWARE

Group Hospital Service, Inc., 201 West 14th Street, Wilmington, Del. 19899.

DISTRICT OF COLUMBIA

Medical Service of the District of Columbia, GHI Building, 14th and L Streets NW., Washington, D.C. 20005.

FLORIDA

Blue Shield of Florida, Inc., 532 Riverside Avenue, Jacksonville, Fla. 32201.

GEORGIA

Medical Association of Georgia, 938 Peachtree Street NE., Atlanta, Ga. 30309.

HAWAII

Hawaii Medical Service Association, 1154 Bishop Street, Honolulu, Hawaii 96808.

IDAHO

North Idaho District, Medical Service Bureau, Inc., 201 Breier Building, Lewiston, Idaho 83501.

ILLINOIS

Illinois Medical Service, 425 North Michigan Avenue, Chicago, Ill. 60690.

INDIANA

The Indiana State Medical Association, 3935 North Meridian Street, Indianapolis, Ind. 46208.

IOWA

Iowa Medical Society, 1001 Grand Avenue, West Des Moines, Iowa 50265.

KANSAS

Kansas Physicians' Service, 1133 Topeka Boulevard, Topeka, Kans. 66601.

KENTUCKY

Kentucky Physicians' Mutual, Inc., 3101 Bardstown Road, Louisville, Ky. 40205.

LOUISIANA

Continental Service Life & Health Insurance Co., 5353 Florida Boulevard, Baton Rouge, La. 70821.

MAINE

Associated Hospital Service of Maine, 509 Forest Avenue, Portland, Maine 04101.

MARYLAND

Maryland Medical Service, Inc., 7800 York Road, Baltimore, Md. 21203.

MASSACHUSETTS

Massachusetts Medical Service, 133 Federal Street, Boston, Mass. 02106.

MICHIGAN

Michigan Medical Service, 441 East Jefferson Avenue, Detroit, Mich. 48226.

MINNESOTA

Minnesota State Medical Association, 496 Lowry Medical Arts Building, St. Paul, Minn. 55102.

MISSISSIPPI

Mississippi State Medical Association, 735 Riverside Drive, Jackson, Miss. 39216.

MISSOURI

Missouri Medical Service, 3615 Olive Street, St. Louis, Mo. 63108.

MONTANA

Montana Physicians' Service, 404 Fuller Avenue, Helena, Mont. 59601.

NEBRASKA

Nebraska Medical Service, 518 Kilpatrick Building, Omaha, Nebr. 68102.

NEVADA

Nevada State Medical Association, 3660 Baker Lane, Reno, Nev. 89502.

NEW HAMPSHIRE

New Hampshire-Vermont Physician Service, No. 1 Pillsbury Street, Concord, N.H. 03301.

NEW JERSEY

Medical-Surgical Plan of New Jersey, 500 Broad Street, Newark, N.J. 07102.

NEW MEXICO

Surgical Service, Inc. of New Mexico, 202 Morningside Drive SE., Albuquerque, N. Mex. 87108.

NEW YORK

Medical Society of the State of New York, 750 Third Avenue, New York, N.Y. 10017.

NORTH CAROLINA

Hospital Saving Association of North Carolina, Inc., Chapel Hill, N.C. 27514.

NORTH DAKOTA

State Medical Society of Wisconsin, 330 East Lakeside Street, Madison, Wis. 53705.

OKLAHOMA

Oklahoma Physicians' Service, 1215 South Boulder Avenue, Tulsa, Okla. 74102.

OREGON

Executive Office, Oregon Physicians' Service, 619 Southwest 11 Avenue, Portland, Oreg. 97205.

PENNSYLVANIA

Medical Service Association of Pennsylvania, Blue Shield Building, Camp Hill, Pa. 17011.

SOUTH DAKOTA

South Dakota Medical Service, Inc., 711 North Lake Avenue, Sioux Falls, S. Dak. 57104.

TENNESSEE

Tennessee Hospital Service Association, 707 Chestnut Street, Chattanooga, Tenn. 37402.

UTAH

The Medical Service Bureau of The Utah State Medical Association, Inc., 2455 Parley's Way, Salt Lake City, Utah 84110.

VERMONT

New Hampshire-Vermont Physician Service, No. 1 Pillsbury Street, Concord, N.H. 03301.

VIRGINIA

Virginia Medical Service Association, 4010 West Broad Street, Richmond, Va. 23230.

WASHINGTON

Washington Physicians' Service, 1800 Terry Avenue, Seattle, Wash. 98101.

WEST VIRGINIA

Medical-Surgical Care, Inc., 203 Union Trust Building, Parkersburg, W. Va. 26101.

WISCONSIN

State Medical Society of Wisconsin, 330 East Lakeside Street, Madison, Wis. 53703.

WYOMING

Wyoming Medical Service, Inc., Post Office Box 2266, Cheyenne, Wyo. 82002.

[Changes 1, 3; AR 40-121] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071-1085, 72 Stat. 1445-1450; 10 U.S.C. 1071-1085)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-242; Filed, Jan. 9, 1967; 8:47 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 733—DECORATIONS AND AWARDS

Republic of Viet-Nam Campaign Medal with Device

Scope and purpose. Section 733.70(d) (31 F.R. 16196-16198) is updated to reflect a recent change announced to Navy and Marine Corps commands by naval message (ALNAV 81) of December 23, 1966. The changes to the introductory paragraph of § 733.70(d) are only of an editorial nature.

Section 733.70(d) is amended by revising the introductory paragraph and paragraph (d)(5)(iv) to read as follows:

§ 733.70 Foreign awards to U.S. military personnel for service in Viet-Nam and the Republic of Viet-Nam Campaign Medal with device.

* * * * *

(d) *Republic of Viet-Nam Campaign Medal with device (1960-_____).* This paragraph furnishes policy guidance concerning the Republic of Viet-Nam Campaign Medal with device (1960-_____), approved by the Secretary of Defense, as proposed for award by the Government of the Republic of Viet-Nam on March 24, 1966, to members of the U.S. Armed Forces supporting operations in Viet-Nam.

* * * * *

(5) *Eligibility criteria.* * * *

(iv) During the period March 1, 1961, to a date to be announced, served 6 months in South Viet-Nam, or 6 months outside the geographical limits of South Viet-Nam but contributing direct combat support to the Republic of Viet-Nam Armed Forces during such period. The 6 months required need not be consecutive. For personnel serving outside the geographical limits of South Viet-Nam, the 6-month requirement will be considered fulfilled if such personnel earn the Armed Forces Expeditionary Medal/Viet-Nam Service Medal, and serve in the eligibility area for these two awards during each of the 6 months.

* * * * *

(Sec. 5031, 70A Stat. 278, as amended, sec. 133, 76 Stat. 517, 79 Stat. 982, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133, 5031)

By direction of the Secretary of the Navy.

[SEAL] R. H. HARE,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

JANUARY 3, 1967.

[F.R. Doc. 67-211; Filed, Jan. 9, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 531]

CREDITING TIPS AS WAGES

Notice of Proposed Rule Making

The Fair Labor Standards Act of 1938 (29 U.S.C. 201), in its section 3(m) permits the cost or administratively determined fair value of some board, lodging and other facilities to be credited to wages due under that Act. The determinations under, and interpretations of, section 3(m) are expressed in 29 CFR Part 531. The Fair Labor Standards Amendments of 1966 (P.L. 89-601) add to section 3(m) and provide a new section 3(t) as follows:

SEC. 3. As used in this Act—

* * * * *

(m) * * * In determining the wage of a tipped employee, the amount paid such an employee, by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that in the case of an employee who (either himself or acting through his representative) shows to the satisfaction of the Secretary that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this sentence, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

* * * * *

(t) "Tipped employee" means any employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips.

To expand 29 CFR Part 531 to make provisions responsive to the above quoted amendments and to make editorial revisions, it is proposed to revise 29 CFR Part 531 to read as set out below, under authority in the cited Act and amendments, Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004) and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor.

Interested persons are invited to send written data, views, or argument concerning this proposal to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after this proposal is published in the FEDERAL REGISTER. For the period between February 1, 1967, the general effective date of the above cited amendments, and the effective date of such revision of 29 CFR Part 531 as will be made pursuant to this proposal, no enforcement action will be taken against any employer because he has taken such credit for tips as wage payments due under the act as he would be entitled to take if this proposal were in full force and effect, even if such credit is not authorized under the amended act and 29 CFR Part 531 as presently in effect.

The proposed revision of 29 CFR Part 531 reads as follows:

PART 531—WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Subpart A—Preliminary Matters

AUTHORITY: The provisions of this Part 531 issued under sec. 3(m), 52 Stat. 1060; sec. 2, 75 Stat. 65; sec. 101, 80 Stat. 830; 29 U.S.C. 203 (m) and (t).

Subpart A—Preliminary Matters

§ 531.1 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative. The Secretary of Labor has delegated to the Administrator the functions vested in him under section 3(m) of the Act.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 531.2 Purpose and scope.

(a) Section 3(m) of the Act defines the term "wage" to include the "reasonable cost", as determined by the Secretary of Labor, to an employer of furnishing any employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees. In addition, section 3(m) gives the Secretary authority to determine the "fair value" of such facilities on the basis of average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of "fair value." Whenever so determined and when applicable and pertinent, the "fair value" of the facilities involved shall be includable as part of "wages" instead of the actual measure of the costs of those facilities. The section provides, however, that the cost of board, lodging, or other facilities shall not be included as part of "wages" if excluded therefrom by a bona fide collective bargaining agreement. Section 3(m) also provides a method for determining the wage of a tipped employee.

(b) This Part 531 contains any determinations made as to the "reasonable cost" and "fair value" of board, lodging, or other facilities having general application, and describes the procedure whereby determinations having general or particular application may be made. The part also interprets generally the provisions of section 3(m) of the Act, including the term "tipped employee" as defined in section 3(t).

Subpart B—Determinations of "Reasonable Cost" and "Fair Value"; Effects of Collective Bargaining Agreements

§ 531.3 General determinations of "reasonable cost".

(a) The term "reasonable cost" as used in section 3(m) of the Act is hereby determined to be not more than the actual cost to the employer of the board, lodging, or other facilities customarily furnished by him to his employees.

(b) "Reasonable cost" does not include a profit to the employer or to any affiliated person.

(c) Except whenever any determination made under §531.4 is applicable, the "reasonable cost" to the employer of furnishing the employee with board, lodging, or other facilities (including housing) is the cost of operation and maintenance including adequate depreciation plus a reasonable allowance (not more than 5½ percent) for interest on the depreciated amount of capital invested by the employer: *Provided*, That if the total so computed is more than the fair rental value (or the fair price of the commodities or facilities offered for sale), the fair rental value (or the fair price of the commodities or facilities offered for sale) shall be the reasonable cost. The cost of operation and maintenance, the rate of depreciation, and the depreciated amount of capital invested by the employer shall be those arrived at under good accounting practices. As used in this paragraph, the term "good accounting practices" does not include accounting practices which have been rejected by the Internal Revenue Service for tax purposes, and the term "depreciation" includes obsolescence.

(d) (1) The cost of furnishing "facilities" found by the Administrator to be primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages.

(2) The following is a list of facilities found by the Administrator to be primarily for the benefit of convenience of the employer. The list is intended to be illustrative rather than exclusive: (i) Tools of the trade and other materials and services incidental to carrying on the employer's business; (ii) the cost of any construction by and for the employer; (iii) the cost of uniforms and of their laundering, where the nature of the business requires the employee to wear a uniform.

§ 531.4 Making determinations of "reasonable cost".

(a) *Procedure.* Upon his own motion or upon the petition of any interested person, the Administrator may determine generally or particularly the "reasonable cost" to an employer of furnishing any employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees. Notice of proposed determination shall be published in the FEDERAL REGISTER, and interested persons shall be afforded an opportunity to participate through submission of written data, views, or arguments. Such notice shall indicate whether or not an opportunity will be afforded to make oral presentations. Whenever the latter opportunity is afforded, the notice shall specify the time and place of any hearing and the rules governing such proceedings. Consideration shall be given to all relevant matter presented in the adoption of any rule.

(b) *Contents of petitions submitted by interested persons.* Any petition by an employee or an authorized representative of employees, an employer or group of employers, or other interested persons for a determination of "reasonable cost" shall include the following information:

(1) The name and location of the employer's or employers' place or places of business;

(2) A detailed description of the board, lodging, or other facilities furnished by the employer or employers, whether or not these facilities are customarily furnished by the employer or employers, and whether or not they are alleged to constitute "wages";

(3) The charges or deductions made for the facility or facilities by the employer or employers;

(4) When the actual cost of the facility or facilities is known an itemized statement of such cost to the employer or employers of the furnished facility or facilities;

(5) The cash wages paid;

(6) The reason or reasons for which the determination is requested, including any reason or reasons why the determinations in § 531.3 should not apply; and

(7) Whether an opportunity to make an oral presentation is requested; and if it is requested, the inclusion of a summary of any expected presentation.

§ 531.5 Making determinations of "fair value".

(a) *Procedure.* The procedures governing the making of determinations of the "fair value" of board, lodging, or other facilities for defined classes of employees and in defined areas under section 3(m) of the Act shall be the same as that prescribed in § 531.4 with respect to determinations of "reasonable cost."

(b) *Petitions of interested persons.* Any petition by an employee or an authorized representative of employees, an employer, or group of employers, or other interested persons for a determination of "fair value" under section 3(m) of the Act shall contain the information required under paragraph (b) of § 531.4, and in addition, to the extent possible, the following:

(1) A proposed definition of the class or classes of employees involved;

(2) A proposed definition of the area to which any requested determination would apply;

(3) Any measure of "fair value" of the furnished facilities which may be appropriate in addition to the cost of such facilities.

§ 531.6 Effects of collective bargaining agreements.

(a) The cost of board, lodging, or other facilities shall not be included as part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee.

(b) A collective bargaining agreement shall be deemed to be "bona fide" when it is made with a labor organization which has been certified pursuant to the provision of section 7(b)(1) or 7(b)(2) of the Act by the National Labor Relations Board, or which is the certified representative of the employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended.

(c) Collective bargaining agreements made with representatives who have not been so certified will be ruled on individually upon submission to the Administrator.

§ 531.7 Request for review of tip credit.

(a) Any employee (either himself or acting through his representative) may request the Administrator to determine whether the actual amount of tips received by him is less than the amount determined by the employer as a wage credit. If it is shown to the satisfaction of the Administrator that the actual amount of tips is the lesser of these amounts, the amount paid the employee by the employer shall be deemed to have been increased by such lesser amount.

(b) Requests for review and determination shall be in writing and shall be accompanied by a statement of tips received each week or each month over a representative period as reported to the Internal Revenue Service. The request shall also contain a statement showing the tip credit taken by the employer, and any other information deemed pertinent by the petitioner. Requests shall be addressed to the Administrator, Wage and Hour and Public Contracts Divisions, Washington, D.C. 20210.

§ 531.8 Petitions to issue, amend, or repeal rules, including determinations, under this part.

Any interested person may petition for the issuance, amendment, or repeal of rules, including determinations under this part. Any such petition shall be directed in writing to the Administrator. Any such petition shall include: (a) A declaration of the petitioner's interest in the proposed action; (b) a statement of the rule-making action sought; and (c) any data available in support of the petition. Whenever a petitioner seeks a determination of "reasonable cost" or "fair value" the statement of rule-making sought shall contain the information required under § 531.4(b) or § 531.5(b), as the case may be.

Subpart C—Interpretations

§ 531.25 Introductory statement.

