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List of CFR Parts Affected

(Codification Guide)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

Basis and purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and is made for the purpose of amending the flue-cured tobacco allotment and marketing quota regulations for the 1966–67 and subsequent marketing years. The amendment (1) provides that if the farm operator is erroneously notified prior to the planting of tobacco on the farm of the marketing quota for the farm which is higher than the correct farm marketing quota, the farm marketing quota of which he was notified shall be used in computing penalty, and (2) provides for the issuance of a marketing card to a producer on the farm, other than the farm operator, if, after a hearing before the county committee, it is determined that such producer is or has been deprived of the use of the marketing card issued for the farm, and provides, in such instances, for assessing marketing quota penalty at the full rate against the farm operator or other producer on the farm responsible for marketing tobacco in excess of his proportionate share of the crop. A table of contents embodying the changes set forth is included in the amendment.

Tobacco farmers are currently engaged in the preparation for and production of flue-cured tobacco for 1967 and marketings of the crop will begin soon. Hence, it is essential that this amendment be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest, and the amendment contained herein shall become effective upon publication in the FEDERAL REGISTER.

1. Section 725.70(e) is amended to read as follows:

§ 725.70 Approval of allotments and marketing quotas, and notices to farm operators.

* * * * *

(e) *Marketing quota erroneous notice.* If the official notice of acreage allotment and marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted tobacco on the farm and was not notified of the correct farm marketing quota prior to planting the tobacco.

Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

2. Section 725.87 is amended by changing paragraph (a) to read as follows:

§ 725.87 Issuance of marketing cards.

(a) *General.* (1) A marketing card (MQ–76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (i) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station, and (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop.

(2) If the county committee has reason to believe that one or more producers on the farm have been or likely will be deprived of the right to use such marketing card to market his or their proportionate shares of the crop, a hearing shall be scheduled by the county committee and the operator of the farm and the producer or producers involved shall be invited to be present, or to be represented, at which time they shall be given the opportunity to substantiate their claims concerning the use of the farm marketing card to market each such producer's proportionate share of the effective farm marketing quota for such crop. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice. A summary of the evidence presented at the hearing shall be prepared for use of the county committee. If the farm operator or other producer(s) on the farm do not attend the hearing, or are not represented, the county committee may take whatever action it deems proper on the basis of information available to it. If the county committee finds that any producer on the farm has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop, the marketing card issued for the farm shall be recalled and a separate marketing card, showing 110 percent of the producer's proportionate share of effective farm marketing quota shall be issued to each such producer who it is determined has been or likely will be deprived of the opportunity to market his proportionate share of the crop and another marketing card (or other cards if considered preferable by the county committee) shall be issued showing 110 percent of the balance of the effective farm marketing quota to enable the other producers on the farm to market their proportionate shares. The marketing cards issued pursuant to this subparagraph shall reflect the proportionate pounds, if any, already marketed by each producer.

* * * * *

3. Section 725.95 is amended by changing the title and adding paragraph (c) to read as follows:

§ 725.95 Producers penalties; false identification; failure to account; cancelled allotments; overmarketing proportionate share.

* * * * *

(c) *Overmarketing proportionate share of effective farm marketing quota.* If the county committee determines that the farm operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota with intent to deprive some other producer on the farm from marketing his proportionate share of the same crop of tobacco, such operator or other producer shall be liable for marketing penalties at the full rate per pound for each pound marketed above 110 percent of his proportionate share of the effective farm marketing quota: *Provided,* That the sum of such penalties shall not exceed the total penalty due on total marketings above 110 percent of the effective farm marketing quota for the farm on which such tobacco was produced. Before assessment of penalty pursuant to this paragraph (c), a hearing shall be scheduled by the county committee and the operator and affected producers shall be invited to be present, or to be represented, to determine whether the operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota. The notice of the hearing shall request the farm operator and affected producers to bring to the hearing floor sheets and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken to impose penalty shall be taken after the hearing. If the farm operator or other affected producer does not attend the hearing, or is not represented, the county committee may take whatever action it deems necessary to assess penalty against the proper producers. If a hearing under § 725.87(a) is being held, and it is practicable to do so, such hearing and the hearing under this paragraph may be combined.

(Secs. 301, 313, 314, 316, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 45, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, sec. 401, 63 Stat. 1054, as amended, secs. 106, 112, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 76 Stat. 606, 80 Stat. 220; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1378, 1421, 1813, 1824, 1836, 16 U.S.C. 590p(e))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 11, 1967.

H. D. Godfrey,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8171; Filed, July 14, 1967; 8:47 a.m.]

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

[Valencia Orange Reg. 211]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.511 Valencia Orange Regulation 211.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 13, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 16, 1967, through July 22, 1967, are hereby fixed as follows:

(i) District 1: 135,000 cartons;
(ii) District 2: 365,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1967.

Floyd F. Hedlund,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8283; Filed, July 14, 1967; 11:39 a.m.]

[Peach Reg. 5]

PART 919—PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the county of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the Federal Register (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 17, 1967. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 6, 1967; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 6, 1967, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 10, with supplemental information received on July 12, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin shortly, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 919.306 Peach Regulation 5.

(a) *Order.* (1) During the period July 17, 1967, through September 14, 1967, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1 grade except as follows: Not to exceed 20 percent, by count, of such peaches in such lot may consist of peaches which do not meet the requirements of such grade, but not more than 10 percent, by count, of the peaches in any such lot may consist of peaches with defects causing serious damage of which not more than 5 percent shall consist of such defects caused by twig borer, or oriental fruit moth, and not more than 1 percent, by count, of the peaches in any such lot may consist of peaches which are not free from decay;

(ii) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(2) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," "count," and "serious damage" shall have the same meaning as when used in the U.S. Standards for Peaches (7 CFR 51.1210–51.1223).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1967.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8282; Filed, July 14, 1967; 11:38 a.m.]

[947.325]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) shipments of 1967 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) producers and handlers have operated under the said marketing order program since 1948 so special preparation by handlers is not required, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, (5) these regulations establish similar requirements to those made effective at the beginning of last season, and (6) information of the committee recommending these regulations did not become available to the Department until July 6, 1967.

§ 947.325 Limitation of shipments.

During the period July 17, through October 9, 1967, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements.* (1) Grade: All varieties—U.S. No. 2, or better grade.

(2) Size: (i) Round varieties—1⅞ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight.

(iii) All varieties—Size B if U.S. No. 1, or better grade.

(b) *Minimum maturity requirements.* (1) All varieties:

(i) Through August 31, 1967: "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(ii) Beginning September 1, 1967: "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, potato chips, or prepeeled products.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Dehydration.

(7) Export.

(8) Potato chipping.

(9) Prepeeling.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to subparagraphs 5 through 9 of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2), (ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph (2).

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled for potato chipping or prepeeling in accordance with paragraph (c) of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein.

The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421-52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 12, 1967, to become effective July 17, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8201; Filed, July 14, 1967; 8:48 a.m.]

[948.354; Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulations for Area No. 1 to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the June 27, 1967, issue of the FEDERAL REGISTER (32 F.R. 9084). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 10 days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) shipments of Irish potatoes grown in the production area are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of potatoes in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER.

§ 948.354 Limitation of shipments.

During the period July 17, 1967, through June 30, 1968, no person may handle any lot of potatoes grown in Area No. 1 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d), and (e) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade.

(b) [Reserved for maturity requirements to be issued later]

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to potatoes handled for livestock feed.

(2) Potatoes may be handled for chipping or shoestrings if such potatoes meet the grade and size requirements of paragraph (a) of this section except for scab. The maturity requirements of paragraph (b) shall not apply to such potatoes handled for chipping or shoestrings.

(3) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed as defined in § 948.6 but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall, prior to handling, apply for and obtain a Certificate of Privilege from the committee, which shall require among other things, the handler to furnish such reports and documents as the committee may require showing that the potatoes so handled were utilized for the purpose specified in the Certificate of Privilege.

(e) *Exception to regulations.* The requirements of this part shall not apply to the handling of potatoes grown in the counties of Dolores, La Plata, and Montezuma during the effective period of this section.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," "scab" and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 12, 1967, to become effective July 17, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8202; Filed, July 14, 1967; 8:48 a.m.]