(a) The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this subpart are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official inter-

pretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorganization Plan 6 of 1950, 64 Stat. 1263; Gen. Order 45A, May 24, 1950, 15 F.R. 3290). The Supreme Court has recognized that such interpretations of this Act "provide a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" and "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance." Further, as stated by the Court: "Good administration of the Act and good judicial administration alike require that the standards of public enforcement and those for determining private rights shall be at variance only where justified by very good reasons." (Skidmore v. Swift, 323 U.S. 134.)

(b) The interpretations of the law contained in this subpart are official interpretations of the Department of Labor with respect to the application under described circumstances of the provisions of law which they discuss. The interpretations indicate, with respect to the methods of paying the compensation required by sections 6 and 7 and the application thereto of the provisions of section 3(m) of the Act, the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their administrative duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. Reliance may be placed upon the interpretations as provided in section 10 of the Portal-to-Portal Act (29 U.S.C. 259) so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect. For discussion of section 10 of the Portal-to-Portal Act, see Part 790 of this chapter.

§ 531.26 Relation to other laws.

Various Federal, State, and local legislation requires the payment of wages in cash; prohibits or regulates the issuance of scrip, tokens, credit cards, "dope checks" or coupons; prevents or restricts payment of wages in services or facilities; controls company stores and commissaries; outlaws "kickbacks"; restrains assignment and garnishment of wages; and generally governs the calculation of wages and the frequency and manner of paying them. Where such legislation is applicable and does not contravene the requirements of the Act, nothing in the Act, the regulations, or the interpretations announced by the Administrator should be taken to override or nullify the provisions of these laws.

How Payments May Be Made

§ 531.27 Payment in cash or its equivalent required.

(a) Standing alone, sections 6 and 7 of the Act require payment of the prescribed wages, including overtime compensation, in cash or negotiable instrument payable at par. Section 3(m) provides, however, for the inclusion in the "wage" paid to any employee, under the conditions which it prescribes, of the "reasonable cost," or "fair value" as determined by the Secretary, of furnishing such employee with board, lodging, or other facilities. In addition, section 3(m) provides that a tipped employee's wages may consist in part of tips. It is section 3(m) which permits and governs the payment of wages in other than cash.

(b) It should not be assumed that because the term "wage" does not appear in section 7, all overtime compensation must be paid in cash and may not be paid in board, lodging, or other facilities. There appears to be no evidence in either the statute or its legislative history which demonstrates the intention to provide one rule for the payment of the minimum wage and another rule for the payment of overtime compensation. The principles stated in paragraph (a) of this section are considered equally applicable to payment of the minimum hourly wage required by section 6 or of the wages required by the equal pay provisions of section 6(d), and to payment, when overtime is worked, of the compensation required by section 7. Thus, in determining whether he has met the minimum wage and overtime requirements of the Act, the employer may credit himself with the reasonable cost to himself of board, lodging, or other facilities customarily furnished by him to his employees when the cost of such board, lodging, or other facilities is not excluded from wages paid to such employees under the term of a bona fide collective bargaining agreement applicable to the employees. Unless the context clearly indicates otherwise, the term "wage" is used in this part to designate the amount due under either section 6 or section 7 without distinction. It should be remembered, however, that the wage paid for a job, within the meaning of the equal pay provisions of section 6(d), may include remuneration for employment which is not included in the employee's regular rate of pay under section 7(e) of the act or is not allocable to compensation for hours of work required by the minimum wage provisions of section 6. Reference should be made to Parts 778 and 800 of this chapter for a more detailed discussion of the applicable principles.

(c) Tips may be credited or offset against the wages payable under the Act in certain circumstances, as discussed later in this subpart. See also the recordkeeping requirements contained in Part 516 of this chapter.

§ 531.28 Restrictions applicable where payment is not in cash or its equivalent.

It appears to have been the clear intention of Congress to protect the basic minimum wage and overtime compensation required to be paid to the employee by sections 6 and 7 of the Act from profiteering or manipulation by the employer in dealings with the employee. Section 3(m) of the Act and Subpart B of this part accordingly prescribe certain limitations and safeguards which control the payment of wages in other than cash or its equivalent. (Special recordkeeping requirements must also be met. These are contained in Part 516 of this chapter.) These provisions, it should be emphasized, do not prohibit payment of wages in facilities furnished either as additions to a stipulated wage or as items for which deductions from the stipulated wage will be made; they prohibit only the use of such a medium of payment to avoid the obligation imposed by sections 6 and 7.

§ 531.29 Board, lodging, or other facilities.

Section 3(m) applies to both of the following situations: (a) Where board, lodging, or other facilities are furnished in addition to a stipulated wage; and (b) where charges for board, lodging, or other facilities are deducted from a stipulated wage. The use of the word "furnishing" and the legislative history of section 3(m) clearly indicate that this section was intended to apply to all facilities furnished by the employer as compensation to the employee, regardless of whether the employer calculates charges for such facilities as additions to or deductions from wages.

§ 531.30 "Furnished" to the employee.

The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where customarily "furnished" to the employee. Not only must the employee receive the benefits of the facility for which he is charged, but it is essential that his acceptance of the facility be voluntary and uncoerced. See Williams v. Atlantic Coast Line Railroad Co. (E.D.N.C.), 1 W.H. Cases 289.

§ 531.31 "Customarily" furnished.

The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where "customarily" furnished to the employee. Where such facilities are "furnished" to the employee, it will be considered a sufficient satisfaction of this requirement if the facilities are furnished regularly by the employer to his employees or if the same or similar facilities are customarily furnished by other employees engaged in the same or similar trade, business, or occupation in the same or similar communities. See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803; Southern Pacific Co. v. Joint Council (C.A. 9) 7 W.H. Cases 536. Facilities furnished in violation of any Federal, State, or local law, ordinance or prohibition will not be considered facilities "customarily" furnished.

§ 531.32 "Other facilities".

(a) "Other facilities," as used in this section, must be something like board or lodging. The following items have been deemed to be within the meaning of the term: Meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees;

meals, dormitory rooms, and tuition furnished by a college to its student employees; housing furnished for dwelling purposes; general merchandise furnished at company stores and commissaries (including articles of food, clothing, and household effects); fuel (including coal, kerosene, firewood, and lumber slabs), electricity, water, and gas furnished for the noncommercial personal use of the employee; transportation furnished employees between their homes and work where the travel time does not constitute hours worked compensable under the Act and the transportation is not an incident of and necessary to the employment.

(b) Shares of capital stock in an employer company, representing only a contingent proprietary right to participate in profits and losses or in the assets of the company at some future dissolution date, do not appear to be "facilities" within the meaning of the section.

(c) It should also be noted that under § 531.3(d)(1), the cost of furnishing "facilities" which are primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages. Items in addition to those set forth in § 531.3 which have been held to be primarily for the benefit or convenience of the employer and are not therefore to be considered "facilities" within the meaning of section 3(m) include: Safety caps, explosives, and miners' lamps (in the mining industry); electric power (used for commercial production in the interest of the employer); company police and guard protection; taxes and insurance on buildings of the employer; "dues" to chambers of commerce and other organizations used, for example to repay subsidies given to the employer to locate his factory in a particular community; transportation charges where such transportation is an incident of and necessary to the employment (as in the case of maintenance-of-way employees of a railroad); charges for rental of uniforms where the nature of the business requires the employee to wear a uniform; medical services and hospitalization which the employer is bound to furnish under workmen's compensation acts or similar Federal, State, or local law. For a discussion of reimbursement for expenses, such as "supper money," "travel expenses," etc., see § 778.217 of this chapter.

§ 531.33 "Reasonable cost"; "fair value".

(a) Section 3(m) directs the Administrator to determine "the reasonable cost * * * to the employer of furnishing * * * facilities" to the employee, and in addition it authorizes him to determine "the fair value" of such facilities for defined classes of employees and in defined areas, which may be used in lieu of the actual measure of the cost of such facilities in ascertaining the "wages" paid to any employee. Subpart B contains three methods whereby an employer may ascertain whether any furnished facilities are a part of "wages" within the meaning of section 3(m): (1) An employer may calculate the "reasonable cost" of facilities in accordance with the requirements set forth in § 531.3; (2) an employer may request that a determination of "reasonable cost" be made, including a determination having particular application; and (3) an employer may request that a determination of "fair value" of the furnished facilities be made to be used in lieu of the actual measure of the cost of the furnished facilities in assessing the "wages" paid to an employee.

(b) "Reasonable cost," as determined in § 531.3 "does not include a profit to the employer or to any affiliated person." Although the question of affiliation is one of fact, where any of the following persons operate company stores or commissaries or furnish lodging or other facilities they will normally be deemed "affiliated persons" within the meaning of the regulations: (1) A spouse, child, parent, or other close relative of the employer; (2) a partner, officer, or employee in the employer company or firm; (3) a parent, subsidiary, or otherwise closely connected corporation; and (4) an agent of the employer.

§ 531.34 Payment in scrip or similar medium not authorized.

Scrip, tokens, credit cards, "dope checks," coupons, and similar devices are not proper mediums of payment under the Act. They are neither cash nor "other facilities" within the meaning of section 3(m). However, the use of such devices for the purpose of conveniently and accurately measuring wages earned or facilities furnished during a single pay period is not prohibited. Piecework earnings, for example, may be calculated by issuing tokens (representing a fixed amount of work performed) to the employee, which are redeemed at the end of the pay period for cash. The tokens do not discharge the obligation of the employer to pay wages, but they may enable him to determine the amount of cash which is due to the employee. Similarly board, lodging, or other facilities may be furnished during the pay period in exchange for scrip or coupons issued prior to the end of the pay period. The reasonable cost of furnishing such facilities may be included as part of the wage, since payment is being made not in scrip but in facilities furnished under the requirements of section 3(m). But the employer may not credit himself with "unused scrip" or "coupons outstanding" on the pay day in determining whether he has met the requirements of the Act because such scrip or coupons have not been redeemed for cash or facilities within the pay period. Similarly, the employee cannot be charged with the loss or destruction of script or tokens.

§ 531.35 "Free and clear" payment; "kickbacks."

Whether in cash or in facilities, "wages" cannot be considered to have been paid by the employer and received by the employee unless they are paid finally and unconditionally or "free and clear." The wage requirements of the Act will not be met where the employee "kicks-back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to the employee. This is true whether the "kick-back" is made in cash or in other than cash. For example, if it is a requirement of the employer that the employee must provide tools of the trade which will be used in or are specifically required for the performance of the employer's particular work, there would be a violation of the Act in any workweek when the cost of such tools purchased by the employee cuts into the minimum or overtime wages required to be paid him under the Act.

Payment Where Additions or Deductions Are Involved

§ 531.36 Nonovertime workweeks.

(a) When no overtime is worked by the employee, section 3(m) and this part apply only to the applicable minimum wage for all hours worked. To illustrate, where an employee works 40 hours a week at a cash wage rate of $1.60 an hour in a situation when that rate is the applicable minimum wage and is paid $64 in cash free and clear at the end of the workweek, and in addition is furnished facilities valued at $4, no consideration need be given to the question of whether such facilities meet the requirements of section 3(m) and this part, since the employee has received in cash the applicable minimum wage of $1.60 an hour for all hours worked. Similarly, where an employee is employed at a rate of $1.80 an hour and during a particular workweek works 40 hours for which he is paid $64 in cash, the employer having deducted $8 from his wages for facilities furnished, whether such deduction meets the requirement of section 3(m) and Subpart B of this part need not be considered, since the employee is still receiving, after the deduction has been made, a cash wage of $1.60 an hour. Deductions for board, lodging, or other facilities may be made in nonovertime workweeks even if they reduce the cash wage below the minimum, provided the prices charged do not exceed the "reasonable cost" of such facilities. When such items are furnished the employee at a profit, the deductions from wages in weeks in which no overtime is worked are considered to be illegal only to the extent that the profit reduces the wage (which includes the "reasonable cost" of the facilities) below the required minimum. Accordingly, in a situation when $1.60 an hour is the applicable minimum wage, if an employee employed at a rate of $1.65 an hour works 40 hours in a workweek and is paid only $54 in cash, $12 having been deducted for facilities furnished to him, such facilities must be measured by the requirements of section 3(m) and this part to determine if the employee has received the minimum of $64 (40 hours x $1.60) in cash or in facilities which may be legitimately included in "wages"

payable under the Act. The same would be true where an employee is furnished the facilities in addition to a cash wage of $54 for 40 hours of work. In either case, if the "reasonable cost" to the employer of legitimate facilities equals at least $10 the requirements of the Act are met. Cf. Southern Pacific Co. v. Joint Council Dining Car Employees, 165 F. (2d) 26 (C.A. 9).

(b) Deductions for articles such as tools, miners' lamps, dynamite caps, and other items which do not constitute "board, lodging, or other facilities" may likewise be made in nonovertime workweeks if the employee nevertheless received the required minimum wage in cash free and clear; but to the extent that they reduce the wages of the employee in any such workweek below the minimum required by the Act, they are illegal.

§ 531.37 Overtime workweeks.

(a) Section 7 requires that the employee receive compensation for overtime hours at "a rate of not less than one and one-half times the regular rate at which he is employed." When overtime is worked by an employee who receives the whole or part of his wage in facilities and it becomes necessary to determine the portion of his wages represented by facilities, all such facilities must be measured by the requirements of section 3(m) and Subpart B of this part. It is the Administrator's opinion that deductions may be made, however, on the same basis in an overtime workweek as in nonovertime workweeks (see § 531.36), if their purpose and effect are not to evade the overtime requirements of the Act or other law, providing the amount deducted does not exceed the amount which could be deducted if the employee had only worked the maximum number of straight-time hours during the workweek. For example, in a situation where $1.60 an hour is the applicable minimum wage, if an employee is employed at a rate of $1.65 an hour (5 cents in excess of the minimum wage) the maximum amount which may be deducted from his wages in a 40-hour workweek for items such as tools, dynamite caps, miners' lamps, or other articles which are not "facilities" within the meaning of the Act, is 40 times 5 cents or $2 (see § 531.36). Deductions in excess of this amount for such articles are illegal in overtime workweeks as well as in nonovertime workweeks. There is no limit on the amount which may be deducted for "board, lodging, or other facilities" in overtime workweeks (as in workweeks when no overtime is worked), provided that these deductions are made only for the "reasonable cost" of the items furnished. When such items are furnished at a profit, the amount of the profit (plus the full amount of any deductions for articles which are not facilities) may not exceed $2 in the example heretofore used in this paragraph. These principles assume a situation where bona fide deductions are made for particular items in accordance with the agreement or understanding of the parties. If the situation is solely one of refusal or failure to pay the full amount of wages required by section 7, these principles have no application. Deductions made only in overtime workweeks, or increases in the prices charged for articles or services during overtime workweeks will be scrutinized to determine whether they are manipulations to evade the overtime requirements of the Act.

(b) Where deductions are made from the stipulated wage of an employee, the regular rate of pay is arrived at on the basis of the stipulated wage before any deductions have been made. Where board, lodging, or other facilities are customarily furnished as addition to a cash wage, the reasonable cost of the facilities to the employer must be considered as part of the employee's regular rate of pay. See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803. Thus, suppose an employee employed at a cash rate of $2 an hour, whose maximum nonovertime workweek under section 7(a) of the Act is 40 hours, works 44 hours during a particular workweek. If, in addition, he is furnished board, lodging, or other facilities valued at $16, but whose "reasonable cost" is $11, the $11 must be added to his cash straight-time pay of $88 ($2×44 hours) in determining the regular rate of pay on which his overtime compensation is to be calculated. The regular rate then becomes $2.25 an hour (($88+$11=$99)÷(44 hours)=$2.25 an hour). The employee is thus entitled to receive a total of $103.50 for the week ((40 hours×$2.25 =90)+(4 hours×$3.37½=$13.50)). In addition to the straighttime pay of $88 in cash and $11 in facilities, extra compensation of $4.50 in cash for the 4 overtime hours must, therefore, be paid by the employer, to meet the requirements of the act.