[948.355; Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and upon the basis of recommendations and information submitted by the Area No. 3 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that (1) shipments of 1967 crop potatoes grown in Area No. 3 are expected to begin on or about the effective date of this section; (2) to maximize benefits to producers, this regulation should be made effective as soon as practicable; (3) producers and handlers have operated under the said marketing order program since 1949 so special preparation on the part of handlers is not required; (4) regulations identical to these requirements have been issued under the

State order for intrastate shipments, so producers and handlers are already aware of the regulations to be issued under this Federal program; and (5) details of the Committee's recommendations were not received until July 3, 1967, which date was too late for issuing notice thereon.

§ 948.355 Limitation of shipments.

During the period July 17, 1967, through June 30, 1968, no person may handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), and (f) of this section.

(a) *Grade and size requirements*—(1) *Round varieties*. U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter.

(2) *Long varieties*. U.S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties*. Size B, if U.S. No. 1, or better grade.

(b) *Maturity (skinning) requirements—All varieties*. For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Container requirements*. Potatoes may be handled only in containers classified by weight as follows:

(1) 5 pounds;
(2) 10 pounds;
(3) 20 pounds;
(4) 25 pounds;
(5) 50 pounds; or
(6) 100 pounds and larger.

(d) *Special purpose shipments*. (1) Chipping stock: Potatoes may be handled for chipping if they meet the requirements of U.S. No. 2, or better grade, 1½ inches minimum diameter, if such potatoes are handled in accordance with paragraph (e) of this section.

(2) The quality, maturity, and container requirements of paragraphs (a), (b), and (c) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed; and
(ii) Charity.

(3) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for:

(i) Chipping; and
(ii) Prepeeling.

(4) The quality, maturity, and container requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for seed (§ 948.6) but such shipments shall be subject to assessments.

(e) *Safeguards*. Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Shipment by motor vehicle*. No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable therto or such other document as the committee may specify.

(g) *Minimum quantity*. For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(h) *Definitions*. The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 of this title (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

(i) *Applicability to imports*. Pursuant to section 608e-1 of the act and § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1967, through June 14, 1968, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 12, 1967, to become effective July 17, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8203; Filed, July 14, 1967; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 14]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Certain Commodities

INCREASE IN INTEREST RATE

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 3614, as amended by 29 F.R. 4991, 8396, 15281, and 18212, 30 F.R. 14310 and 15582, 31 F.R. 474, 10179 and 13641, 32 F.R. 122, 3339, 5462, and 6342 containing the terms and conditions for participation of commercial banks in pools of CCC price support loans on certain commodities, are hereby further amended to change from 4.375 to 4.875 percent per annum, effective July 15, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1421.3825(a) is amended to read as follows:

§ 1421.3825 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest*. Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 15, 1967, 4.75 percent per annum from April 16, 1967, through and including May 6, 1967, 4.375 percent per annum from May 7, 1967, through and including July 14, 1967, and 4.875 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on July 12, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-8147; Filed, July 14, 1967; 8:45 a.m.]

[Amdt. 10]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

INCREASE IN INTEREST RATE

The regulation issued by the Commodity Credit Corporation published in 30 F.R. 7814, as amended by 30 F.R. 14310 and 15582, 31 F.R. 474, 10179 and 13641, 32 F.R. 122, 3340, 5462, and 6342, containing the terms and conditions for participation of financial institutions in pools of CCC price support loans on cotton are hereby further amended to change from 4.375 to 4.875 percent per annum, effective July 15, 1967, the rate of interest on certificates evidencing participation in financing price support loans.

Section 1427.2239(a) is amended to read as follows:

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest*. Certificates shall earn interest at the rate of 4.9 percent per annum through and including July 31, 1966, 5.2 percent per annum from August 1, 1966, through and including October 21, 1966, 5.7 percent per annum from October 22, 1966, through and including January 21, 1967, 5.5 percent per annum from January 22, 1967, through and including March 14, 1967, 5.2 percent per annum from March 15, 1967, through and including April 15, 1967, 4.75 percent per annum from April 16, 1967, through and including May 6, 1967, 4.375 percent per annum from May 7, 1967, through and including July 14, 1967, and 4.875 percent per annum thereafter.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on July 12, 1967.

H. D. Godfrey,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-8148; Filed, July 14, 1967; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Miscellaneous Amendments

Notice is hereby given of the amendment of 10 CFR Parts 2, 20, and 150.

The amendments of Parts 20 and 150 reflect recent changes in the organization and functions of Divisions of the Atomic Energy Commission under the Director of Regulation. The amendments of Part 2 correct a cross reference which appears in §§ 2.103(a) and 2.106(a).

Because these amendments relate solely to correction and minor procedural matters, notice of proposed rule making and public procedure thereon are unnecessary and good cause exists to make the amendments effective upon publication in the Federal Register.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments of 10 CFR Parts 2, 20, and 150 are published as a document subject to codification, to be effective upon publication in the Federal Register.

1. The reference to § 2.104(b) in §§ 2.103(a) and 2.106(a) of 10 CFR Part 2 is amended to read "§ 2.104(c)".

2. Paragraph 20.405(a) of 10 CFR Part 20 is amended by deleting "Director, Division of State and Licensee Relations," and substituting therefor "Director, Division of Compliance,".

3. Subparagraph (1) of § 150.20(b) of 10 CFR Part 150 is revised to read as follows:

§ 150.20 Recognition of State licenses.

* * * * *

(b) * * *

(1) Shall, prior to engaging in any such activity, file Form AEC-241, "Report of Proposed Activities in Non-Agreement States," in quadruplicate with the Director of the Atomic Energy Commission Regional Compliance Office listed in Appendix D of Part 20 of this chapter for the region in which the agreement State that issued the specific license is located;

* * * * *

(Secs. 161 and 274; 68 Stat. 948 and 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Germantown, Md., this 30th day of June 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 67-8149; Filed, July 14, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds

§ 1.189 Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds.

(a) *Request*. The Comptroller of the Currency has been requested to rule that the $3 million Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion*. (1) The Los Angeles County-West Covina Civic Center Authority is a public entity created under the laws of the State of California by an agreement between the county of Los Angeles and the city of West Covina. Under this agreement, the Authority is empowered to acquire land and construct and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of constructing public buildings which will be leased to the City.

(2) Under the lease-rental agreement the city has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The city, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling*. It is our conclusion, therefore, that the $3 million Los Angeles County-West Covina Civic Center Authority, West Covina Administrative and Police Buildings Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, as such, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

Dated: July 11, 1967.

[SEAL] William B. Camp,
Comptroller of the Currency.

[F.R. Doc. 67-8179; Filed, July 14, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 6845 and 6846 of the Federal Register dated May 4, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend section 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Minneapolis, Minn. (Flying Cloud Airport).

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

The Flying Cloud Airport longitude coordinate recited in the Minneapolis, Minn. (Flying Cloud Airport) control zone redesignation as "93°27'25'' W." is changed to read "93°27'45'' W."

This amendment shall be effective 0001 e.s.t., September 14, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 29, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

Redesignate the Minneapolis, Minn. (Flying Cloud Airport), control zone as that airspace within a 5-mile radius of Flying Cloud Airport latitude 44°49'30" N., longitude 93°27'45" W.); and within 2 miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7 miles west of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 67-8161; Filed, July 14, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to extend VOR Federal airway No. 310 from Greensboro, N.C., with a 12 AGL floor to Rocky Mount, N.C., via Raleigh-Durham, N.C. V-310 is presently designated from Louisville, Ky., to Greensboro and from Rocky Mount to Elizabeth City, N.C. The extension of V-310 taken herein between Greensboro and Rocky Mount via the designated alignment of VOR Federal airway segments Nos. 45 and 194 would provide airway continuity and simplify flight planning.