Payments Made to Persons Other Than Employees

§ 531.38 Amounts deducted for taxes.

Taxes which are assessed against the employee and which are collected by the employer and forwarded to the appropriate governmental agency may be included as "wages" although they do not technically constitute "board, lodging, or other facilities" within the meaning of section 3(m). This principle is applicable to the employee's share of social security and State unemployment insurance taxes, as well as other Federal, State, or local taxes, levies, and assessments. No deduction may be made for any tax or share of a tax which the law requires to be borne by the employer.

§ 531.39 Payments to third persons pursuant to court order.

Where an employer is legally obliged, as by order of a court of competent and appropriate jurisdiction, to pay a sum for the benefit or credit of the employee to a creditor of the employee, trustee, or other third party, under garnishment, wage attachment, trustee process, or bankruptcy proceeding, deduction from wages of the actual sum so paid is not prohibited: *Provided*, That neither the employer nor any person acting in his behalf or interest derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for the purposes of the Act, to payment to the employee.

§ 531.40 Payments to employee's assignee.

(a) Where an employer is directed by a voluntary assignment or order of his employee to pay a sum for the benefit of the employee to a creditor, donee, or other third party, deduction from wages of the actual sum so paid is not prohibited: *Provided*, That neither the employer nor any person acting in his behalf or interest, directly or indirectly, derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for purposes of the Act, to payment to the employee.

(b) No payment by the employer to a third party will be recognized as a valid payment of compensation required under the Act where it appears that such payment was part of a plan or arrangement to evade or circumvent the requirements of section 3(m) or Subpart B of this part. For the protection of both employer and employee it is suggested that full and adequate record of all assignments and orders be kept and preserved and that provisions of the applicable State law with respect to signing, sealing, witnessing, and delivery be observed.

(c) Under the principles stated in paragraphs (a) and (b) of this section, employers have been permitted to treat as payments to employees for purposes of the Act sums paid at the employees' direction to third persons for the following purposes: Sums paid, as authorized by the employee, for the purchase in his behalf of U.S. savings stamps or U.S. savings bonds; union dues paid pursuant to a collective bargaining agreement with bona fide representatives of the employees and as permitted by law; employees' store accounts with merchants wholly independent of the employer; insurance premiums (paid to independent insurance companies where the employer is under no obligation to supply the insurance and derives, directly or indirectly, no benefit or profit from it); voluntary contributions to churches and charitable, fraternal, athletic, and social organizations, or societies from which the employer receives no profit or benefit directly or indirectly.

Payment of Wages to Tipped Employees

§ 531.50 Statutory provisions with respect to tipped employees.

(a) With respect to tipped employees, section 3(m) provides:

> In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that in the case of an employee who (either himself or acting through his representative) shows to the satisfaction of the Secretary that the

actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this sentence, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

(b) "Tipped employee" is defined in section 3(t) of the act as follows:

"Tipped employee" means any employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips.

§ 531.51 Conditions for taking tip credits in making wage payments.

The wage credit permitted on account of tips under section 3(m) may be taken only with respect to wage payments made under the Act to those employees whose occupations in the workweeks for which such payments are made are those of "tipped employees" as defined in section 3(t). Under section 3(t), the occupation of the employee must be one "in which he customarily and regularly receives more than $20 a month in tips." To determine whether a tip credit may be taken in paying wages to a particular employee it is necessary to know what payments constitute "tips," whether the employee receives "more than $20 a month" in such payments in the occupation in which he is engaged, and whether in such occupation he receives these payments in such amount "customarily and regularly." The principles applicable to a resolution of these questions are discussed in the following sections.

§ 531.52 General characteristics of "tips".

A tip is a sum presented by a customer as a gift or gratuity in recognition of some service performed for him. It is to be distinguished from payment of a charge, if any, made for the service. Whether a tip is to be given, and its amount, are matters determined solely by the customer, and generally he has the right to determine who shall be the recipient of his gratuity. In the absence of an agreement to the contrary between the recipient and a third party, a tip becomes the property of the person in recognition of whose service it is presented by the customer. Only tips actually received by an employee as money belonging to him which he may use as he chooses free of any control by the employer, may be counted in determining whether he is a "tipped employee" within the meaning of the Act and in applying the provisions of section 3(m) which govern wage credits for tips.

§ 531.53 Payments which constitute tips.

In addition to cash sums presented by customers which an employee keeps as his own, tips received by an employee include, within the meaning of the Act, amounts paid by bank check or other negotiable instrument payable at par and amounts transferred by the employer to the employee pursuant to directions from credit customers who designate amounts to be added to their bills as tips. Special gifts in forms other than money or its equivalent as above described, such as theater tickets, passes, or merchandise, are not counted as tips received by the employee for purposes of the Act.

§ 531.54 Tip pooling.

Where employees practice tip splitting, as where waiters give a portion of their tips to the busboys, both the amounts retained by the waiters and those given the busboys are considered tips of the individuals who retain them, in applying the provisions of section 3(m) and 3(t). Similarly, where an accounting is made to an employer for his information only or in furtherance of a pooling arrangement whereby the employer redistributes the tips to the employees upon some basis to which they have mutually agreed among themselves, the amounts received and retained by each individual as his own are counted as his tips for purposes of the Act.

§ 531.55 Examples of amounts not received as tips.

A compulsory charge for service, such as 10 percent of the amount of the bill, imposed on a customer by an employer's establishment, is not a tip and, even if distributed by the employer to his employees, cannot be counted as a tip received in applying the provisions of section 3(m) and 3(t). Similarly, where negotiations between a hotel and a customer for banquet facilities include amounts for distribution to employees of the hotel, the amounts so distributed are not counted as tips received. Likewise, where the employment agreement is such that amounts presented by customers as tips belong to the employer and must be accounted for or turned over to him, the employee is in effect collecting for his employer additional income from the operations of the latter's establishment. Even though such amounts are not collected by imposition of any compulsory charge on the customer, plainly the employee is not receiving tips within the meaning of section 3(m) and 3(t). The amounts received from customers are the employer's property, not his, and do not constitute tip income to the employee.

§ 531.56 "More than $20 a month in tips."

(a) *In general.* An employee who receives tips, within the meaning of the Act, is a "tipped employee" under the definition in section 3(t) when, in the occupation in which he is engaged, the amounts he receives as tips customarily and regularly total "more than $20 a month." An employee employed in an occupation in which the tips he receives meet this minimum standard is a "tipped employee" for whom the wage credit provided by section 3(m) may be taken in computing the compensation due him under the Act for employment in such occupation, whether he is employed in it full time or part time. An employee employed full time or part time in an occupation in which he does not receive more than $20 a month in tips customarily and regularly is not a "tipped employee" within the meaning of the Act and must receive the full compensation required by its provisions in cash or allowable facilities without any deduction for tips received under the provisions of section 3(m).

(b) *Month.* The definition of tipped employee does not require that the calendar month be used in determining whether more than $20 a month is customarily and regularly received as tips. Any appropriate recurring monthly period beginning on the same day of the calendar month may be used.

(c) *Individual tip receipts are controlling.* An employee must himself customarily and regularly receive more than $20 a month in tips in order to qualify as a tipped employee. The fact that he is part of a group which has a record of receiving more than $20 a month in tips will not qualify him. For example, a waitress who is newly hired will not be considered a tipped employee merely because the other waitresses in the establishment receive tips in the requisite amount. For the method of applying the test in initial and terminal months of employment, see § 531.58.

(d) *Significance of minimum monthly tip receipts.* More than $20 a month in tips customarily and regularly received by the employee is a minimum standard that must be met before any wage credit for tips is determined under section 3(m). It does not govern or limit the determination by the employer or the Secretary of Labor of the appropriate amount (up to 50 percent of the minimum wage) of wage credit under section 3(m) that may be taken for tips.

§ 531.57 Receiving the minimum amount "customarily and regularly."

The employee must receive more than $20 a month in tips "customarily and regularly" in the occupation in which he is engaged in order to qualify as a tipped employee under section 3(t). If it is known that he always receives more than the stipulated amount each month, as may be the case with many employees in occupations such as those of waiters, bellhops, taxicab drivers, barbers, or beauty operators, the employee will qualify and the tip credit provisions of section 3(m) may be applied. On the other hand, an employee who only occasionally or sporadically receives tips totaling more than $20 a month, such as at Christmas or New Years when customers may be more generous than usual, will not be deemed a tipped employee. The phrase "customarily and regularly" signifies a frequency which must be greater than occasional, but which may be less than constant. If an employee is in an occupation in which he normally and recurrently receives more than $20 a month in tips, he will be considered a tipped employee even though occasionally, because of sickness, vacation or the like, he fails to receive more than $20 in tips in a particular month.

§ 531.58 Initial and terminal months.

An exception to the requirement that an employee, whether full-time, part-time, permanent or temporary, will qualify as a tipped employee only if he customarily and regularly receives more than $20 a month in tips is made in the

case of initial and terminal months of employment. In such months the purpose of the provision for tipped employees would seem fulfilled if qualification as a tipped employee is based on his receipt of tips in the particular week or weeks of such month at a rate in excess of $20 a month, where the employee has worked less than a month because he started or terminated employment during the month.

§ 531.59 The tip wage credit.

In determining compliance with the wage payment requirements of the Act, under the provisions of section 3(m) the amount paid to a tipped employee by an employer is deemed to be increased on account of tips by an amount which cannot exceed 50 percent of the minimum wage applicable to such employee in the workweek for which the wage payment is made. This credit is in addition to any credit for board, lodging, or other facilities which may be allowable under section 3(m). The credit allowed on account of tips may be less than 50 percent of the applicable minimum wage; it cannot be more. The actual amount is left by the statute to determination by the employer on the basis of his information concerning the tipping practices and receipts in his establishment. However, section 3(m) provides that an employee who can show to the satisfaction of the Secretary of Labor that the actual amount of tips received by him was less than the amount determined by the employer as a tip credit shall receive an appropriate wage adjustment. See § 531.50(a). As stated in Senate Report No. 1487 (89th Cong. 2d sess.), it is presumed that in the application of this special provision the employee will be receiving at least the maximum tip credit in actual tips: "If the employee is receiving less than the amount credited, the employer is required to pay the balance so that the employee receives at least the minimum wage with the defined combination of wages and tips." Provision is made in § 531.7 for employee requests for review of tip credit determinations made by employers, in the event that the employee considers that the tip credit taken exceeds his actual tips. As indicated in § 531.51, the tip credit may be taken only for hours worked by the employee in an occupation in which he qualifies as a "tipped employee." Under employment agreements requiring tips to be turned over or accounted for to the employer to be treated by him as part of his gross receipts, it is clear from the legislative history that the employer must pay the employee the full minimum hourly wage, since for all practical purposes the employee is not receiving tip income. See also § 531.54.

§ 531.60 Overtime payments.

(a) When overtime is worked by a tipped employee who is subject to the overtime pay provisions of the Act, his regular rate of pay is determined by dividing his total remuneration for employment (except statutory exclusions) in any workweek by the total number of hours actually worked by him in that workweek for which such compensation was paid. (See Part 778 of this chapter for a detailed discussion of overtime compensation under the Act.) In accordance with section 3(m), a tipped employee's regular rate of pay includes the amount of tip credit taken by the employer (not in excess of 50 percent of the applicable minimum wage), the reasonable cost or fair value of any facilities furnished him by the employer, as authorized under section 3(m) and this Part 531, and the cash wages including commissions and certain bonuses paid by the employer. Any tips received by the employee in excess of the tip credit need not be included in the regular rate. Such tips are not payments made by the employer to the employee as remuneration for employment within the meaning of the act.

Signed at Washington, D.C., this 5th day of January 1967.

CLARENCE T. LUNDQUIST,
Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-256; Filed, Jan. 9, 1967; 8:49 a.m.]

[29 CFR Part 541]

EMPLOYEE EMPLOYED IN BONA FIDE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER

Defining and Delimiting Terms

The Fair Labor Standards Amendments of 1966 (P.L. 89-601) amend the exemption from the minimum wages and maximum hours provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201) in its section 13(a)(1) by inserting after the words "professional capacity" the parenthetical phrase relating to academic administrative personnel and teachers, to establish an exemption which reads, in pertinent part, as follows:

SEC. 13. (a) The provisions of sections 6 and 7 shall not apply with respect to—

(1) any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, * * *)

It is proposed to make the amendments to 29 CFR Part 541 set out below to supply the definitions and delimitations and interpretations of them responsive to the above identified amendment to the Act and to make editorial changes needed in the remainder of the part.

This proposal is made under the authority of the cited Act and amendment, Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004) and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor. Interested persons are invited to send written data, views, or argument concerning this proposal to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after this proposal is published in the FEDERAL REGISTER.

For the period between February 1, 1967 (the effective date of the above identified statutory amendment), and the effective date of such amendment of 29 CFR Part 541 as will be made pursuant to this proposal, no enforcement action will be taken against any employer who takes any exemption he would be entitled to take if the amendments here proposed were in effect, even though 29 CFR Part 541 as presently in effect may not authorize such exemption.

The proposed amendments to 29 CFR Part 541 read as follows:

1. The title of 29 CFR Part 541 is revised to read as follows:

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS)"

2. Subpart A of 29 CFR Part 541 is amended by adding § 541.0, revising §§ 541.1, 541.2, and 541.3; § 541.5b is deleted. The new and revised sections to read as follows:

§ 541.0 Terms used in regulations.

(a) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in him under section 13(a)(1) of the Fair Labor Standards Act.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 541.1 Executive.

The term "employee employed in a bona fide executive * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of

his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section:

Provided, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 Administrative.

The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of either:

(1) The performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or

(2) The performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c)(1) Who regularly and directly assist a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations of this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments and tasks; and

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for his services as required by subparagraph (1) of this paragraph or on a salary basis which is at least equal to the entrance salary for teachers in the school system or educational establishment or institution by which he is employed:

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 Professional.

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the performance of:

(1) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or

(3) Teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher certified or recognized as such in the school system or educational establishment or institution by which he is employed; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $115 per week (or $95 per week if employed in Puerto Rico, the Virgin Island, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, or in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, or in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance either of work described in paragraph (a) (1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

§ 541.56 [Deleted]

3. Sections 541.99 and 541.100 are revised to read as follows:

§ 541.99 Introductory statement.

(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, exempts from the wage and hour provisions of the Act "any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities)". The requirements of the exemption under this section of the Act are contained in Subpart A of this part.

§ 541.100 The definition of "executive".

Section 541.1 defines the term "bona fide executive" as follows: The term "employee employed in a bona fide executive * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section:

Provided, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a 20-percent interest in the enterprise in which he is employed; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities:

Provided, That an employee who is compensated on a salary basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

4. Section 541.112 is revised to read as follows:

§ 541.112 Percentage limitations on nonexempt work.