Since this amendment is editorial in nature and does not alter the extent of controlled airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-310 is amended by deleting "12 AGL Greensboro. From Rocky Mount, N.C.," and substituting "12 AGL Greensboro; 12 AGL Raleigh-Durham, N.C.; 12 AGL Rocky Mount, N.C.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 7, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8162; Filed, July 14, 1967; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

FREEDOM OF INFORMATION

Correction

Federal Register Document 67-7650, published at 32 F.R. 9616, is corrected as follows:

1. In the schedule of fees under § 103.7 (b), the parenthetical statement following item (d) should read "(Maximum number of copies furnished of any document, 10.)".

2. In § 103.10(b) "subsection (a) above" should read "paragraph (a) of this section".

3. In the 15th line of § 204.2(d)(8) the word "or" should read "on".

4. In § 212.1 paragraphs (h) and (i) should be designated (i) and (j).

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3-[p-(p-Chlorophenoxy)phenyl]-1,1-dimethylurea

A petition (PP 6F0489) was filed with the Food and Drug Administration by CIBA Corp., Post Office Box 1105, Vero Beach, Fla. 32960, proposing the establishment of tolerances for residues of the herbicide 3-[p-(p-chlorophenoxy)phenyl]-1,1-dimethylurea in or on the raw agricultural commodities soybeans (dry) at 0.1 part per million and soybean hay and strawberries at 0.05 part per million.

Subsequently the petition was amended to increase from 0.05 to 0.1 part per million the proposed tolerance regarding strawberries and the proposed tolerances regarding soybeans (dry) and soybean hay were withdrawn.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section, as follows:

§ 120.216 3-[p-(p-Chlorophenoxy)phenyl]-1,1-dimethylurea; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide 3-[p-(p-chlorophenoxy)phenyl]-1,1-dimethylurea in or on the raw agricultural commodity strawberries.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 6, 1967.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 67-8185; Filed, July 14, 1967; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 256—OFF-RESERVATION TREATY FISHING

On Page 8969 of the FEDERAL REGISTER of July 16, 1965, there was published a notice of intent to add a new Part 255 to Chapter I, Title 25, Code of Federal Regulations, and the text of the proposed regulations. The purpose of the new part was to provide a framework within which the exercise of off-reservation fishing rights secured to certain Indian tribes under treaties with the United States might be subjected to Federal regulation and control when required for conservation of the fishery resources for the benefit of the Indians and others having interests therein.

Interested persons were given an opportunity to submit data, views, or suggestions pertaining thereto within 30 days from the date of publication of the notice in the FEDERAL REGISTER. Numerous comments were received from several State Governors, State agencies, tribes, and others. These have all been considered and it has been determined that the proposed regulations should be issued in a modified form. The principal changes, other than editorial, are as follows:

The regulations have been assigned Part 256 since Part 255 has been assigned to a different subject.

Section 256.1 has been revised to more precisely and succinctly state the purposes of the regulations. The definition section has been omitted as unnecessary in the light of other changes adopted.

The section dealing with issuance of area regulations (§ 256.2) has been revised. Such regulations may be issued by the Secretary for those areas which he believes require them to assure adequate conservation and wise utilization of the fishery resources upon request of an Indian tribe, request of a State Governor, or his own motion. The Secretary may incorporate state laws or approved tribal regulations if he finds these to be consistent with the treaty and with conservation requirements.

Provisions expressly calling for recommendations to the Secretary by the Commissioner of Indian Affairs and the Commissioner of Fish and Wildlife have been deleted because they concerned matters of internal administration not appropriate for treatment by regulations. It is contemplated that, except in emergency situations, interested parties will be afforded an opportunity to submit comments and information in connection with the rule-making process and that any hearings or actions by the Commissioner of Indian Affairs and the Commissioner of Fish and Wildlife will be as agents of the Secretary in preparing a record upon which he can act. Provision has been made for the immediate promulgation of regulations if emergency conditions require. Parties will then be afforded an opportunity to submit views in support of requests for modification of such emergency regulations.

The area regulations may include requirements for reporting catch statistics which are deemed necessary for management purposes by State agencies as well as those needed by the Secretary.

Provisions applicable to identification cards (§ 256.3) have been revised to provide that these will be identification cards rather than fishing permits. They will be issued as prima facie evidence of the holder's entitlement to exercise a treaty-secured fishing right. The Commissioner of Indian Affairs may cause a government card to be issued or he may authorize use of tribally issued cards. The latter must be countersigned by a Bureau of Indian Affairs official. Copies of card forms and lists of issuing or countersigning officers must be furnished to State agencies. The deadline for requiring an approved tribal roll is advanced to January 1, 1970.

The requirement of identification of fishing gear (§ 256.4) is not limited to gear which is not in the Indian's immediate personal possession. The presumption that unmarked gear is not being used in the exercise of a treaty right applies only in the absence of proof to the contrary.

The enforcement provision (§ 256.6) is changed to provide for enforcement by tribal courts, Courts of Indian Offenses established under Part 11 of CFR Title 25 or special Courts of Indian Fishing Offenses to be established in accordance with said Part 11.

Except for § 256.3(g) and § 256.5, Part 256 shall become effective 30 days after its publication in the FEDERAL REGISTER. Section 256.3(g) and § 256.5 shall become effective 60 days after such publication.

STEWART L. UDALL,
Secretary of the Interior.

JULY 10, 1967.

Part 256 is adopted to read as follows:

AUTHORITY: The provisions of this Part 256 issued under 25 U.S.C. 2 and 9; 5 U.S.C. 301.

§ 256.1 Purpose.

(a) The purposes of these regulations (Part 256) are:

(1) To assist in protecting the off-reservation nonexclusive fishing rights which are secured to certain Indian tribes by their treaties with the United States;

(2) To promote the proper management, conservation and protection of fisheries resources which are subject to such treaties of the United States;

(3) To provide for determination of restrictions on the manner of exercising nonexclusive fishing privileges under rights secured to Indian tribes by such treaties of the United States necessary for conservation of the fisheries resources;

(4) To assist in the orderly administration of Indian Affairs;

(5) To encourage consultation and cooperation between the states and Indian tribes in the management and improvement of fisheries resources affected by such treaties;

(6) To assist the states in enforcing their laws and regulations for the management and conservation of fisheries resources in a manner compatible with the treaties of the United States which are applicable to such resources.

(b) The conservation regulations of this Part 256 are found to be necessary to assure that the nonexclusive rights secured to certain Indian tribes by treaties of the United States to fish at usual and accustomed places outside the boundaries of an Indian reservation shall be protected and preserved for the benefit of present and future members of such tribes in a manner consistent with the nonexclusive character of such rights. Any exercise of an Indian off-reservation treaty fishing right shall be in accordance with this Part 256 and any applicable area regulations issued hereunder.

§ 256.2 Area regulations.

(a) The Secretary of the Interior may upon request of an Indian tribe, request of a State Governor, or upon his own motion, and upon finding that Federal regulation of Indian fishing in any waters in which Indians have a treaty-secured nonexclusive fishing right is necessary to assure the conservation and wise utilization of the fishery resources for the present and future use and enjoyment of the Indians and other persons entitled thereto, promulgate regulations to govern the exercise of such treaty-secured fishing right in such waters for the purpose of preventing, in conjunction with appropriate State conservation laws and regulations governing fishing by persons not fishing under treaty rights, the deterioration of the fishery resources.

(b) In formulating such regulations the Secretary of the Interior may incorporate such State laws or regulations, or such tribal regulations as have been approved by the Commissioner of Indian Affairs, as he finds to be consistent with the Indians' rights under the Treaty and the conservation of the fishery resources.

(c) Before promulgating such regulations the Secretary of the Interior will seek the views of the affected Indian tribes, of the fish or game management agency or agencies of any affected State, and of other interested persons. Except in emergencies where the Secretary finds that the exigencies require the promulgation of regulations to be effective immediately, a notice of proposed rule making will be published in the FEDERAL REGISTER in accordance with 5 U.S.C. 553 to afford an opportunity to submit comments and information, at such times and in such manner as may be specified in the notice. In the event of the emergency promulgation of regulations, interested persons will be afforded, as soon as possible, an opportunity to request amendment or revocation thereof.

(d) Any regulations issued pursuant to this section shall contain provisions for invoking emergency closures or restrictions or the relaxation thereof at the field level when necessary or appropriate to meet conditions not foreseeable at the time the regulations were issued.

(e) Regulations issued pursuant to this § 256.2 may include such requirements for recording and reporting catch statistics as the appropriate state fish and game agencies or the Secretary of the Interior deem necessary for effective fishery management.

§ 256.3 Identification cards.

(a) The Commissioner of Indian Affairs shall arrange for the issuance of an appropriate identification card to any Indian entitled thereto as prima facie evidence that the authorized holder thereof is entitled to exercise the fishing rights secured by the treaty designated thereon. The Commissioner may cause a federal card to be issued for this purpose or may authorize the issuance of cards by proper tribal authorities: *Provided*, That any such tribal cards shall be countersigned by an authorized officer of the

Bureau of Indian Affairs certifying that the person named on the card is a member of the tribe issuing such card and that said tribe is recognized by the Bureau of Indian Affairs as having fishing rights under the treaty specified on such card. Copies of the form of any identification card authorized pursuant to this section and a list of the authorized Bureau of Indian Affairs issuing or countersigning officials shall be furnished to the fisheries management and enforcement agencies of any State in which such fishing rights may be exercised.

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of the Interior: *Provided*, That until January 1, 1970, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his entitlement thereto satisfactory to the issuing officer and in the case of a tribally issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this chapter.

(c) No person shall be issued an identification card on the basis of membership in more than one tribe at any one time.

(d) Each card shall state the name, address, tribal affiliation and enrollment number (if any) of the holder, identify the treaty under which the holder is entitled to fishing rights, contain such additional personal identification data as is required on fishing licenses issued under the law of the State or States within which it is used, and be signed by the issuing officer and by the holder.

(e) No charge or fee of any kind shall be imposed by the Commissioner of Indian Affairs for the issuance of an identification card hereunder: *Provided*, That this shall not prevent any Indian tribe from imposing any fee or tax which it may otherwise be authorized to impose upon the exercise of any tribal fishing right.

(f) All cards issued by the Commissioner of Indian Affairs pursuant to this Part 256 shall be and remain the property of the United States and may be retaken by any Federal, State, or tribal enforcement officer from any unauthorized holder. Any card so retaken shall be immediately forwarded to the officer who issued it.

(g) The failure of any person who claims to be entitled to the benefits of a treaty fishing right to have such a card in his immediate personal possession while fishing or engaging in other activity in the claimed exercise of such right to display it upon request to any Federal, State, or tribal enforcement officer shall be prima facie evidence that the person is not entitled to exercise an Indian fishing right under a treaty of the United States.

(h) No person shall allow any use of his identification card by any other person.

§ 256.4 Identification of fishing equipment.

All fishing gear or other equipment used in the exercise of any off-reservation treaty fishing right shall be marked in such manner as shall be prescribed in regulations issued pursuant to § 256.2 hereof to disclose the identity of its owner or user. In the absence of proof to the contrary, any fishing gear which is not so marked or labeled shall be presumed not to be used in the exercise of an off-reservation treaty fishing right and shall be subject to control or seizure under State law.

§ 256.5 Use of unauthorized helpers or agents.

No Indian shall, while exercising off-reservations treaty-secured fishing rights, permit any person 12 years of age or older other than the authorized holder of a currently valid identification card issued pursuant to this Part 256 to fish for him, assist him in fishing, or use any gear or fishing location identified as his gear or location pursuant to this Part 256.

§ 256.6 Enforcement and penalties.

(a) Any Indian tribe with a tribal court may confer jurisdiction upon such court to punish violations by its members of this Part 256 or of the area regulations issued pursuant thereto. Jurisdiction is hereby conferred upon each Court of Indian Offenses established pursuant to Part 11 of this chapter to punish such violations by members of tribes whose reservations are under the jurisdiction of such court. Courts of Indian Fishing Offenses may be created pursuant to Part 11 of this chapter to punish such violations by members of any tribe or group of tribes for which there is otherwise no Court of Indian Offenses or tribal court with jurisdiction to enforce this Part 256. The provisions of Part 11 of this chapter shall apply to any such court with respect to the exercise of its jurisdiction to enforce this Part 256. All jurisdiction conferred by this section shall apply without regard to any territorial limitations otherwise applicable to the jurisdiction of such court.

(b) Acceptance or use of an identification card issued pursuant to this Part 256 or use of any fishing gear marked or identified pursuant thereto shall constitute an acknowledgment that the fishing done under such card or with such gear is in the claimed exercise of a tribal fishing right and is subject to the jurisdiction of the tribal court, Court of Indian Offenses, or Court of Indian Fishing Offenses. Except as may be otherwise provided by tribal regulations approved by or on behalf of the Secretary of the Interior, any person claiming to be exercising such tribal right and fishing in violation of the regulations contained in or issued under this Part 256 may be punished by a fine of not to exceed $500, imprisonment of not to exceed 6 months, or both, and shall have his tribal fishing privileges suspended for not less than 5 days for any violation of this Part 256 or of any area regulation issued pursuant thereto. The court shall impound the fishing rights identification card of any person for the period which the fishing privileges are suspended.

§ 256.7 Savings provisions.

Nothing in this Part 256 shall be deemed to:

(a) Prohibit or restrict any persons from engaging in any fishing activity in any manner which is permitted under state law;

(b) Deprive any Indian tribe, band, or group of any right which may be secured it by any treaty or other law of the United States;

(c) Permit any Indian to exercise any tribal fishing right in any manner prohibited by any ordinance or regulation of his tribe;

(d) Enlarge the right, privilege, or immunity of any person to engage in any fishing activity beyond that granted or reserved by treaty with the United States;

(e) Exempt any person or any fishing gear, equipment, boat, vehicle, fish or fish products, or other property from the requirements of any law or regulation pertaining to safety, obstruction of navigable waters, national defense, security of public property, pollution, health and sanitation, or registration of boats or vehicles;

(f) Abrogate or modify the effect of any agreement affecting fishing practices entered into between any Indian tribe and the United States or any State or agency of either.

[F.R. Doc. 67-8158; Filed, July 14, 1967; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

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

Part 93 of Title 31 of the Code of Federal Regulations is amended by revoking §§ 93.14, 95.15, and 93.16 and by amending § 93.17 to read as follows:

§ 93.17 Rules governing availability of information.

The records of the Office of Domestic Gold and Silver Operations required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as Part 1 of Title 31 of the Code of Federal Regulations, 32 F.R. 9562, July 1, 1967.

Effective Date. These regulations shall become effective July 4, 1967.

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

JULY 11, 1967.

[F.R. Doc. 67-8180; Filed, July 14, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 275—TIME AND TIME INTERVAL STANDARDS AND CALIBRATION FACILITIES FOR USE BY DEPARTMENT OF DEFENSE COMPONENTS

The Deputy Secretary of Defense has approved the following policy:

AUTHORITY: The provisions of this Part 275 issued under Title 5, U.S.C., sec. 301, and Title 5, U.S.C., sec. 552.

§ 275.1 Purpose and applicability.

This part establishes policy and assigns responsibility to a single Department of Defense Component for establishing, coordinating, and maintaining capabilities for time and time interval (astronomical and atomic) for use by all DoD Components, DoD contractors, and related scientific laboratories.

§ 275.2 Definitions.

For purposes of this part, the following definitions will apply:

(a) "Time" signifies epoch, that is, the designation of an instant on a selected time scale, astronomical or atomic. It is used in the sense of time of day.

(b) "Time Interval" indicates the duration of a segment of time without reference to when the time interval begins and ends. Time interval may be given in seconds of time.

(c) "Standards" signifies the reference values of time and time interval. These standards are determined by astronomical observation and by the operation of atomic clocks. They are disseminated by transport of clocks, radio transmissions, and by other means.

§ 275.3 Policy.

(a) Resources for uniform and standard time and time interval operations and research shall be the responsibility of a single DoD Component.

(b) The maximum practicable interchange of time and time interval information shall be effected throughout the DoD.

(c) Maximum practical utilization of interservice support will be achieved as prescribed in DoD Directive 4000.19,[1] dated March 26, 1960, "Basic Policies and Principles for Interservice Support."

§ 275.4 Responsibilities.