(a) An employee will not qualify for exemption as an executive if he devotes more than 20 percent, or in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work. This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(b) (1) The maximum allowance of 20 percent for nonexempt work applies unless the establishment by which the employee is employed qualifies for the higher allowance as a retail or service establishment within the meaning of the Act. Such an establishment must be a distinct physical place of business, open to the general public, which is engaged on the premises in making sales of goods or services to which the concept of retail selling or servicing applies. As defined in section 13(a)(2) of the Act, such an establishment must make at least 75 percent of its annual dollar volume of sales of goods or services from sales that are both not for resale and recognized as retail in the particular industry. Types of establishments which may meet these tests include stores selling consumer goods to the public; hotels; motels; restaurants; some types of amusement or recreational establishments (but not those offering wagering or gambling facilities); hospitals, or institutions primarily engaged in the care of the sick, the aged, the mentally ill or defective residing on the premises, if open to the general public; public parking lots and parking garages; auto repair shops; gasoline service stations (but not truck stops); funeral homes; cemeteries; etc. Further explanation and illustrations of the establishments included in the term "retail or service establishment" as used in the Act may be found in Part 779 of this chapter.

(2) Public and private elementary and secondary schools and institutions of higher education are, as a rule, not retail or service establishments, because they are not engaged in sales of goods or services to which the retail concept applies. Under section 13(a)(2)(iii) of the Act prior to the 1966 amendments, it was possible for private schools for physically or mentally handicapped or gifted children to qualify as retail or service establishments if they met the statutory tests, because the special types of services provided to their students were considered by Congress to be of a kind that may be recognized as retail. Such schools, unless the nature of their operations has changed, may continue to qualify as retail or service establishments and, if they do, may utilize the greater tolerance for nonexempt work provided for executive and administrative employees of retail or service establishments under section 13(a)(1) of the Act.

(3) The legislative history of the Act makes it plain that an establishment engaged in laundering, cleaning, or repairing clothing or fabrics is not a retail or service establishment. When the Act was amended in 1949, Congress excluded such establishments from the exemption under section 13(a)(2) because of the lack of a retail concept in the services sold by such establishments, and provided a separate exemption for them which did not depend on status as a retailer. Again in 1966, when this exemption was repealed, Congress made it plain by exclusionary language that the exemption for retail or service establishments was not to be applied to laundries or dry cleaners.

(c) There are two special exceptions to the percentage limitations of paragraph (a) of this section:

(1) That relating to the employee in "sole charge" of an independent or branch establishment, and

(2) That relating to an employee owning a 20-percent interest in the enterprise in which he is employed.

These except the employee only from the percentage limitations on nonexempt work. They do not except the employee from any of the other requirements of § 541.1. Thus, while the percentage limitations on nonexempt work are not applicable, it is clear that an employee would not qualify for the exemption if he performs so much nonexempt work that he could no longer meet the requirement of § 541.1(a) that his primary duty must consist of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof.

5. Section 541.117 is revised to read as follows:

§ 541.117 Amount of salary required.

(a) Compensation on a salary basis at a rate of not less than $100 per week is required for exemption as an executive. The $100 a week may be translated into equivalent amounts for periods longer than 1 week. The requirement will be met if the employee is compensated biweekly on a salary basis of $200, semimonthly on a salary basis of $216.67 or monthly on a salary basis of $433.33. However, the shortest period of payment which will meet the requirement of payment "on a salary basis" is a week.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the salary test for exemption as an "executive" is $75 per week.

(c) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations in Subpart A of this part do not prohibit the sale of such facilities to executives on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

(d) The validity of including a salary requirement in the regulations in Subpart A of this part has been sustained in a number of appellate court decisions. See, for example, Walling v. Yeakley, 140 F. (2d) 830 (C.A. 10); Helliwell v. Haberman, 140 F. (2d) 833 (C.A. 2); and Walling v. Morris, 155 F. (2d) 832 (C.A. 6) (reversed on another point in 332 U.S. 442); Wirtz v. Mississippi Publishers, 364 F. (2d) 603 (C.A. 5); Craig v. Far West Engineering Co., 265 F. (2d) 251 (C.A. 9) cert. den. 361 U.S. 816; Hofer v. Federal Cartridge Corp., 71 F. Supp. 243 (D.C. Minn.).

6. Section 541.119 is revised to read as follows:

§ 541.119 Special proviso for high salaried executives.

(a) Section 541.1 contains a special proviso for managerial employees who are compensated on a salary basis at a rate of not less than $150 per week exclusive of board, lodging, or other facilities. Such a highly paid employee is deemed to meet all the requirements in paragraphs (a) through (f) of § 541.1 if his primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof and includes the customary and regular direction of the work

of two or more other employees therein. If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under paragraphs (a) through (f) of § 541.1.

(b) Mechanics, carpenters, linotype operators, or craftsmen of other kinds are not exempt under the proviso no matter how highly paid they might be.

7. Section 54.200 is revised to read as follows:

§ 541.200 Definition of "administrative".

Section 541.2 defines the term "bona fide * * * administrative" as follows: The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of either:

(1) The performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or

(2) The performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c)(1) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations of this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments or tasks; and

(d) Who does not devote more than 20 percent or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $100 per week (or $75 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for his services as required by subparagraph (1) of this paragraph, or on a salary basis in an amount which is at least equal to the entrance salary for teachers in the school system or educational establishment or institution by which he is employed.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

8. In § 541.201 a new paragraph (c) is added to read as follows:

§ 541.201 Types of administrative employees.

* * * * *

(c) Individuals engaged in the overall academic administration of an elementary or secondary school system include the superintendent or other head of the system and those of his assistants whose duties are primarily concerned with administration of such matters as curriculum, quality and methods of instructing, measuring, and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program. In individual school establishments those engaged in overall academic administration include the principal and the vice principals who are responsible for the operation of the school. Other employees engaged in academic administration are such department heads as the heads of the mathematics department, the English department, the foreign language department, the manual crafts department, and the like. Institutions of higher education have similar organizational structure, although in many cases somewhat more complex.

9. In § 541.202, a new paragraph (e) is added to read as follows:

§ 541.202 Categories of work.

* * * * *

(e) Work performed by employees in the capacity of "academic administrative" personnel is a category of administrative work limited to a class of employees engaged in academic administration as contrasted with the general usage of "administrative" in the act. The term "academic administrative" denotes administration relating to the academic operations and functions in a school rather than to administration along the lines of general business operations. Academic administrative personnel are performing operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration. Examples of jobs in school systems and educational establishments and institutions which are outside the term academic administration are jobs relating to building management and maintenance, jobs relating to the health of the students and academic staff such as social workers, psychologist, lunch room manager, or dietitian. Employees in such work which is not considered academic administration may qualify for exemption under other provisions of § 541.2 or under other sections of the regulations in Subpart A of this part provided the requirements for such exemptions are met.

10. Sections 541.206 and 541.209 are revised to read as set out below:

§ 541.206 Primary duty.

(a) The definition of "administrative" exempts only employees who are primarily engaged in the responsible work which is characteristic of employment in a bona fide administrative capacity. Thus, the employee must have as his primary duty office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or, in the case of "academic administrative personnel," the employee must have as his primary duty work that is directly related to academic administration or general academic operations of the school in whose operations he is employed.

(b) In determining whether an employee's exempt work meets the "primary duty" requirement, the principles explained in § 541.103 in the discussion of "primary duty" under the definition of "executive" are applicable.

§ 541.209 Percentage limitations on nonexempt work.

(a) Under § 541.2(d), an employee will not qualify for exemption as an administrative employee if he devotes more than 20 percent, or, in the case of an employee of a retail or service establishment if he devotes as much as 40 percent, of his hours worked in the workweek to nonexempt work; that is, to activities which are not directly and closely related to the performance of the work described in § 541.2 (a) through (c).

(b) This test is applied on a workweek basis and the percentage of time spent on nonexempt work is computed on the time worked by the employee.

(c) The tolerance for nonexempt work allows the performance of nonexempt manual or nonmanual work within the percentages allowed for all types of nonexempt work.

(d) Refer to § 541.112(b) for the definition of a retail or service establishment as this term is used in paragraph (a) of this section.

11. Section 541.211 is revised to read as set out below:

§ 541.211 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $100 a week (exclusive of board, lodging, or other facilities) is required for exemption as an "administrative" employee. The requirement will be met if the employee is compensated biweekly on a salary basis of $200, semimonthly on a salary basis of $216.67 or monthly on a salary basis of $433.33.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the required compensation is $75 per week.

(c) In the case of academic administrative personnel, the compensation re-

quirement for exemption as an administrative employee may be met either by the payment described in paragraph (a) or (b) of this section, whichever is applicable, or alternatively by compensation on a salary basis in an amount which is at least equal to the entrance salary for teachers in the school system, or educational establishment, or institution by which the employee is employed.

(d) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations do not prohibit the sale of such facilities to administrative employees on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

12. Section 541.214 is revised to read as set out below:

§ 541.214 Special proviso for high salaried administrative employees.

Section 541.2 contains a special proviso including within the definition of "administrative" an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week exclusive of board, lodging, or other facilities, and whose primary duty consists of either the performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or the performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein, where the performance of such primary duty includes work requiring the exercise of discretion and independent judgment. Such a highly paid employee engaged in such work as his primary duty is deemed to meet all the requirements in § 541.2 (a) through (c). If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under § 541.2 (a) through (c).

13. A new § 541.215 should be added to read as follows:

§ 541.215 Elementary or secondary schools and other educational establishments and institutions.

To be considered for exemption as employed in the capacity of "academic administrative personnel," the employment must be in connection with the operation of an elementary or secondary school system, an institution of higher education or other educational establishment or institution. Sections 3(v) and 3(w) of the act define elementary and secondary schools as those day or residential schools which provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curricula in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may include also nursery school programs in elementary education and junior college curricula in secondary education. Education above the secondary school level is in any event included in the programs of institutions of higher education. Special schools for mentally or physically handicapped or gifted children are included among the educational establishments in which teachers and academic administrative personnel may qualify for the administrative exemption, regardless of any classification of such schools as elementary, secondary, or higher. Also, for purposes of the exemption, no distinction is drawn between public or private schools. Accordingly, the classification for other purposes of the school system or educational establishment or institution is ordinarily not a matter requiring consideration in a determination of whether the exemption applies. If the work is that of a teacher or academic personnel as defined in the regulations, in such an educational system, establishment, or institution, and if the other requirements of the regulations are met, the level of instruction involved and the status of the school as public or private or operated for profit or not for profit will not alter the availability of the exemption.

14. Section 541.300 is revised to read as follows:

§ 541.300 Definition of "professional".

Section 541.3 defines the term "bona fide * * * professional" as follows: The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(a) Whose primary duty consists of the performance of:

(1) Work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or

(3) Teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher certified or recognized as such in the school system, or educational establishment, or institution by which he is employed; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $115 per week (or $95 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) exclusive of board, lodging, or other facilities;

Provided, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, or in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, or in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section.

Provided, That an employee who is compensated on a salary or fee basis at a rate of not less than $150 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance either of work described in paragraph (a) (1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

15. In § 541.302 paragraph (e) is revised and a new paragraph (g) is added, to read as follows:

§ 541.302 Learned professions.

* * * * *

(e) No need appears to translate the word "prolonged" into arithmetical terms. Generally speaking, the professions which meet this requirement will include law, medicine, nursing, accountancy, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, including pharmacy and so forth. The typical symbol of the professional training and the best prima facie evidence of its possession is, of course, the appropriate academic degree, and in these professions an advanced academic degree is a standard (if not absolutely universal) prerequisite.

* * * * *

(g)(1) A requisite for exemption as a teacher is the condition that the employee is "employed and engaged" in this activity as a teacher certified or recognized as such in the school system, establishment or installation by which he is employed.

(2) "Employed and engaged as a teacher" denotes employment and engagement in the named specific occupational category as a requisite for exemption. Teaching consists of the activities

of teaching, tutoring, instructing, lecturing, and the like in the activity of imparting knowledge. Teaching personnel may include the following (although not necessarily limited to): Regular academic teachers; teachers of kindergarten or nursery school pupils or of gifted or handicapped children; teachers of skilled and semiskilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisers in such areas as drama, forensics, or journalism are engaged in teaching. Such activities are a recognized part of the school's responsibility in contributing to the educational development of the student.

(3) Within the public schools of all the States, certificates, whether conditional or unconditional, have become a uniform requirement for employment as a teacher at the elementary and secondary levels. The possession of an elementary or secondary teacher's certificate provides a uniform means of identifying the individuals contemplated as being within the scope of the exemption provided by the statutory language and defined in § 541.3(a)(3) with respect to all teachers employed in public schools and those private schools who possess State certificates. However, the private schools of all the States are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and teacher's certificates are not generally necessary for employment as a teacher in institutions of higher education or other educational establishments which rely on other qualification standards. Therefore, a teacher who is not certified but is engaged in teaching in such a school may be considered for exemption provided that such teacher is recognized as meeting the minimum qualifications for employment as a teacher by the employing school or school system and satisfies the other requirements of § 541.3.

(4) Whether certification is conditional or unconditional will not affect the determination as to employment within the scope of the exemption contemplated by this section. There is no standard terminology within the States referring to the different kinds of certificates. The meanings of such labels as permanent, standard, provisional, temporary, emergency, professional, highest standard, limited, and unlimited vary widely. For the purpose of this section the terminology affixed by the particular State in designating the certificates does not affect the determination of the exempt status of the individual.

16. In § 541.303 paragraph (e)(1) is revised to read as follows:

§ 541.303 Artistic professions.

* * * * *

(e)(1) The determination of the exempt or nonexempt status of radio and television announcers as professional employees has been relatively difficult because of the merging of the artistic aspects of the job with the commercial. There is considerable variation in the type of work performed by various announcers, ranging from predominantly routine to predominantly exempt work. The wide variation in earnings as between individual announcers, from the highly paid "name" announcer on a national network who is greatly in demand by sponsors to the staff announcer paid a comparatively small salary in a small station, indicates not only great differences in personality, voice and manner, but also in some inherent special ability or talent which, while extremely difficult to define, is nevertheless real.

* * * * *

17. Section 541.304 is revised to read as follows:

§ 541.304 Primary duty.

(a) For a general explanation of the term "primary duty" see the discussion of this term under "executive" in § 541.103. See also the discussion under "administrative" in § 541.206.

(b) The "primary duty" of an employee employed as a teacher must be that of activity in the field of teaching. Mere certification by the State, or employment in a school will not suffice to qualify an individual for exemption within the scope of § 541.3(a)(3) if the individual is not in fact both employed and engaged as a teacher (see § 541.302(g)(2)). The words "primary duty" have the effect of placing major emphasis on the character of the employee's job as a whole. Therefore, employment and engagement in the activity of imparting knowledge as a primary duty shall be determinative with respect to employment within the meaning of the exemption as "teacher" in conjunction with the other requirements of § 541.3.

18. In § 541.307 a new paragraph (c) is added to read as follows:

§ 541.307 Essential part of and necessarily incident to.

* * * * *

(c) Section 541.3(d) takes into consideration the fact that there are teaching employees whose work necessarily involves some of the actual routine duties and physical tasks also performed by nonexempt employees. For example, a teacher may conduct his pupils on a field trip related to the classroom work of his pupils and in connection with the field trip engage in activities such as driving a school bus and monitoring the behavior of his pupils in public restaurants. These duties are an esstential part of and necessarily incident to his job as teacher. However, driving a school bus each day at the beginning and end of the school day to pick up and deliver pupils would not be exempt type work.

19. Section 541.311 is revised to read as follows:

§ 541.311 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $115 per week (exclusive of board, lodging, or other facilities) is required for exemption as a "professional" employee. An employee will meet the requirement if he is paid a biweekly salary of $230, a semimonthly salary of $249.17, or a monthly salary of $498.33.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the required salary is $95 per week.

(c) The payment of the compensation specified in paragraph (a) or (b) of this section is not a requisite for exemption in the case of employees exempted from this requirement by the proviso to § 541.3(e), as explained in § 541.314.

(d) The payment of the required salary must be exclusive of board, lodging, or other facilities; that is, free and clear. On the other hand, the regulations in Subpart A of this part do not prohibit the sale of such facilities to professional employees on a cash basis if they are negotiated in the same manner as similar transactions with other persons.

20. In § 541.313 paragraphs (c) and (d) are revised to read as follows:

§ 541.313 Fee basis.

* * * * *

(c) The adequacy of a fee payment—whether it amounts to payment at a rate of not less than $115 per week to a professional employee (or at a rate of not less than $100 per week to an administrative employee)—can ordinarily be determined only after the time worked on the job has been determined. In determining whether payment is at the rate specified in the regulations in Subpart A of this part the amount paid to the employee will be tested by reference to a standard workweek of 40 hours. Thus compliance will be tested in each case of a fee payment by determining whether the payment is at a rate which would amount to at least $115 per week to a professional employee (or at a rate of not less than $100 per week to an administrative employee) if 40 hours were worked.

(d) The following examples will illustrate the principle stated above:

(1) A singer receives $25 for a song on a 15-minute program (no rehearsal time is involved). Obviously the requirement will be met since the employee would earn $115 at this rate of pay in far less than 40 hours.

(2) An artist is paid $60 for a picture. Upon completion of the assignment, it is determined that the artist worked 20 hours. Since earnings at this rate would yield the artist $120 if 40 hours were worked, the requirement is met.

(3) An illustrator is assigned the illustration of a pamphlet at a fee of $120. When the job is completed, it is determined that the employee worked 60 hours. If he worked 40 hours at this rate, the employee would have earned only $80. The fee payment of $120 for work which required 60 hours to complete therefore does not meet the requirement of payment at a rate of $115 per week and the employee must be con-

sidered nonexempt. It follows that if in the performance of this assignment the illustrator worked in excess of 40 hours in any week, overtime rates must be paid. Whether or not he worked in excess of 40 hours in any week, records for such an employee would have to be kept in accordance with the regulations covering records for nonexempt employees (Part 516 of this chapter).

21. Sections 541.314 and 541.315 are revised to read as follows:

§ 541.314 Exception for physicians, lawyers, and teachers.

(a) A holder of a valid license or certificate permitting the practice of law or medicine or any of their branches, who is actually engaged in practicing the profession, or a holder of the requisite academic degree for the general practice of medicine who is engaged in an internship or resident program pursuant to the practice of his profession, or an employee employed and engaged as a teacher in the activity of imparting knowledge, is excepted from the salary or fee requirement. This exception applies only to the traditional professions of law, medicine, and teaching and not to employees in related professions which merely serve these professions.

(b) In the case of medicine:

(1) The exception applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term physicians means medical doctors including general practitioners and specialists; osteopathic physicians (doctors of osteopathy), includclude podiatrists (sometimes called and other practitioners in the field of medical science and healing, who may include podiatrists (sometimes called chiropodists, dentists (doctors of dental medicine), optometrists (doctors of optometry or bachelors of science in optometry).

(2) Physicians and other practitioners included in subparagraph (1), of this paragraph, whether or not licensed to practice prior to commencement of an internship or resident program, are expected from the salary or fee requirement during their internship or resident program, where such a training program is entered upon after the earning of the appropriate degree required for the general practice of their profession.

(c) In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

§ 541.315 Special proviso for high salaried professional employees.

The definition of "professional" contains a special proviso for employees who are compensated on a salary or fee basis (exclusive of board, lodging, or other facilities) at a rate of at least $150 per week. Under this proviso, the requirements for exemption in § 541.3 (a) through (c) will be deemed to be met by an employee who receives the higher salary or fees and whose primary duty consists of the performance of work requiring knowledge of an advanced type in a field of science or learning, or work as a teacher in the activity of imparting knowledge, which includes work requiring the consistent exercise of discretion and judgment, or consists of the performance of work requiring invention, imagination, or talent in a recognized field of artistic endeavor. Thus, the exemption will apply to highly paid employees employed either in one of the "learned" professions or in an "artistic" profession and doing primarily professional work. If an employee qualifies for exemption under this proviso, it is not necessary to test his qualifications in detail under § 541.3 (a) through (c).

Signed at Washington, D.C., this 5th day of January 1967.

CLARENCE T. LUNDQUIST,
Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 67-257; Filed, Jan. 9, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 10]

ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR DEFENSE INFORMATION

Use of Hallucinogenic Drugs for Nonmedical Purposes

The use of hallucinogenic drugs for nonmedical purposes has given rise to the question whether such use is a relevant consideration which should be evaluated in determining an individual's eligibility for access to Restricted Data or defense information. The Commission is considering amending 10 CFR Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or Defense Information," to include as a category of derogatory information to be evaluated for that purpose the use by an individual of a narcotic or hallucinogenic drug, and to clarify the applicability of the existing regulations to the habitual use of such a drug.

Pursuant to the Atomic Energy Act of 1954, as amended, Executive Orders 10450 and 10865, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to 10 CFR Part 10 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 10.11, paragraph (a)(9), is amended.

2. Section 10.11 is amended to delete the period at the end of paragraph (b)(11) and substitute a semicolon therefor, and to add an additional paragraph (b)(12).

Paragraphs (a)(9) and (b)(12) of § 10.11 read as follows:

§ 10.11 Derogatory information.

(a) *Category "A" derogatory information.* * * *

(9) Been, or is, a user of narcotic or hallucinogenic drugs habitually, without adequate evidence of rehabilitation.

(b) *Category "B" derogatory information.* * * *

(12) Has used a narcotic or hallucinogenic drug, except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine.

(Sec. 145, 68 Stat. 942; 42 U.S.C. 2165; sec. 161, 68 Stat. 948; 42 U.S.C. 2201; E.O. 10450, 18 F.R. 2489; 3 CFR, 1949–1953 Comp., p. 936; E.O. 10865, 25 F.R. 1583; 3 CFR, 1959–1963 Comp., p. 398)

Dated at Germantown, Md., this 4th day of January 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-214; Filed, Jan. 9, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CERTIFICATES OF INTEREST

Notice of Offering for Sale to Financial Institutions

To the extent of its interest in the price-support loan pools established pursuant to § 1421.3831, et seq. Code of Federal Regulations, published in 29 F.R. 3614, as amended, and to § 1427.2235, et seq. Code of Federal Regulations, published in 30 F.R. 7814, as amended, effective January 23, 1967 CCC offers to financial institutions the opportunity to participate in the pools by making funds available to CCC in exchange for certificates of interest, subject to the following terms and conditions:

(1) *Application for participation.* Financial institutions may participate in the pools effective January 23, 1967 pursuant to the provisions of this announcement by making application to:

Treasurer, Commodity Credit Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

Applications may be made by letter or telegram. Applications will be received on publication of this notice and on a continuing basis thereafter. Each application shall include the name and address of the applicant and the amount of proposed participation. The applicant should specify whether the certificates should be issued for subsequent processing through the Federal Reserve Bank Branch at New Orleans, La., for participation in the cotton loan pools, or the Federal Reserve Bank of Kansas City, for participation in the grain loan pools. Except as otherwise authorized by the Treasurer, CCC, the minimum acceptable application shall be for $5,000 (the minimum amount for which a certificate will be issued) and applications for amounts above $5,000 shall be in multiples of $1,000.

(2) *Acceptance of applications.* Notification of acceptance or rejection of applications will be made by mail unless CCC is requested to notify applicant by collect telegram. CCC reserves the right to reject any application, in whole or in part. Applications will be considered in the order received.

(3) *Payment for face amounts of certificates to be issued.* Payment for the face amount of the certificate for which the applicant has received notice of acceptance shall be made in immediately available funds at any Federal Reserve bank or branch for the account of CCC.

(4) *Issuance of certificates.* On receipt of notice from the Federal Reserve bank of payment pursuant to paragraph (3) of this announcement, certificates will be issued by CCC and forwarded to the applicant. The issue date of the certificate will be the date that payment was made to the Federal Reserve bank for the account of CCC and the face amount of the certificate shall be equal to the amount of the payment. There will be shown on the face of the certificate, by commodity and crop year, the pool in which the certificate evidences participation.

(5) *Rate of interest.* Certificates shall earn interest at the rate of 5.5 percent per annum. This rate is set forth in the cited regulations and may be increased or decreased by CCC on publication in the FEDERAL REGISTER of an amendment to such regulations: *Provided*, That for any decrease in the interest rate, the effective date of such decrease shall be at least 15 days after the date of publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365-day basis from and including the date of issuance shown on the certificate to, but not including, the maturity date, the date the certificate is purchased by CCC, or the date a certificate is to be presented to CCC for purchase pursuant to a call by CCC, whichever date first occurs. The additional conditions set forth in the cited regulations shall also be applicable.

(6) *Maturity date of certificates.* The maturity date of a certificate issued pursuant to the provisions of this announcement shall be August 1 of the year next following the crop year indicated on the certificate. If August 1 falls on Saturday, Sunday, or national holiday, the maturity date shall be the next succeeding business day.

(7) *Transfer and endorsement of certificates.* Certificates may be transferred to another financial institution by endorsement and delivery at any time before date of tender for purchase by CCC. All endorsements may be made in the manner customarily used in banking channels. A financial institution tendering certificates for purchase by CCC shall insert its ABA No. in the space provided on the face of the certificate to insure identification of the tendering financial institution. Inserting the ABA No. only at the time of tender for purchase by CCC will also facilitate transfers of certificates between financial institutions before such purchase.

(8) *Purchase by CCC of outstanding certificates.* Financial institutions may receive payment for the face amount of certificates at any time on presentation of the certificates through normal banking channels to the Federal Reserve Bank named on the face of the certificate which will be at Kansas City or at New Orleans. Certificates will be received as a cash item for the face amount thereof. Interest earned on the face value of certificates received by the Federal Reserve Bank of Kansas City will be paid by the Kansas City ASCS Data Processing Center. Interest earned on the face value of certificates received by the Federal Reserve Bank-Branch, New Orleans will be paid by the New Orleans ASCS Commodity Office. When certificates are presented directly to CCC, payment of the face amount, plus earned interest will be made by the following offices:

1. Present certificates payable through the Federal Reserve Bank of Kansas City to:

Kansas City ASCS Data Processing Center, Post Office Box 205, Kansas City, Mo. 64141.

2. Present certificates payable through the Federal Reserve Bank-Branch, New Orleans to:

New Orleans ASCS Commodity Office, 120 Marais Street, New Orleans, La. 70112.

For prompt credit of the face amounts, certificates should be presented for payment through banking channels as provided in this paragraph.

(a) *On call by CCC.* CCC reserves the right to call in for payment at any time any outstanding certificates. Public announcement of call pursuant to the provisions of this paragraph will be made by publication in the FEDERAL REGISTER at least 15 days before the date such certificates are to be called. Such public announcement shall identify the certificates to be purchased. Financial institutions should tender called certificates as soon as possible after publication of the call notice. Interest on these certificates will be paid to call date. Interest will not be paid for any period beyond the call date.

(b) *At maturity.* CCC will purchase from the financial institutions at maturity (August 1) all outstanding certificates or will issue new certificates maturing on the next August 1 in exchange for all or any part of the outstanding certificates. Financial institutions should tender maturing certificates as soon as possible after July 15. Interest on these certificates will be paid to maturity. Interest will not be paid for any period beyond maturity. However, when maturing certificates are tendered by August 8 and payment is requested in new certificates, the new certificates will earn interest from August 1.

Signed at Washington, D.C., on December 29, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-262; Filed, Jan. 9, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-246]

GENERAL DYNAMICS CORP.

Notice of Termination of Facility License

Please take notice that on December 30, 1966, the Atomic Energy Commission terminated License No. CX-24 in its entirety and amended those sections of Indemnity Agreement No. B-9 which provided indemnity coverage for activities conducted under License No. CX-24. License No. CX-24 authorized General Dynamics Corp. to operate the Annular Core Reactor Experiment nuclear reactor at Torrey Pines Mesa, Calif.

On October 26, 1966, the General Dynamics Corp. advised the Commission that the facility had been dismantled, that the fuel had been returned to the TRIGA Mark F nuclear reactor licensed under R-67, Docket No. 50-163, that the control rod drives and ion chambers had been installed in the Mark F reactor, and that the remaining items of the facility, namely the grid plates, support structure and experimental tube had been removed and are presently being stored in the TRIGA facility storage yard which is maintained for high radiation storage as defined in 10 CFR Part 20. Accordingly, License No. CX-24 is hereby terminated in its entirety.

Dated at Bethesda, Md., this 30th day of December 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-215; Filed, Jan. 9, 1967; 8:45 a.m.]

[Docket No. 50-258]

ISOCHEM, INC.

Order Postponing Hearing

In the matter of Isochem Inc. (Fission Product Conversion and Encapsulation Plant); Docket No. 50-258.

On January 6, 1967, the Regulatory Staff of the Commission filed a Motion for Continuance of the hearing now scheduled to convene in the Courtroom of the U.S. District Courthouse and Federal Building, 825 Jadwin Avenue, Richland, Wash., at 10 a.m., on January 10, 1967, be postponed until January 31, 1967.

The Motion recited that the Isochem, Inc. joined in the motion.

Wherefore, it is ordered, That the aforesaid hearing scheduled to convene on January 10, 1967, be and it is hereby postponed and in lieu thereof the hearing in this proceeding ordered by the Commission shall convene at 10 a.m., on January 31, 1967, in the Courtroom of the U.S. District Courthouse and Federal Building, 825 Jadwin Avenue, Richland, Wash.

Issued: January 6, 1967, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 67-356; Filed, Jan. 9, 1967; 11:16 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-24609]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1967.

Agreement adopted by Traffic Conference 2 and Joint Conferences 1-2, 2-3, and 1-2-3 of the International Air Transport Association relating to fare matters; Docket 15353, Agreement CAB 19274

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 1-2, 2-3, and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned to above-designated CAB agreement number.

The agreement specifies fares to and from Victoria Falls at the same level presently applicable to and from Livingstone. The agreement was necessitated by the opening of a new airport at Victoria Falls for international scheduled services on January 1, 1967.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions, which are incorporated in Agreement CAB 19274, to be adverse to the public interest or in violation of the Act:

JT12(Mail 475)054a	JT12(Mail 475)064a
JT12(Mail 475)080d	JT12(Mail 475)080f
JT12(Mail 475)084y	JT12(Mail 475) 088n
JT23(Mail 688)055	JT23(Mail 688)065
JT123(Mail 475)058	JT123(Mail 475)068
JT123(Mail 475)080f	JT123(Mail 475)084y

2. The Board does not find the following resolutions, which are incorporated in Agreement CAB 19274, and which do not directly affect air transportation as defined by the Act, to be adverse to the public interest or in violation of the Act:

220 (Mail 688) 052	200 (Mail 688) 062
JT23 (Mail 688) 058	JT23 (Mail 688) 068

3. The Board finds that, on the basis of all facts presently known, Resolution 200 (Mail 688) 084b, which is incorporated in Agreement CAB 19274, does not affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

1. Those portions of Agreement CAB 19274, as set forth in finding paragraphs 1 and 2, are approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 19274, as set forth in finding paragraph 3.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration or any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-248; Filed, Jan. 9, 1967; 8:48 a.m.]