(a) The U.S. Naval Observatory (hereafter referred to as the "Observatory") is assigned the responsibility for insuring:

(1) Uniformity in precise time and time interval operations including measurements.

(2) The establishment of overall DoD requirements for time and time interval.

(3) The accomplishment of objectives requiring precise time and time interval with minimum cost.

(b) In carrying out the above responsibilities, the Observatory shall:

(1) Derive and maintain standards of time and time interval, both astronomical and atomic.

(2) Provide coordination of such standards with recognized national and international standards to insure worldwide continuity of precision.

(3) Monitor conferences concerning time and time interval standards.

(4) Advise and provide guidance to DoD Components, contractors, and scientific laboratories on matters concerning time and time interval, and their measurement.

(c) All DoD Components which require, utilize, or distribute time and time interval information or have a need for a specific time scale shall:

(1) Refer time and time interval to the standards established by the Observatory.

(2) Maintain specific time scales such that relationship to the standard established by the Observatory is known.

(3) Prescribe technical requirements for the coordination of techniques, procedures and periodic calibrations of systems.

(4) Promote economy by prescribing requirements for precise time that are consistent with operational and research needs for accuracy.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-8183; Filed, July 14, 1967; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Waiver; Loan Guaranty

In § 13.209(a), subparagraph (3) is amended to read as follows:

[1] Filed as part of original document. Copies available at the Publications Counter, OASD (A), Room 3B 200, Ext. 52167.

§ 13.209 Waiver; loan guaranty.

(a) *General.* * * *

(3) Collection of the indebtedness would work a severe hardship upon the veteran, or his family. However, waiver of the indebtedness of the veteran, or his spouse, may be granted where the indebtedness arose by reason of some fault on the part of the Veterans Administration and without fault on the part of the veteran, irrespective of the veteran's ability to pay.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective January 15, 1967.

Approved: July 6, 1967.

By direction of the Administrator.

CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 67-8169; Filed, July 14, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 132—SECOND CLASS

Publications Prepared in Imitation of Typewriting

A notice of proposed revision in § 132.2 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of March 14, 1967 (32 F.R. 4027), concerning the acceptance of second-class mailings of publications prepared in imitation of typewriting. Interested persons were given 30 days in which to submit written comments regarding the proposal.

After careful consideration of the comments received, the Department decided to abandon its original proposal, and published a revised proposal in the FEDERAL REGISTER of May 2, 1967 (32 F.R. 6701). The revised proposal omitted the requirement that the left and right margins be even.

After careful consideration of the comments received regarding the second proposal the Department has decided to adopt the revised proposal.

Accordingly, § 132.2(b) (3) is amended as follows and is effective 30 days after publication in the FEDERAL REGISTER.

§ 132.2 Qualifications for second-class privileges.

* * * * *

(b) *Basic qualifications.* * * *

(3) *Preparation.* Publications must be formed of printed sheets. They may not be reproduced by stencil, mimeograph, or hectograph processes or reproduced in imitation of typewriting. Reproduction by stencil, mimeograph, or hectograph processes is reproduction in imitation of typewriting and is not permissible. Reproduction by any other printing process is permissible. Any style of type may be used.

* * * * *

NOTE: The corresponding Postal Manual section is 132.223.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 11, 1967.

[F.R. Doc. 67-8159; Filed, July 14, 1967; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4239]

[Nevada 051786]

NEVADA

Withdrawal for Protection of Air Navigation Facility; Partial 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. 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 an air navigation facility:

MOUNT DIABLO MERIDAN

T. 41 N., R. 35 E.,
Sec. 27, E½SW¼NW¼NE¼, N½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, NE¼SE¼SW¼NW¼, N½S½SE¼NW¼, SE¼SW¼SE¼NW¼, SW¼SE¼SE¼NW¼.

The areas described aggregate 32.5 acres.

2. The Order of the Bureau of Land Management of October 13, 1950, and Public Land Order No. 3456 of September 30, 1964, creating Air Navigation Site Withdrawal No. 265, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 35 E.,
Sec. 22, SE¼SW¼SW¼, N½SW¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼;
Sec. 27, E½W½NW¼NW¼, NW¼NE¼NW¼NW¼.

The areas described aggregate approximately 35 acres in Humboldt County.

The lands are located in the extreme southern portion of Quinn River Valley, adjacent to Nevada State Highway 8A.

3. The withdrawal made by paragraph 1 of 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 Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the land.

4. At 10 a.m., on August 11, 1967, the lands released from withdrawal by paragraph 2 of this order shall be open to operation of the public land laws generally, including the mining 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 August 11, 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.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 6, 1967.

[F.R. Doc. 67-8155; Filed, July 14, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14419; FCC 67-767]

PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of the rules with respect to hours of operation of standard broadcast stations.

1. Section 73.87 (formerly § 3.87) of the Commission's rules allows certain classes of standard broadcast stations to commence operation with their authorized daytime facilities as early as 4 a.m., local standard time, subject to summary termination by the Commission. Historically, such terminations have grown out of valid nighttime interference complaints by unlimited time stations assigned to the same channel. Although the privileges conferred by this section (since 1941) have been mainly confined to Class III daytime-only stations authorized to operate on the 41 regional channels, a substantial number of Class II and Class I-B stations operating on frequencies other than foreign I-A Clear Channels have also benefited from its provisions, as have many unlimited time Class III stations licensed to use different facilities day and night.

2. Because of the proliferation of standard broadcast stations (particularly daytime-only) following World War II, serious early morning interference conflicts had, by 1960, begun to develop on many regional and Class I-B channels, resulting in the issuance of increasing numbers of termination notices by the Commission and challenges thereto by stations adversely affected.[1] The problem was further compounded by a decision of the U.S. Court of Appeals (D.C. Circuit) in WBEN, Inc. v. FCC, 290 F. (2d) 743 (1961) which, for the first time, gave standing to unlimited time licensees to prosecute pregnant objections against daytime-only proposals involving possible future interfering operations under § 73.87.

3. In response to the growing number of early morning interference conflicts, which coincided with a petition for rule making filed June 16, 1961, by Storer Broadcasting Co., the Commission initiated this proceeding by notice of proposed rule making released December 8, 1961 (FCC 61-1446). One objective was the updating of the rules by the inclusion of the entire body of "presunrise" case law which had developed up to that time. Another element of the proposal was, however, to require all stations operating under the permissive provisions of § 73.87 to notify their presunrise operating hours to the Commission, thereby assisting unlimited time stations in policing their channels by identifying possible sources of interference. This proposal would also have established a cutoff date beyond which newly authorized Class III stations would be precluded from engaging in any presunrise operation with their daytime facilities.[2] Moreover, it was proposed in the notice and a clarifying order, adopted January 25, 1962 (FCC 62-98), to terminate all permissive presunrise operation by Class II stations.

4. On July 2, 1962, the House of Representatives adopted H.R. 4749 looking toward the use of daytime facilities from 6 a.m. through local sunset and, in addition, providing for certain preexisting operations in the 4–6 a.m. period, the extended hours to be made available for stations in communities unserved by unlimited time stations. This bill was never

[1] Reese Broadcasting Corp., 20 RR 1136 (1960). See also North Shore Broadcasting Co., FCC 63-833 (1963); Central Massachusetts Broadcasting Corp., 1 RR (2d) 518 (1963). In these and other cases, interference complaints by fulltime stations were sustained where it could be established that the complainant was operating with its licensed nighttime facilities during presunrise hours; that the station complained against was using its daytime facilities during the same period; and that interference was indicated by calculations made in accordance with the Commission's rules. In many instances, the interfering skywave contour was found to extend more than 1,000 miles in all directions, thus guaranteeing favorable action on virtually all properly documented complaints. It will be appreciated that the resulting disruption of early morning services, particularly those of many years standing, raised public issues of significance, far transcending in importance the narrow question of objectionable interference and its method of calculation.