[Docket Nos. 17160, 17167; Order E-24509]

AIR TRANSPORT ASSOCIATION ET AL.

Order Regarding Accessorial Cargo Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of January 1967.

In the matter of air carrier discussions concerning accessorial cargo services; Dockets 17160 and 17167.

On March 30, 1966, the Air Transport Association (ATA), on behalf of its Cargo Services Committee, requested permission to meet and discuss specified accessorial cargo services. Stated briefly, the cargo services to be discussed are identified as advance charges, consignee notification, extra copies of airbills, in-bond shipments and customs procedures in warehousing, reserved and confirmed space, proof-of-delivery requests, special procedures for shippers documents, special handling services, and courier shipments. These items and the reasons advanced by the carriers in support of the need for discussions of each matter are set forth in greater detail below. The Air Freight Forwarders Association (AFFA) filed a similar petition on April 26, 1966, asking to meet among themselves and jointly with the direct air carriers.

By petition filed on December 15, 1966, American Airlines, Inc. (American) requested the Board to authorize the domestic scheduled air carriers to conduct joint discussions of the rules governing the provision of airfreight assembly and distribution services, with a view toward making an agreement on appropriate uniform rules governing these services. On the same date, AFFA filed a request that discussion of modification of the

assembly and distribution rules be included among those matters covered by the petitions of the forwarders and direct carriers in Docket 17167.

With respect to the assembly and distribution rules, the Board by Order E-23426, dated March 28, 1966, invited comments upon the question of whether the Board's model rules should be amended.[1] This order was issued in Docket 17160, concurrently with Board orders denying separate petitions of American, TWA, and United, requesting revisions of the Board's definition of a shipment as contained in the Board's model rules. The Board had denied specific petitions to modify the model rules based to a considerable degree on considerations that relaxing the model rules would tend to increase the discriminatory aspects of assembly and distribution and would provide additional preference to a large shipper and prejudice to a smaller shipper.

There is a considerable difference of opinion among the various respondents as to whether any changes should be made in the current rules. Approximately half of the carriers replying to the Board's invitation wish to maintain the current rules, while the other half wish to relax the rules in various ways. The freight forwarders and shippers favor relaxation of the rules.

No discernible clear pattern has evolved nor any significant changes proposed which would not raise additional problems. It appears that modifications which permit greater flexibility and ease the problem of traffic peaking may at the same time create discriminations among various categories of shippers. Nevertheless, the development of air-freight transportation services of the kind and quality required in the public interest necessitates solution of these difficult problems. The Board believes that the proposed intercarrier discussions may result in the development of workable rules that may provide additional flexibility, lessen the problems of enforcement, and not be unjustly discriminatory.

With respect to the other airfreight accessorial services, the carriers, both direct and indirect, wish to identify and define the services now being performed by each individual carrier, to resolve whether such services should be continued, and if so, whether at an additional charge. The ATA states that the proposed discussions will serve to standardize domestic accessorial services offered by the carriers, and will assure that shippers making extensive use of these services will make an appropriate contribution to the cost of such services.

It appears to the Board that the air carriers are providing various accessorial services which, in many instances, are costly and valuable, and are frequently without charge over and above the carriers' airport-to-airport rates. In addition, there is an apparent trend toward an increase in such services. These practices result in higher overall costs for the carriers which may tend to inhibit their ability to reduce cargo rates. Moreover, many of the services are provided outside the carriers' tariffs, which situation lends itself to potential discrimination among shippers. Some shippers, therefore, may avail themselves of these accessorial services while other shippers may not be aware of the existence of them. Competitive pressures may be such as to preclude individual carriers from actions which would tend to lessen any unwarranted free services now being provided or to offer such uneconomic services at an appropriate charge.

Under the circumstances, the objectives sought by the carriers appear to meet the general test of public interest and the Board will authorize carrier discussions of the matters specified, including the assembly and distribution rules, subject to appropriate safeguards. In view of the potentially restrictive aspects of the ATA/AFFA proposals, we condition our approval of the discussions to preclude the carriers from agreeing to eliminate or discontinue the offering of reasonable and proper accessorial services now being performed. This is not to say that the carriers cannot develop reasonable standardized practices and procedures, as well as reasonable limits on services included in the published rates, but rather, that care is to be taken not to agree to eliminate those accessorial services which the shippers have come to expect of the air carriers. In this regard, we will expect the carriers, both direct and indirect, to exercise all reasonable measures to provide their shippers with advance notice of any meetings, to solicit shipper comments, to permit shipper attendance at the meetings for the purpose of presenting their views, and to give such shipper views careful consideration during their deliberations. Any agreements reached as a result of these discussions shall be filed with and approved by the Board before they are effectuated. Any accessorial services offered are to be filed in a tariff, along with any charges which may be made for such services.[2]

The Board will also approve the forwarders' request (AFFA) for discussions looking toward a similar agreement, subject to the same conditions as for the direct air carriers. To insure the maximum possible awareness and participation of the domestic air freight forwarder industry, the Board expects AFFA to notify all Board-authorized domestic air freight forwarders of all ATA and AFFA meetings scheduled, and that any authorized forwarder be permitted to participate in any forwarder agreements which may be reached as a result of such meetings. The Board will also approve the request of the forwarders to meet with and discuss these matters with the direct air carriers. We will not require, however, that the forwarders be present during the final deliberations of the direct air carriers or vice versa.

The Board concludes that these requests, as conditioned, should be granted, and will authorize such discussions for a period of 120 days. As in the past, the Board will also condition its approval to permit the attendance of Board observers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. The Air Transport Association and the Air Freight Forwarders Association are authorized to meet and discuss assembly and distribution service rules and practices and the other accessorial cargo services listed in Appendix A below for a period of 120 days from the date of this order;

2. A notice of any meeting called pursuant to this order and an agenda of matters to be discussed shall be filed with the Board in this docket at least 15 calendar days in advance, and the same notice and agenda shall also be mailed (by the direct and indirect air carriers concerned) to their shippers, with such notice to include an invitation to submit comments upon the agenda matters and to request appointments for personal appearances at the carriers' meetings;

3. The Civil Aeronautics Board reserves the right to have one or more observers in attendance at all meetings of the carriers;

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 15 days after the conclusion of each meeting; and

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act and approved by the Board prior to being placed into effect.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

SUBJECTS INCLUDED AND REASONS ADVANCED IN SUPPORT OF THE ATA PETITION TO DISCUSS ACCESSORIAL SERVICES

1. *Advance charges.* The carriers now have a tariff rule stating that they will advance charges for various corollary services of other modes. It is stated that forwarders are asking for their own tariff charges and/or their shipper c.o.d. amounts as "advance" charges and that such sums can be considerably more than the direct air carrier revenues on the

[1] Comments were filed by seven carriers: American, Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and by the Air Freight Forwarders Association, Honolulu Air Cargo doing business as Aero Forwarding, Los Angeles, Calif., and by Hewlett-Packard Co., a shipper.

[2] This order permits discussion and agreement as to whether a particular practice or procedure, including assembly and distribution services, will be performed free or at a charge, but not as to the establishment of a specific charge, a minimum or maximum charge, or the level of charges for a particular accessorial service. The carriers will be at liberty individually to offer such nonfree accessorial services under an appropriate tariff filing, subject in turn to the usual statutory tests as to reasonableness, etc., of any proposed charge.

traffic. To the extent that this service under the tariff rule may be expected to continue to entail the advancement of significant sums, with consequent drain on carrier working capital, the carriers desire to consider some compensation for excessive capital costs and the expenses of collection and administration. It is stated by the carriers that it might be appropriate to make a charge for the advancement of charges in excess of a specified amount (or specified percentage of the air transportation involved), or on some other basis, so that shippers making excessive use of the advance charges service would make an appropriate contribution to the cost of the service, instead of its being, in effect, borne by all shippers.

2. *Consignee notification.* The air carriers have stated that some shippers have requested various arrival and transfer notifications, and that such shippers have sometimes made such tailor-made notices a condition precedent to use of the carrier's services.

The carriers state that giving notice of arrival at the airport of destination or a transfer point involves added expense, and not simply the cost of preparing and dispatching the notice, i.e., the costs incident to added procedural steps, which often disrupt the normal and expeditious processing and delivery of shipments by causing "notice" shipments to be set aside pending completion of the notice procedure, are stated to be of significance. The underlying question is stated by the carriers to be one of economy and efficiency of operation, in the overall interests of carriers and shippers.

The carriers believe that the discussions sought may establish a comprehensive picture of the industry practices, shippers' desires, and problems incident to arrival and transfer notifications, against which appropriate background measures (such as possible revisions of tariff rules or the establishment of a compensatory charge) can be framed so as to keep arrival notice practices within proper bounds.

3. *Extra copies of airbills.* The standard industry practice[1] provides for one copy of the Airbill for the consignor and one copy for the consignee. This practice is believed by the carriers to be legally sufficient and to meet the requirements of most shippers. However, it is stated that some shippers are requiring additional copies of the Airbill for a variety of their own internal purposes, and that this practice transfers to the air carrier some of the customer's internal administrative costs.

One carrier reports that in one of its major cities 104 shippers request additional copies; another air carrier reports 210 major shippers on its system request anywhere from two to six extra copies. The carriers anticipate that industry discussions will establish the costs attributable to providing these extra copies, and the extent, if any, to which these costs should be properly borne by the customer.

4. *In-bond shipments and customs procedures in warehousing.* Services and charges in this area have been adopted by IATA pursuant to Resolution 512–b and approved by the Board for international traffic.[2] The same services are allegedly being provided for domestic shipments.

Industry discussions are stated by the carriers to be desirable to define standard worldwide services for the customer and to consider the possible need for compensatory charges for these services of the air carriers.

5. *Reserved and confirmed space.* Historically, no tariff provision has been made for the reservation of freight space or priority between classes of freight. It is stated, however, that some carriers have increasingly offered, and influential shippers have insisted upon, priority treatment of their shipments through the medium of reserved space.

The carriers state that this service requires certain additional administrative procedures and expenses and it would appear to be timely to evaluate upon what basis reserved space should continue to be offered.

The proposed industry meeting would be an appropriate forum for consideration of the above practices and the charges, if any, which should be made.

6. *Proof-of-delivery requests.* It is stated that an additional service must be provided by the carrier when proof of delivery is requested by customers, thus entailing an additional administrative expense.

As proposed by the carriers, the industry discussions will enable the carriers to discuss the matter, including the question of the need for an appropriate minimum charge.

7. *Special procedures for shippers documents.* It is stated that certain shippers, for their own convenience, require the carriers to prepare special summaries, reports and other documents, and that other shippers expect carriers to sort and handle their internal documents, thereby reducing the shippers clerical and administrative activities. In either case, the carriers state that they must provide manpower to perform special procedures not available generally to all shippers.

The carriers state that industry review would permit a determination of whether such special procedures should properly be performed by the carriers, and if so, on what terms.

8. *Special handling services.* It is stated that air carriers, from time to time, are required to provide special handling services which are not covered by any present tariff provisions and that these services require many unique procedures and special equipment. These types of requests are stated to be as follows:

(a) Demands by shippers for specific connection for transfer traffic;

(b) The availability of aircraft electrical plug-in facilities for temperature and humidity control;

(c) Special handling and placement on aircraft of certain types of commodities due to their nature;

(d) Special terminal services such as cold room, hot rooms, etc.

The carriers believe that discussion of these items would develop needed information on these special services and relative costs, and the extent, if any, to which these should be properly charged to the beneficiary of these services.

9. *Courier shipments.* Most shipments accompanied by couriers require special handling in order to assure their location on the aircraft and to permit priority loading and unloading. Consideration should be given to whether such special service is preferential or discriminatory.

[F.R. Doc. 67-249; Filed, Jan. 9, 1967; 8:48 a.m.]

[Docket No. 14868 etc.]

LAKE CENTRAL AIRLINES, INC.

Reopened "Use It or Lose It" and Route Realignment Investigation (Service to Marion, Ind., Case); Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held January 23, 1967, is hereby postponed to February 28, 1967, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 4, 1967.

[SEAL] EDWARD T. STODOLA, *Hearing Examiner.*

[F.R. Doc. 67-250; Filed, Jan. 9, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17065, 17066; FCC 66-1176]

STEPHEN VAUGHAN & ASSOCIATES AND MULTIVISION NORTHWEST, INC.

Memorandum Opinion and Order Designating Consolidated Hearing

In re petitions by Stephen Vaughan & Associates, Cleveland, Tenn., Docket No. 17065, File No. CATV 100–7; Multivision Northwest Inc., Dalton, Ga., Docket No. 17066, File No. CATV 100–73; for authority pursuant to § 74.1107 to operate CATV systems in Cleveland and Dalton.

1. The following are before us for consideration:

(a) Vaughan Associates proposes to operate a CATV system in Cleveland which is in the Chattanooga, Tenn. market, ranked as the 92d television market. Vaughan proposes to carry in addition to the three Chattanooga VHF stations the distant signals of the three networks affiliates in both Knoxville, Tenn., and Atlanta Ga., and the educational station on channel 8 from Athens, Ga.

(b) Multivision, which operates a system in Dalton, Ga., also in the Chattanooga market, is now carrying the three Chattanooga stations, the three Atlanta network VHF stations, two Knoxville VHF stations, and the Athens educational station. It proposes to carry in addition the educational and commercial UHF stations from Atlanta,[1] as well as a number of educational and commercial signals from Mount Cheaha State Park, Birmingham, and Huntsville, all in Alabama, from Asheville, N.C., and from Nashville, Tenn.

The petitioners (Vaughan filed Mar. 29, 1966; Multivision on June 17, 1966) would have the Commission waive the hearing requirements of § 74.1107 in order to permit them to implement their proposals. Opposition has been filed to the Multivision proposal by WRCB–TV, Chattanooga, and to the Vaughan petition by WRCB–TV, WDEF–TV, and by WTVC, all in Chattanooga.

2. The Chattanooga market has a total net weekly circulation of 206,300. The city, with a population of 130,009,

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[1] Agreement CAB 10973–A59.

[2] See Board Order E–24040, dated Aug. 4, 1966.

[1] Multivision seeks in some instances permission to carry UHF stations not as yet in operation.

has channels 3, 9, 12, *45, and 61 assigned to it. Stations are operating on channels 3, 9, and 12; a construction permit has been issued for *45; and application is pending for channel 61; channel *24 is allocated to Athens, Tenn. In addition to Multivision's own CATV system in Dalton, the only information that has come to our attention as to operating systems in the Chattanooga market shows a system in Athens, Tenn., which carries among others the three stations operating in Knoxville, Tenn.

3. (a) Cleveland (population 16,196) is in Bradley County, approximately 28 miles northeast of Chattanooga, but not in the Urbanized or Standard Metropolitan Statistical Areas. Cleveland has no television channels assigned to it, no translators in operation, nor CATV systems functioning. In support of its request, Vaughan Associates relies upon the circumstances that considerable sums of money were expended and substantial construction completed prior to February 15, 1966, and that its proposal would bring to Cleveland an educational station as well as a wider choice of commercial television programing. (b) The Multivision system operates in Dalton (population 17,868), about 30 miles southeast of Chattanooga, and is also outside the Chattanooga Census Areas. The system has 55 miles of cable and 700 subscribers, carries nine television signals, provides time, weather, and FM.[1] Multivision, in support of its request, relies substantially on contentions that its present annual revenue is insufficient to support its investment and yearly operating expenses, and that it must augment the number of signals on its operating system in order to diversify programing and to attract additional subscribers. Multivision has also asked for a waiver of the carriage and nonduplication provisions of our rules.

4. We are not persuaded that a case has been made for waiver of hearing. The reasons advanced in support of the petitions do not clearly meet our concern for the public interest in the preservation of UHF potential particularly in view of the substantial UHF activity in this television market and the comparatively slight CATV penetration. Nor do we believe that a case has been made for a waiver of the carriage and nonduplication requirements of the rules as to Multivision's system. In view of the system's channel capacity and the lack of specificity surrounding the waiver request, we think it an appropriate matter for hearing inquiry. *It is therefore ordered*, This 21st day of December 1966, that the petitions for waiver of hearing are denied and, pursuant to sections 4(i), 303, and 307(b) of the Communications Act and § 74.1107 of the Commission's rules, that a consolidated hearing is ordered on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Chattanooga market.

2. To determine the effects of current and proposed CATV service in the Chattanooga market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine, as to Multivision Northwest, whether waiver as requested of the carriage and nonduplication provisions of the Commission's CATV rules is warranted.

4. To determine (1) the present policy and proposed future plans of respondents with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

5. To determine whether the CATV proposals are consistent with the public interest.

Roy H. Park Broadcasting of Tennessee, Inc., Rust Craft Broadcasting of Tennessee, Inc., Martin Theatres of Georgia, Inc., Stephen Vaughan and Associates, and Multivision Northwest, Inc. are parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for the hearing will be specified in another order.

5. Hearing having been ordered on the interaction between CATV and broadcast television in this market, there remains for consideration the question of whether a measure of relief at this time would serve the public interest "in the larger and more effective use of radio."

6. As to Multivision's Dalton, Ga., system, we are persuaded by the following considerations that permission should be extended to add to the system the Atlanta educational and commercial UHF stations: (a) Dalton is now receiving on the cable the VHF, network-affiliated signals from Atlanta, the State capital; (b) we have in other instances, e.g. Athens TV Cable, FCC 66-953, released November 7, 1966, found it appropriate to accommodate distant UHF stations by authorizing the CATV system to carry their signals where the system also carries their VHF competitors. *Therefore, it is further ordered*, That the provisions of § 74.1107 of the rules are waived in order to permit Multivision's Dalton, Ga., CATV system to carry the signals of the Atlanta, Ga., UHF stations.

7. Without prejudicing our ultimate decision, a fair accomodation of the conflicting considerations would result from interim permission allowing Vaughan Associates' Cleveland CATV system to carry the Knoxville signals. In reaching this determination, we have taken into account, in addition to the equities of the situation, such considerations as the size of the Cleveland community, its distance from Chattanooga, and the circumstance that Grade B signals from Knoxville are available in the adjoining county. Additionally, since there is no operating educational station in the Chattanooga market, carriage of nearby educational channel 8 (WGTV, Athens, Ga.) would usefully augment the television service that may be made available to the community. *Therefore, it is further ordered*, That until the proceeding here is resolved, Stephen Vaughan and Associates is authorized to operate a CATV system in Cleveland, Tenn., which would offer in addition to the Chattanooga stations the signals of the Knoxville, Tenn., television stations and of the educational station in Athens, Ga. This authority will terminate as to the Athens, Ga., educational station when the Chattanooga educational outlet becomes operational.

Released: January 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-252; Filed, Jan. 9, 1967; 8:49 a.m.]

[1] The matter of "grandfathering" is not sufficiently disputed here by WRCB-TV's mere statement of the question.

[2] Dissenting statement of Commissioner Bartley and concurring and dissenting statement of Commissioner Cox filed as part of original document; Commissioner Wadsworth absent.

[Docket Nos. 17056, 17057; FCC 66M-1764]

COSMOS CABLEVISION CORP. AND AIKEN CABLEVISION, INC.

Order Scheduling Hearing

In re petitions by Cosmos Cablevision Corp., North Augusta, S.C., Docket No. 17056, File No. CATV 100-1; Aiken Cablevision, Inc., Aiken, S.C., Docket No. 17057, File No. CATV 100-19; for authority pursuant to § 74.1107 to operate CATV systems in North Augusta and Aiken:

It is ordered, This 21st day of December 1966, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on January 13, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-254; Filed, Jan. 9, 1967; 8:49 a.m.]

[Docket No. 16867]

TAXICAB RADIO SERVICE

Order Extending the Time for Filing Comments

In the matter of inquiry into the requirement of the taxicab radio service for all of the frequencies available within standard metropolitan areas of 50,000 or more population in the 152 and 157 Mc/s bands; Docket No. 16867.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a

request filed by the International Taxicab Association for extension of time for filing comments in the above-entitled proceeding. The prescribed time for filing comments expired on October 17, 1966, and the time for filing was extended to December 1, 1966, by order released October 14, 1966 (31 F.R. 13487).

2. In support of the request, the petitioner states that additional time is necessary to obtain all data from its members to respond to the notice of inquiry.

3. In view of the foregoing: *It is ordered*, This 23d day of December 1966, pursuant to §§ 0.331(b)(4) and 1.46 of the Commission's rules, that the above-described request of the International Taxicab Association is granted and that the time for filing comments in the above-entitled proceeding is extended to January 30, 1967.

Released: December 29, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-253; Filed, Jan. 9, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND CHINA NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Assistant Manager, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement 9591-1 between American President Lines, Ltd., and China Navigation Co., Ltd., modifies the existing transshipment agreement between these two carriers by adding provision that overtime storage charges incurred pending transshipment will be divided 50 percent to the initial carrier and 50 percent to the delivering carrier; and by deleting reference to the specific APL tariff which was originally designated as applying to the carriage of cargo in this service.

Dated: January 4, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-244; Filed, Jan. 9, 1967; 8:48 a.m.]

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the Office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. C. Galloway, Chairman, Pacific Coast Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement 50-16, between the member lines of the Pacific Coast-Australasian Tariff Bureau, changes the conference's quorum and voting requirements as set forth in Articles XIII and XIV of the basic agreement.

Dated: January 4, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-245; Filed, Jan. 9, 1967; 8:48 a.m.]

PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the Office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement 57-88, between the member lines of the Pacific Westbound Conference, modifies paragraph (a) of Article 7 of the Appendix to Agreement 57, as amended, by deleting "Asbestos—Crude, Fiber, Refuse, Sand, Shorts" from the list of Northern District local initiative commodities.

Dated: January 4, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-246; Filed, Jan. 9, 1967; 8:48 a.m.]

TRANS PACIFIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the Office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Charles F. Warren, Esquire, Graham James and Rolph, 1725 DeSales Street NW., Washington, D.C. 20036.

Agreement 14-24, between the member lines of the Trans-Pacific Freight Conference, modifies the basic agreement of

that conference by establishing a Saigon Rates Committee with full authority to set rates from Saigon on commodities not common to the trade from Hong Kong.

Dated: January 4, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-247; Filed, Jan. 9, 1967; 8:48 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

WESTERN MARYLAND TRUST CO.

Notice of Application for Exemption

Pursuant to authority granted the Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that the Western Maryland Trust Co., Frederick, Md., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers, directors, and certain controlling persons from the requirements of sections 12, 13, 14, and 16 of the Act.

Notice is hereby given that interested persons will have opportunity to present their written views or comments on this application within 20 days following the date of publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

Dated this 5th day of January 1967.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 67-251; Filed, Jan. 9, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4846, etc.]

ALVIN WILSON ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 28, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4846 ..... E 12-20-66	Alvin Wilson (successor to C. D. Davis), Post Office Box 3451, Tyler, Tex. 75701.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Bethany Field, Panola County, Tex.	[2] 15.4248	14.65
G-9314 ..... D 12-19-66	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102 (partial abandonment).	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	(3)	.....
G-10354 ..... D 12-16-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Northwest Hartburg et al. Field, Newton County, Tex.	Assigned	.....
G-13633 ..... C 12-16-66	Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	[2] 12.25	15.025
G-14874 ..... C 9-22-65 [4] 11-15-66 [5]	Monsanto Co. (Operator) et al., 1300 Main St., Houston, Tex. 77002.	United Gas Pipe Line Co., Broussard Area, Lafayette and St. Martin Parishes, La.	[2] 20.0	15.025
G-17039 ..... D 12-19-66	Amerada Petroleum Corp. (partial abandonment).	Panhandle Eastern Pipe Line Co., Southwest Lerado Field, Reno County, Kans.	(3)	.....
G-17379 ..... D 11-16-66	Texaco Inc. (Operator) et al., Post Office Box 52332, Houston, Tex. 77052.	Transwestern Pipeline Co., Cimarron, Ellis, and Harper Counties, Okla., and Clark County, Kans.	(3)	.....
CI61-425 ..... D 12-9-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., South Little Lake and Three Bayou Bay Fields, Jefferson and Lafourche Parishes, La.	(7)	.....
CI61-524 ..... C 12-15-66	Shell Oil Co. (Operator) et al., [6] 50 West 50th St., New York, N.Y. 10020.	Michigan Wisconsin Pipe Line Co., Lenora Field, Dewey County, Okla.	[2] 15.0	14.65
CI61-1091 ..... C 12-19-66	Amerada Petroleum Corp. [8]	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	15.0	14.65
CI62-60 ..... E 12-12-66	Delta Producing Corp. (successor to Davis Oil Co.), 4904 Tarzana Dr., Tarzana, Calif. 91356.	United Fuel Gas Co., Union District, Clay County, W. Va.	23.0	15.325
CI62-574 ..... C 12-16-66	A. A. Cameron, d.b.a. Cameron Oil Co., 1100 Petroleum Club Bldg., Oklahoma City, Okla. 73102.	Cities Service Gas Co., acreage in Stephens County, Okla.	15.0	14.65
CI63-980 ..... E 12-19-66	Ray A. Jones et al. (successor to Hays and Co., agent for Keillor and Clark, et al.), Sand Fork, W. Va. 26430.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64-856 ..... E 12-8-66	P. P. Gunn (successor to Hadal Oil & Gas Corp.), Grantsville, W. Va. 26147.	United Fuel Gas Co., Henry District, Clay County, W. Va.	23.0	15.325
CI66-1077 ..... C 11-2-66	John C. Oxley et al., Enterprise Bldg., Tulsa, Okla. 74103.	Arkansas Louisiana Gas Co., acreage in Latimer County, Okla.	15.0	14.65
CI66-1282 ..... C 12-16-66	Edwin L. Cox (Operator) et al., 3800 First National Bank Bldg., Dallas, Tex. 75202.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	15.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-1285 C 11-21-66	Coulson Drilling Co. (Operator) et al., Box 1243, Tyler, Tex. 75701.	Arkansas Louisiana Gas Co., Excelsior Field, Marion County, Tex.	[9] 12.999	14.65
CI67-198 (G-19206) C 12-15-66[1]	Miss-Tex Oil Producers, Post Office Box 158, Jackson, Miss. 39205.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	20.6	15.025
CI67-374 C 12-15-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Southeast Gage Field, Ellis County, Okla.	[2] 17.986	14.65
CI67-657 A 11-16-66	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	24.5192	15.325
CI67-708 B 11-17-66	Sam Sklar et al., c/o Jerome M. Alper, attorney, 828 18th St. NW., Washington, D.C. 20006.	United Gas Pipe Line Co., Rodessa Field, Cass County, Tex.	Depleted	.....
CI67-742 A 12-2-66 [3]	Gulf Oil Corp.,[3] Post Office Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Midway Lane Field, Crockett County, Tex.	16.5	14.65
CI67-782 A 12-12-66	Morris Oil & Gas Co., c/o J. F. Deem, agent, Box 176, Harrisville, W. Va. 26362.	Carnegie Natural Gas Co., Union District, Ritchie County, W. Va.	20.0	15.325
CI67-783 A 12-12-66	Lewis Gas Co., c/o Henry B. Wehrle, Jr., partner, Post Office Box 553, Charleston, W. Va. 25301.	United Fuel Gas Co., acreage in Wayne County, W. Va.	18.0	15.325
CI67-784 A 12-15-66	Aladdin Petroleum Corp., 809 Petroleum Bldg., Wichita, Kans. 67202.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[11] 17.0	14.65
CI67-785 A 12-15-66	Twosome Oil Co. et al., c/o Arthur J. Morburger, attorney, Post Office Box 662, Owensboro, Ky. 42301.	Cumberland Natural Gas Co., Inc., Oak Hill, West Field, Hopkins County, Ky.	15.0	15.025
CI67-786 A 12-15-66	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Kansas-Nebraska Natural Gas Co., Inc., Cattle Garden Field, Fremont County, Wyo.	15.0	14.65
CI67-787 A 12-9-66	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Southwest Liberal Light Field, Beaver County, Okla.	16.0	14.65
CI67-788 A 12-12-66	Maxwell D. Simmons, Operator, Inc., Post Office Box 1013, Longview, Tex. 75601.	Lone Star Gas Co., Danville Area, Rusk County, Tex.	16.56	14.65
CI67-790 A 12-16-66	W. A. Moncrief, Jr., 9th at Commerce, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Basin-Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI67-791 B 12-16-66	Oil Industries Associates, et al., 4307 Mercer Dr., Dallas, Tex. 75228.	Consolidated Gas Supply Corp., Beech Grove Field, Ritchie County, W. Va.	[13]	.....
CI67-792 A 12-16-66	Sinclair Oil & Gas Co.	Arkansas Louisiana Gas Co., Wilburton Area, Pittsburg County, Okla.	15.0	14.65
CI67-793 A 12-19-66	Robert Donnell, Post Office Box 4276, Midland, Tex. 79701.	El Paso Natural Gas Co., Canyon Largo Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI67-794 A 12-19-66	John Briggs, Post Office Box 355, Arnett, Okla. 73832.	Northern Natural Gas Co., Catesby Northeast and Gage Fields, Ellis County, Okla.	17.0	14.65
CI67-795 A 12-19-66	Apache Corp. (Operator) et al., 823 South Detroit, Tulsa, Okla. 74120.	Panhandle Eastern Pipe Line Co., Berryman Field, Ellis County, Okla.	17.0	14.65
CI67-796 B 12-19-66	Consolidated Oil & Gas, Inc. (Operator) et al., 4150 East Mexico Ave., Denver, Colo. 80222.	Arkansas Louisiana Gas Co., Northeast Webb Field, Kay County, Okla.	Depleted	.....
CI67-797 A 12-19-66	Piney Point Petroleums, Operator, 206 Southwest Tower, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Randon Field, Fort Bend County, Tex.	14.6	14.65
CI67-798 B 12-19-66	West Union Oil & Gas Co., c/o Mr. N. M. Welch, agent, 1600 Seventh St., Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va.	Uneconomical	.....
CI67-799 A 12-12-66	Butler Gas Co., c/o Henry B. Wehrle, Jr., Post Office Box 513, Charleston, W. Va. 25301.	United Fuel Gas Co., acreage in Wayne County, W. Va.	18.0	15.325
CI67-803 A 12-20-66	Ocean Drilling & Exploration Co., Operator, c/o H. Y. Rowe, attorney, 200 Jefferson Ave., El Dorado, Ark. 71730.	Michigan Wisconsin Pipe Line Co., Block 17 Field, West Cameron Area (Offshore), Cameron Parish, La.	[14] 21.25	15.025
CI67-804 A 12-20-66	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	15.0	15.025
CI67-805 A 12-20-66	Exchange Oil & Gas Co., et al., 1200 Oil & Gas Bldg., New Orleans, La. 70112.	Michigan Wisconsin Pipe Line Co., Block 17 Field, West Cameron Area, Cameron Parish, La.	[14] 21.25	15.025
CI67-806 B 12-14-66	McKinley Trent, Trustee, 817½ Fourth Ave., Huntington, W. Va. 25701.	United Fuel Gas Co., Kermit Field, Mingo County, W. Va.	Depleted	.....
CI67-807 B 12-21-66	Mesquite Gas Products, Inc., First Savings Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Davis Field, Upton County, Tex.	Uneconomical	.....
CI67-808 A 12-21-66	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Southern Natural Gas Co., West Delta Blocks 108 and 133, Offshore La.	19.0	15.025

[1] Rate in effect subject to refund in Docket No. RI65-374.
[2] Applicant no longer has a working interest in subject lease.
[3] Includes 1.50 cents per Mcf tax reimbursement.
[4] Application previously noticed Oct. 6, 1966, in Docket Nos. G-11034, et al. at a total initia rate of 22.0 cents per Mcf.
[5] Supplement to application filed Sept. 22, 1966, wherein Applicant reduced its proposed initial rate of 22.0 cents per Mcf to 20.0 cents, as a result of negotiations relating to its company-wide settlement filed Nov. 15, 1966, in Docket Nos. G-18209, et al.
[6] Deletes acreage due to expired leases.
[7] Deletes that portion of acreage subleased to Union Producing Co.
[8] Contract provides for a rate of 19.5 cents per Mcf, plus B.t.u. adjustment; however, Applicant is willing to accept authorization for the additional acreage conditioned as the certificates issued in Opinion No. 358.
[9] Applicant expresses its willingness to accept permanent authorization for the additional acreage pursuant to Opinion No. 358.
[10] Includes 0.199 cent per Mcf tax reimbursement.
[11] Adds acreage acquired from Humble Oil & Refining Co., Docket No. G-18200.
[12] Includes 0.986 cent upward adjustment. Subject to upward and downward B.t.u. adjustment.
[13] By letter filed concurrently with application, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Wells are no longer commercially productive.
[16] Subject to deduction for compression costs should Buyer compress gas.