[2] Since Jan. 25, 1962 (FCC Order 62-98), Class II and Class III new and major change grants have been routinely conditioned against presunrise operation with their daytime facilities pending outcome of rule making in this proceeding. Approximately 500 outstanding authorizations are so conditioned.

enacted into law. However, during its pendency we stated that we would restudy the entire subject of presunrise operation to see if some easing of existing restrictions could be provided.[3]

5. In addressing ourselves to this restudy, we were again faced with the nighttime propagation conditions under which presunrise transmissions take place, and the necessity for reconciling the objectives of this proceeding with other findings concerning the efficient nighttime utilization of standard broadcast channels. A review of our earlier findings in this area will illuminate our present task.

6. The use of skywave measurements for evaluating individual interference problems was abandoned 13 years ago, and the statistical approach, represented by the use of skywave propagation curves derived from extensive measurement data recorded over many years, was held to be the only satisfactory method of calculating n i g h t t i m e interference. Docket No. 10492; 10 RR 1562 (1954). This approach was further refined in our decision in the Daytime Skywave Proceeding—Docket No. 8333; 18 RR 1845 (1959)—and calculations by the statistical method continue to be conclusive for determining the extent of skywave service and interference thereto during nighttime hours. Storer Broadcasting Co., 1 FCC (2d) 1594 (1965).

7. This approach was dispositive of our 1959 decision in the so-called 6 a.m. to 6 p.m. proceeding. Docket No. 12729; 18 RR 1689 (1959). After analyzing the comprehensive engineering data submitted in that proceeding, we concluded that if all daytime-only standard broadcast stations were to operate between 6 a.m. and 6 p.m. throughout the year "there would be substantial [overall] losses of existing groundwave services, new white areas would be created in the v i c i n i t y of communities * * * now served by unlimited time stations on the same frequencies, and [existing] skywave service would be lost." We had reached the same result the previous year in the "5 a.m. to 7 p.m." proceeding concerning extended hours of operation for daytime-only stations.[4] It should be noted, however, that both proceedings and decisions presupposed operation with full daytime power and on all frequencies other than the six local channels, including channels reserved for clear channel operation, rather than the more limited proposal now before us.

8. In our recent report and order adopting more restrictive AM assignment standards—Docket No. 15084; 2 RR (2d) 1658 (1964)—we called attention to the continuing erosion of existing services by the cumulative effect of new assignments in an already overcrowded band, and concluded that, except for Class IV proposals, no application be accepted for new nighttime facilities (including the addition of nighttime facilities to an existing daytime-only station) unless it can, among other things, be shown that no interference to other stations will occur and that substantial "white area" coverage will be achieved.[5]

9. Against this background, it is clear that any resolution of the "presunrise" question must, of necessity, rest upon a realistic balance between the provision for needed early morning service, particularly in geographic areas where it would otherwise be lacking, and the interference which such service frequently causes to full-time stations assigned to the same frequency.

10. Our further notice of proposed rule making in this proceeding (FCC 62-1241, released November 30, 1962), which followed the adoption of H. R. 4749 by several months (Par. 4, supra), would have resolved this conflict in the following manner: Sign-on times for Class II daytime-only stations not assigned to foreign I-A Clear Channels would continue to be keyed to local sunrise at the dominant station(s) if located to the east of the Class II station; Class III daytime-only licensees in communities or urbanized areas without local unlimited time stations would, upon proper application, be licensed to sign on at 6 a.m.[6] with a power of 500 watts (nondirectional); other Class III daytime-only licensees would also be eligible to apply, but would face a rebuttable presumption that the desired presunrise service was unwarranted; Class III presunrise proposals in conflict with the standards and priorities of the North American Regional Broadcasting Agreement (NARBA) or the US/Mexican bilateral agreement could be authorized only with the concurrence of the foreign government involved; and interferring signals would, for domestic purposes, be determined by reference to a set of diurnal curves so constructed as to permit evaluation of skywave signal intensity at 15-minute increments throughout the period of transition (from 2 hours before sunrise). The further notice would not have permitted any presunrise use of daytime facilities by unlimited time stations.

11. Appendix A hereto contains an analysis of the comments filed in the proceeding, chiefly those filed in response to the further notice, which were the bulk of the material. We note in passing that the manifest need for early morning service in connection with weather emergencies has already been met, in part, by our adoption of § 73.98 of the rules (Docket No. 14703; 1 RR (2d) 1559 (1963)). In essence this rule permits daytime-only stations to transmit (on a sustaining basis) nighttime traffic dealing with emergency weather conditions, including the announcement of school closings and changes in school bus schedules resulting therefrom. This authority is without regard to interference caused to other stations, but is limited to emergency situations in which unlimited time service in the area is either unavailable or inadequate.

12. After issuance of the further notice and evaluation of responsive comments, it became clear that even with the power limitation proposed therein, a substantial percentage (perhaps a majority) of all potential Class III presunrise proposals would result in cochannel nighttime interference (if judged by existing treaty standards) to unlimited time foreign stations, and that this problem would largely consist of United States-Canadian conflicts where station sites and transmission paths lie in the northern latitudes most affected by seasonal fluctuations in daylight hours. It followed, therefore, that any meaningful relaxation in presunrise restrictions—a policy desired both by Congress and this agency—depended upon reaching agreement with Canada on modifications of existing nighttime protection standards. Accordingly, informal discussions were held with representatives of the Canadian Department of Transport and Board of Broadcast Governors to explore the possibility of a bilateral agreement on this subject pursuant to section A, subsection 6 of Annex 2 of NARBA.

13. On the basis of these discussions, tentative agreement was reached in the form of a memorandum of understanding signed in Ottawa on October 28, 1965.[7] The agreement was formalized,

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[3] Excluding, of course, restrictions beyond the scope of this proceeding. These include the present 250-watt ceiling on Class IV nighttime power, as well as existing prohibitions against presunrise operation by Class II daytime-only stations assigned to frequencies on which foreign countries have I-A Clear Channel treaty priorities.

[4] 17 RR 1669 (1958).

[5] In passing on petitions for reconsideration of the report and order in Docket No. 15084, however, we noted that it "may be appropriate to adopt different standards for the limited time period involved in presunrise operation, in view of the different considerations which obtain." memorandum opinion and order, 4 RR (2d) 1569 (1965).

[6] As proposed and adopted herein, "6 a.m." means local standard time, as that term has historically been used—the time prevailing in each of the time zones of the United States in relation to Greenwich Mean Time, not taking into account the 1-hour advancement heretofore called "daylight saving time". We will shortly revise our rules to take into account the new terminology of the Uniform Time Act of 1966. See the public notice of March 17, 1967, FCC 67-331.

[7] In the course of these discussions, Canadian officials expressed an interest in obtaining presunrise operating authority for two daytime-only stations: CJSP, Leamington, Ontario (710 kc/s) and CHIN (formerly CHFI), Toronto, Ontario (1540 kc/s). It was determined that CJSP could, within the framework of the agreement, begin operation with a power of 500 watts at local sunrise, New York City (the location of co-channel Class I-B Station WOR). However, in the case of CHIN, any presunrise operation would involve some degree of interference to co-channel Class I-B Station KXEL, Waterloo, Iowa. Because of the importance of the CHIN proposal to the successful outcome of the negotiations, the licensee of KXEL was approached to obtain its consent to the interfering operation, CHIN to sign on at 6:00 a.m. Toronto time with a power of 500 watts into its authorized directional antenna system and to continue with that mode until local sunrise. KXEL acceded to this proposal on condition that no other exception to the pre-sunrise solution contained in this document will be authorized or agreed to by the Commission. We feel this condition to be reasonable, and in signifying our concurrence we express our appreciation for the role played by KXEL in the successful outcome of these negotiations. The agreement does not, of course, contemplate negotiation of individual exceptions to its terms. Therefore, Station CHIN is provided for as a "special case" within the framework of the agreement.

with certain revisions, by an exchange of notes on June 12, 1967. The heart of the agreement is the reciprocal use of a new family of curves for determining acceptable United States-Canadian trans-border radiation, (Figure 12), with provision for downward power adjustments where necessary to reduce radiation to specified limits. As a result, operation by Class II and Class III stations during the transitional hours between 6 a.m. and local sunrise will generally be possible, except that: Class II operations will continue to be keyed to sunrise times at Class I-B station locations to the east (assuming full 0.5 mv/m 50 percent skywave protection to all I-B assignments to the west) and Class II daytime-only operations on foreign I-A Clear Channels will continue to be prohibited during the above transitional hours. Provision will be made for mutual United States/Canadian notification of all presunrise proposals. The protection requirements of the NARBA and the United States/Mexican bilateral agreement will be otherwise observed.