[F.R. Doc. 67-101; Filed, Jan. 9, 1967; 8:45 a.m.]

[Docket No. CP67-180]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

DECEMBER 30, 1966.

Take notice that on December 22, 1966, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP67-180 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a lateral and provide a new delivery point in Guilford, Conn. to New Haven Gas Co., an existing customer. The new lateral will extend to Guilford from a point on Applicant's North Haven lateral in North Haven, Conn.

The total estimated cost of the proposed construction is $1,267,900, which cost will be financed through the use of retained earnings, short-term bank loans, and, if necessary, as part of the next general issuance by the Applicant of appropriate securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accord-

ance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before January 26, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-216; Filed, Jan. 9, 1967; 8:45 a.m.]

[Docket No. CP67-179]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

DECEMBER 30, 1966.

Take notice that on December 22, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-179 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery and sale for resale in interstate commerce of additional volumes of natural gas to one of its existing customers, Interstate Power Co. (Interstate), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to sell and deliver to Interstate an additional Daily Contract Quantity of 350 Mcf of natural gas for resale by Interstate to a firm industrial customer in Clinton, Clinton County, Iowa.

The application states that no additional facilities are required to effectuate the proposed additional deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before January 26, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-217; Filed, Jan. 9, 1967; 8:45 a.m.]

[Project No. 2627]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for License for Constructed Project

DECEMBER 30, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Co. (correspondence to: E. J. Lage, Vice President, Pacific Gas and Electric Co. 245 Market Street, San Francisco, Calif. 94106) for constructed Project No. 2627, known as Hamilton Branch Hydroelectric Development, located on Hamilton Branch of North Fork Feather River in Plumas and Lassen Counties, Calif., in the vicinity of Chester, Westwood, and Greenville.

The constructed Hamilton Branch Hydroelectric Development consists of: (1) The steel-frame overflow type Indian Ole Dam with concrete foundation and abutments, located on Hamilton Branch of North Feather River about 5.5 miles above its confluence with Lake Almanor, 26 feet high and 310 feet long with crest elevation of 5,035.66 feet (P.G. & E. datum), incorporating a concrete sluice channel 7 feet 10 inches wide controlled by a verticle slide gate 5 feet wide and 6 feet high; (2) Mountain Meadows Reservior with gross storage capacity of 23,952 acre-feet and a water surface area of 5,772 acres; (3) the rock-filled timber crib Hamilton Branch Diversion Dam, located about 1.8 miles downstream of Indian Ole Dam, about 18 feet high and 136 feet long with an upstream face of timber and a 78-foot-long spillway with crest at elevation 4,922.4 feet (P.G. & E. datum) surmounted by flashboards to elevation 4,925.2 feet (P.G. & E. datum), including a fish ladder to the left of the spillway, a 4-foot-wide timber sluice, and a concrete flume intake located in the left abutment and controlled by two radial gates about 12 feet wide and 6 feet high; (4) a power conduit consisting of 3.28 miles of concrete flume and gunite lined ditch fed with supplemental water by two pump lifts of the project (one from Clear and Spring Creeks, the other from Hamilton Branch at Red Bridge) and 2,180 feet of wood stave and riveted steel penstock, all conveying water from the intake to Hamilton Branch powerhouse; (5) a 28- by 72-foot wood frame powerhouse with concrete foundation and corrugated iron sidings, containing two generating units, one rated 2,640 kw, the other 2,750 kw; (6) a 2.4/60-kv, 5,000/6,250-kva step-up transformer located at the Hamilton Branch Distribution Substation and connected through 60-kv bus of the substation; and (7) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 23, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-218; Filed, Jan. 9, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4441]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

JANUARY 4, 1967.

Notice is hereby given that Utah Power & Light Co. ("Utah"), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, during the period beginning February 1, 1967, and ending March 31, 1968, up to an aggregate of $32 million face amount of unsecured promissory notes pursuant to a credit agreement with 14 banks. The notes will be dated as of the date of issuance and will mature 9 months from the date of issuance or April 30, 1968, whichever is earlier. Notes maturing prior to April 30, 1968, will be renewable at the option of Utah. Each note will bear interest from the date thereof at the prime commercial rate of The Chase Manhattan Bank, N.A., for unsecured loans prevailing on the fifth business day prior to the date of issuance or renewal of the notes, and will be prepayable at any time, in whole or in part, without penalty or premium.

The lending banks and the amount of the commitment of each are as follows:

The Chase Manhattan Bank, N.A., New York, N.Y.	$9,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	6,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	6,000,000
First Security Bank of Utah National Association, Salt Lake City, Utah	2,900,000
Walker Bank & Trust Co., Salt Lake City, Utah	2,600,000
Zions First National Bank, Salt Lake City, Utah	1,500,000
Harris Trust & Savings Bank, Chicago, Ill.	1,000,000
Denver United States National Bank, Denver, Colo.	1,400,000
Commercial Security Bank, Ogden, Utah	400,000
The Continental Bank & Trust Co., Salt Lake City, Utah	500,000
Valley Bank & Trust Co., South Salt Lake, Utah	300,000
Bank of Utah, Ogden, Utah	200,000
First Security State Bank, Salt Lake City, Utah	100,000
Carbon Emery Bank, Price, Utah	100,000
Total	32,000,000

The proceeds from the proposed issuance of notes, together with available cash, will be used to prepay notes to banks now outstanding in the amount of $8 million and to finance, in part, the company's construction program up to April 30, 1968. In this connection it is estimated that $30 million will be required in 1967 and $5 million in the first quarter of 1968. Utah presently intends to issue and sell additional securities prior to April 30, 1968, to provide funds for paying outstanding notes and to finance, in part, the remainder of the 1968 construction program.

The Idaho Public Utilities Commission has jurisdiction over the proposed issuance and sale of notes. It is represented that no other State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions. Expenses incident to the proposed transactions are estimated not to exceed $1,000.

Notice is further given that any interested person may, not later than January 30, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-243; Filed, Jan. 9, 1967; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 *et seq.*), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Alabama Textile Products Corp., Troy, Ala.; 12-1-66 to 11-30-67 (men's dress shirts).

Allee-Berry, Inc., Columbus, Kans.; 12-8-66 to 12-7-67; 10 learners (men's and boys' pants).

The Arrow Co., Van Wert Street, Buchanan, Ga.; 12-13-66 to 12-12-67 (men's shirts).

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; 12-27-66 to 12-26-67 (work pants and work shirts).

Blain Products, Inc., Blain, Pa.; 12-9-66 to 12-8-67; 5 learners (ladies' nightwear, pajamas, and gowns).

Blue Bell, Inc., Elkton, Va.; 12-13-66 to 12-12-67; 10 learners (men's and boys' dungarees).

Blue Bell, Inc., Luray, Va.; 12-13-66 to 12-12-67 (men's and boys' dungarees).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; 12-28-66 to 12-27-67 (men's trousers).

Dushore Lingeries Co., Inc., Cherry Street, Dushore, Pa.; 12-19-66 to 12-18-67; 10 learners (women's sleepwear).

Elberton Manufacturing Co., Post Office Box 878, Elberton, Ga.; 12-2-66 to 12-1-67 (women's blouses).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-66 to 12-18-67 (men's and boys' shirts).

Gainesville Manufacturing Co., Inc., 513 Myrtle Street SW., Gainesville, Ga.; 12-16-66 to 12-15-67 (men's pants).

Gattman Sportswear, Inc., Gattman, Miss.; 12-8-66 to 12-7-67 (men's dress slacks).

Glen of Michigan Division of Glen Manufacturing, Inc., 77 Hancock Street, Manistee, Mich.; 12-6-66 to 12-5-67 (misses' dresses, blouses).

Edward Hyman Co., Hazlehurst, Miss.; 12-20-66 to 12-19-67 (work shirts, work pants, and coveralls).

Industrial Garment Manufacturing Co., Carolina Avenue, Erwin, Tenn.; 12-12-66 to 12-11-67 (work pants, work shirts, and outerwear jackets).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; 12-17-66 to 12-16-67 (men's shirts and pajamas).

Mammoth Cave Garment Co., 237 Broadway, Cave City, Ky.; 12-11-66 to 12-10-67 (men's and boys' dungarees).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; 12-6-66 to 12-5-67 (children's polo shirts).

Monroe Manufacturing Co., Gamaliel, Ky.; 12-8-66 to 12-7-67 (men's and boys' pants).

New Carolina Industries, Inc., Weldon, N.C.; 12-26-66 to 12-25-67 (ladies' and children's sleepwear).

Pawnee Pants Manufacturing Co., Inc., 101-105 Lackawanna Avenue, Olyphant, Pa.; 12-30-66 to 12-29-67 (men's and boys' trousers).

Samsons Manufacturing Corp., 418 Brown Street, Washington, N.C.; 12-17-66 to 12-16-67 (men's shirts).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; 12-26-66 to 12-25-67 (men's and boys' pants).

Southern Manufacturing Co., No. 2, 1202 Broad Street, Nashville, Tenn.; 1-1-67 to 12-31-67 (men's and boys' sport shirts).

Stahl-Urban Co., North Second Street, Brookhaven, Miss.; 12-19-66 to 12-18-67 (men's and boys' work and outerwear jackets and trousers).

Levi Strauss & Co., Post Office Box 1100, Maryville, Tenn.; 12-15-66 to 12-14-67 (men's, boys', and ladies' trousers).

Telfair Corp., Roanoke, Ala.; 12-19-66 to 12-18-67; 10 learners (men's coveralls).

Telfair Corp., Wedowee, Ala.; 12-19-66 to 12-18-67; 10 learners (men's coveralls).

Tex-Son, Inc., Post Office Box 1808, San Antonio, Tex.; 12-12-66 to 12-11-67 (men's shirts and pants, etc.).

Troy Textiles, Inc., Troy, Ala.; 12-5-66 to 12-4-67 (men's sport shirts).

The Van Heusen Co., Brinkley, Ark.; 12-2-66 to 12-1-67 (men's dress shirts).

The Warner Bros. Co., Marianna, Fla.; 12-28-66 to 12-27-67 (corsets and brassieres).

Whitakers Garment Co., Inc., Whitakers, N.C.; 12-8-66 to 12-7-67 (children's dresses).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; 12-18-66 to 12-17-67 (men's, boys', and ladies' trousers).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Ainsbrooke Division, Genesco, Inc., 12-12-66 to 6-11-67; 55 learners (men's and boys' woven pajamas).

Lynn Manufacturing Co., Johnston, S.C.; 11-28-66 to 5-27-67; 75 learners (women's dresses).

Oberman Manufacturing Co., 2136 South Third Street, Memphis, Tenn.; 12-5-66 to 6-4-67; 80 learners (men's dungarees).

Phillips-Van Heusen Corp., Van Heusen Co. Section, Ala.; 12-12-66 to 6-11-67; 10 learners (men's dress shirts).

Reidbord Bros. Co., 420 Chestnut Street, Philippi, W. Va.; 12-7-66 to 6-6-67; 50 learners (men's work trousers).

Telfair Corp., Roanoke, Ala.; 12-19-66 to 6-18-67; 30 learners (men's coveralls).

Telfair Corp., Wedowee, Ala.; 12-19-66 to 6-18-67; 30 learners (men's coveralls).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Houlka, Miss.; 12-22-66 to 6-21-67; 25 learners for plant expansion purposes (work gloves).

D. N. Pariso Industrial Glove Manufacturing Co., 101 South Cleveland Street, Knox, Ind.; 12-15-66 to 12-14-67; 10 learners for normal labor turnover purposes (work gloves).

Twin City Glove Manufacturing Co., Inc., 237 Jefferson Street, Martins Ferry, Ohio; 12-15-66 to 12-14-67; 6 learners for normal labor turnover purposes (men's and ladies' work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Danville Industries, Inc., Lynn and Newton Streets, Danville, Va.; 12-5-66 to 12-4-67; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Casa Grande Mills, a division of the Parsons & Baker Co., Post Office Box 1099, Casa Grande, Ariz.; 12-2-66 to 12-1-67; 5 learners for normal labor turnover purposes (infants' cotton knit underwear, men's and boys' briefs).

Lismore Manufacturing, Corp., 460 Globe Street, Fall River, Mass.; 12-1-66 to 11-30-67; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's knit underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Ana Manufacturing Corp., Barranquitas, P.R.; 11-14-66 to 5-13-67; 100 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (women's underwear).

Louis Industries, Inc., Camaceyes Industrial Division, Aguadilla, P.R.; 11-21-66 to 5-20-67; 45 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 75 cents an hour (ladies', misses, and children's underwear).

Windmill Products Inc., Road No. 2, Km. 87.2, General Delivery, Hatillo, P.R.; 11-14-66 to 5-13-67; 10 learners for plant expansion purposes in the occupation of basic hand and/or machine production operations: Electro plating operating, buffing machine operating, painter and drying machine operating, foot press operating, bench master machine operating, gas and acetylene welder machine operating, hand acetylene welding operating, for a learning period of 480 hours at the rates of $1.05 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours (Belt buckles, snap hooks, and other metal parts for use by clothing, canvas goods, and leather goods industries).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of December 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-213; Filed, Jan. 9, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1692, 6284; 27 F.R. 634, 6409; 28 F.R. 197, 7059; 29 F.R. 585, 8388; 30 F.R. 769, 8145, 17186; and 31 F.R. 8988.

No change.

Dated: December 21, 1966.

KEITH H. LYRLA.

[F.R. Doc. 67-260; Filed, Jan. 9, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 5, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40855—*Liquefied petroleum gas to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2483), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from Emkay, Seven Mile, and Thompson, Utah, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 32 to Western Trunk Line Committee, agent, tariff ICC A-4530.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-261; Filed, Jan. 9, 1967; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

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