14. The advantages accruing to U.S. Class III licensees from this agreement (without regard to domestic, Mexican or Cuban interference problems) are illustrated by the following study of four regional channels:

610 kc/s: There are 22 stations assigned to this channel in the United States. Of these, all but two can qualify for 500-watt presunrise operation, in conjunction with their authorized daytime antenna systems.[5] These two can be authorized on the same basis but with power reduced to levels between 180 watts and 320 watts.

920 kc/s: There are 45 stations assigned to this channel in the United States, 42 of which can qualify for 500-watt presunrise operation in conjunction with their daytime antenna systems. The remaining three can be authorized on the same basis but with power reduced to levels between 280 and 300 watts.

1250 kc/s: There are 56 stations assigned to this channel in the United States, 54 of which can qualify for 500-watt presunrise operation in conjunction with their daytime antenna systems. The remaining two can be authorized on the same basis but with power reduced to levels between 300 and 400 watts.

1600 kc/s: There are 73 stations assigned to this channel in the United States, 68 of which can qualify for 500-watt presunrise operation in conjunction with their daytime antenna systems. The remaining five can be authorized on the same basis but with power reduced to levels between 150 watts and 300 watts.

Parallel advantages will accrue to Class II stations in the United States vis-a-vis unlimited time Class II assignments in Canada, in that permissible radiation may be determined under the new, more liberal curves. Additionally, interference to Canadian I-B Clear Channel stations (although conventionally determined) may be eliminated by reductions in power to noninterfering levels, thereby providing a modicum of service in situations heretofore beyond reach.

15. The principles agreed to with Canada (Pars. 13 and 14, supra) are reflected in the rules adopted herein except that for domestic purposes, cochannel interference among U.S. Class II and Class III stations will not be taken into account. Class II stations will continue to take advantage (after 6 a.m.) of the time differentials between local sunrise and sunrise at the dominant station(s) to the east—subject to providing conventional nighttime protection to all westerly cochannel Class I assignments.

16. With the exception of Class II stations assigned to U.S. Class I-A Clear Channels, an across-the-board power ceiling of 500 watts (into the daytime antenna system) has been imposed. While this limitation is not a specific requirement of the agreement with Canada, it is dictated by the overall interference considerations discussed elsewhere in this document. Although some existing early-morning interference problems will be moderated as a result of the power ceiling, we recognize that new zones of interference will also be created, even with the 500-watt limitation. Our study of the matter suggests, however, that those areas of the country in which the greatest destruction of existing services will occur are, in general, reached by alternate services including the signals of Clear Channel stations and, to a lesser degree, by FM broadcast services.

17. Our decision not to apply, for the time being, the 500-watt power ceiling to Class II stations operating on U.S. 1-A clear channels stems from considerations set forth in Appendix A, chiefly the fact that the record in this proceeding is inconclusive as to the need for this power ceiling. In this connection, the situation on these channels is different from that on other frequencies, in that there are fewer stations to cause interference, fewer possibilities of additional assignments, and fewer foreign protection problems.[6] By contrast, because of the geographic distribution of Class I-B clear channel stations throughout the North American Region and other considerations discussed elsewhere in this document, the 500-watt power ceiling is clearly indicated with respect to Class II stations assigned to Class I-B clear channels. Therefore, the further rule making being initiated in conjunction with our final decision in this proceeding deals only with the limited question of power levels for Class II stations operating under presunrise service authorizations on U.S. Class I-A clear channels.

18. The Rules adopted herein make no provision for operation by the 34 U.S. Class I-B clear channel stations during presunrise hours with their authorized daytime facilities. Such operation is proscribed by the agreement with Canada. We do not know precisely how many Class I-B stations now operate in this fashion, but the number is believed to be substantial. In addition to achieving better close-in coverage in specific cases, this practice has to some extent been undertaken in "self-defense" against interfering Class II signals, as well as to avoid the otherwise required maintenance of a more complicated directional antenna pattern during the early morning hours. In any event, the described operations are premissive and may be terminated without right to hearing. Music Broadcasting Co. v. FCC, 217 F. 2d 339 (1954). In our view, the requirement that Class I-B stations operate with their licensed patterns during all nighttime (including presunrise) hours, on the basis of unqualified protection to their 0.5 mv/m 50 percent skywave contours, will assure the integrity of the wide-area nighttime coverage which these Clear Channel stations are intended to provide. Storer Broadcasting Co., supra.[7] Moreover, any residual skywave interference (unrecognized under our technical standards) resulting from the practice at many Class II stations of signing on at sunrise at the dominant station to the east will, as a practical matter, be largely eliminated by our decision to apply an across-the-board 500-watt power limit to all Class II presunrise operations (other than those assigned to U.S. I-A clear channels, as noted in par. 17, supra).

19. As previously mentioned, the further notice in this proceeding proposed to limit Class III eligibility to daytime-only stations, giving preferential consideration to such stations in markets without local unlimited time standard broadcast service. Our review of this matter in light of the written comments leads to the conclusion that these limiting aspects of the proposal are neither administratively sound nor in the public interest. They involve too many anomalies to be acceptable as a basis for general presunrise allocation policy. For example, many communities have two daytime-only outlets but no unlimited-time station, raising the question of whether both should be permitted to operate presunrise and, if not, which one should be. Also, where an unlimited time station does exist (notably Class IV service with severely restricted nighttime coverage), it can frequently be demonstrated that substantial areas and populations have come to rely on the presunrise programing of Class III daytime-only stations assigned to the same community. Nighttime service from nearby communities, sometimes from within the same metropolitan area, is another variable which could not properly be assessed outside the hearing process. For the reasons more fully developed in Paragraph 30 of Appendix A, the burden of resolving these variables on a case-by-case basis is one which should not be imposed on this agency or

[5] Use of the antenna system already authorized, whether directional or nondirectional, will obviate the necessity for our specifying a different antenna system for the presunrise mode, thereby eliminating the need for costly and time-consuming measurement data in connection with such proposals.

[6] Dark path protection problems rule out any consideration being given to the possibility of presunrise operation by Class II daytime-only stations located east of the dominant U.S. I-A cochannel assignment.

[7] In this admittedly extreme case, the Commission found that two cochannel I-B clear channel stations (WTOP, Washington, D.C., and KSTP, St. Paul, Minn.), operating presunrise with their daytime facilities, totally destroyed each other's skywave service as well as 90 percent of their respective primary (groundwave) services during the early morning hours.

on the industry. In addition, decisions arrived at on the basis of "situations in being" would be unsettled by the addition or deletion of unlimited time stations, or by arbitrary changes in their operating schedules. Moreover, to deprive unlimited time stations of the presunrise operating benefits enjoyed by daytime-only stations, as contemplated by the further notice, would tend to penalize those licensees who, in good faith, have expended considerable sums of money to directionalize for nighttime operation and who, as unlimited time licensees, are compelled by our rules to render service through 10 p.m. even in markets where much of the nighttime audience has switched to television. We have therefore abandoned these aspects of the further notice and are making equal provision for all Class III and many Class II stations to use their daytime facilities within the limits of the 500-watt/6 a.m. operating formula, thereby giving fulltime stations an optional mode of presunrise operation.

20. We wish to call attention to certain other administrative and legal problems which must be dealt with in putting the new rules into effect. As outlined in the appendices, the new scheme of "presunrise" regulation calls for the submission of informal (letter) applications, thus eliminating the permissive aspect of the present Rule. We estimate that more than 2,000 Class II and Class III licensees and permittees, both daytime-only and unlimited time (including the 500 stations with outstanding conditions against presunrise operation) will be eligible and will apply for presunrise service authority (PSA). In order to allow sufficient leeway for the handling of these requests in time to be of benefit during the coming fall and winter seasons, it is imperative that the new rules be made effective at the earliest possible moment. On the other hand, we are reluctant to disturb existing operations until they can be reestablished on the new footing. Accordingly, notwithstanding the effective date specified below, it is our intention to maintain the status quo with respect to existing permissive operations through October 28, 1967, by which date all timely filed requests will hopefully have been disposed of. Prospective applicants are, however, cautioned that we can offer no assurance that PSA requests submitted after August 31, 1967, will be reached and considered on their merits prior to the October 28 deadline on existing operations.[9]

21. In addition, numerous presunrise interference disputes are currently pending and unresolved, including 30 complaints filed under the existing Rule (§ 73.87) and 25 petitions to deny filed against pending renewal applications under WBEN doctrine, supra. We contemplate that most, if not all of these can eventualy be dismissed as moot,[10] together with applications on file (but unaccepted) by Radio Stations WLAW, WIPS, and WEAW for specified hours of operation, submitted in response to our March 5, 1964, interim public notice entitled "Adjustment of Pre-sunrise Operating Disputes" (FCC 64-201) and 12 informal requests for deletion of outstanding conditions against presunrise operation.

22. As the record in this proceeding abundantly demonstrates neither this nor any other resolution of the "presunrise" problem can hope to satisfy the essentially irreconcilable objectives of the many respondents both within and outside the broadcast industry. As more fully developed in Appendix A, an argument may be made that section 316 of the Communications Act confers hearing rights on unlimited time licensees adversely affected by the issuance of PSA's growing out of this proceeding. We do not so construe the statute, and therefore are not postponing the effectiveness of the new presunrise arrangements. The 500-watt power ceiling will militate against significant increases in existing interference. In situations where this does not prove to be the case, we urge licensees to refrain from litigation which would only further impede our efforts to realize a final solution and which, in any event, can yield no advantage beyond the terms of licenses now in force. Finally, we emphasize our conviction that the ad hoc approach to "presunrise" regulation, with its countless anomalies arising from Commission action or failure to act on specific complaints of interference, must be abandoned in favor of a more orderly system of regulation based on definitive rules which can be applied without regard to the hearing process.

23. Authority for the adoption of this report and order is contained in sections 4(i), 303(c), 303(e), 303(r), and 307(b) of the Communications Act of 1934, as amended.

24. *It is ordered*, That, for the reasons stated herein and in Appendix A below, the Commission's rules are amended, effective August 15, 1967, as set forth in Appendix B below.

25. *It is further ordered*, That for the reasons set forth in paragraphs 20 and 21 of Appendix A below, the petition for further rule making filed April 19, 1967, by the National Association of FM Broadcasters, is denied.

26. *It is further ordered*, That Class II stations assigned to U.S. I-A clear channels may continue existing modes of operation, without regard to the application procedures set forth in the rules as herein amended, until further notice from the Commission: *Provided*, That such stations may not, after October 28, 1967, sign on earlier than 6 a.m. local standard time or sunrise at the dominant station, whichever is later.

27. *It is further ordered*, That proceedings in Docket No. 14419 are hereby terminated.

(Secs., 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 28, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMUNICATION[11]

[SEAL] BEN F. WAPLE, *Secretary*.

APPENDIX A—ANALYSIS OF COMMENTS IN THE PROCEEDING

1. The further notice produced a vast volume of material, the original of the docket in the proceeding (which contains informally submitted material as well as formal filings) consisting of 60 volumes.[1] Much of the information material consisted of letters from listeners, school officials, local governmental and civic leaders, and others, usually supporting the continued presunrise operation of a particular station (8,800 letters were filed on behalf of one station alone). The great majority of these expressions appear to have been solicited by the stations they support, and for the most part it appears that the writers were not completely informed as to the nature of the problem (for example, the fact that the service they favor causes interference to other stations) and in some cases were actually misinformed as to the effect of the Commission's proposal on the particular station. Therefore, despite its obvious sincerity, much of this material is of relatively little value. However, some of it—particularly letters from school officials concerning need for school-closing and schoolbus information—is of substance, as discussed below.

2. Formal comments were filed on behalf of close to 300 stations, the great majority of them daytime-only or fulltime Class III stations on the regional channels. Two radio networks—American Broadcasting Cos., Inc. (ABC), and Columbia Broadcasting System, Inc. (CBS)—also filed, on behalf of their owned AM stations. Others filing formal comments were Association on Broadcasting Standards, Inc. (ABS, a group of fulltime stations, mostly Class III); Daytime Broadcasters Association (DBA, an association of Class II and Class III daytime-only stations); National Association of FM Broadcasters (NAFMB);

[9] Inasmuch as separate rule making is being initiated with respect to the need for a 500-watt power ceiling for Class II operations on U.S. I-A channels, Class II stations in this category should not request presunrise service authorizations at this time, and may continue existing modes of operation until further notice. In line with the new Canadian agreement, however, such stations may not, after Oct. 28, 1967, sign on earlier than 6 a.m. or sunrise at the dominant station, whichever is later.

[10] The new 500-watt power limit alone will moot out the technical considerations on which many of these complaints and petitions are based.

[11] Statement of Commissioner Cox, partially concurring and partially dissenting, filed as part of original document; Commissioner Johnson absent.

[1] Relatively few comments were filed in response to the 1961 notice, since the date for comments was postponed indefinitely before it arrived. The majority were by Class II and Class III daytimers, opposing the proposal as tending to restrict or eliminate their presunrise privileges. A few Class III stations supported the proposal, one going further and urging that all permissive presunrise operation, by any class of station, should be abolished.

Association of Maximum Service Telecasters, Inc. (MST, filing only legal comments on the question of the applicability of section 316); the AFCCE; A. Earl Cullum, Jr. & Associates; and Congressman Thomas L. Ashley of Ohio, urging that full-time stations be protected against undue interference (with particular reference to Station WSPD, Toledo). Reply comments were filed by ABS, DBA, Cullum, a number of stations (some of which had filed initial comments) and Clear Channel Broadcasting Service (CCBS, a group of Class I-A stations). In addition to Congressman Ashley's formal comments, a number of Senators and Congressman filed letters with respect to particular stations or more general situations, usually supporting the cause of presunrise operation by daytime-only stations. There were also informal expressions of views to the same effect by State legislative bodies and leading State agricultural officials. While a number of the commenting parties supported our proposal, the great majority opposed it, for various reasons, as indicated below.

3. In view of the length of the record, it is impossible to set forth all of the various arguments, counterproposals and factual showings submitted. All of the material filed has, however, been carefully considered, whether specifically referred to or not. Stations filing formal or informal comments (the great majority of them formal) are listed in Appendix C.[14]

* * * * *

COMMENTS CONCERNING THE REGIONAL CHANNELS

4. The great bulk of comments filed concerned Class III stations assigned to the 41 regional channels. The same general considerations apply to the Class II stations (other than those on foreign I-A channels, which are beyond the scope of this proceeding); but these are much less numerous and special considerations concerning the different types of situations involved must be taken into account. The Class II situations are dealt with later herein.[2]

5. Besides the ABS and DBA filings, formal or informal comments were filed on behalf of some 260 Class III stations, 143 daytime-only stations (daytimers) and 122 unlimited-time stations (fulltimers). Of the daytimers, 79 would be eligible for presunrise operation under the further notice, with 500 watts power and from 6 a.m. on, because there is no fulltimer in their community or urbanized area.[3] The remaining 64 would not be eligible, in the absence of exceptional circumstances, because there is a fulltimer in their community or urbanized area. Some daytimers (usually, those which would be "eligible" and operate daytime with 500 watts so they would not face a cutback in power), favored our proposal as the most appropriate means of resolving the presunrise problem. A few others would favor it if it were modified to accommodate their particular situations, such as operation with greater power or from 4 a.m. instead of 6 a.m., or making stations "eligible" even though there is a fulltime station in the same urbanized area but not in the same community, or where the full-time station in town is a Class IV with a highly limited presunrise service area. But a substantial majority of the commenting daytimers, and DBA, opposed it, because it would terminate many presunrise operations and reduce a great majority of the rest either in time or power (the great majority of Class III daytimers are authorized daytime power of more than 500 watts).

6. In support of daytimer presunrise operation generally—and in particular in opposition to our proposal insofar as it would terminate some such operations and restrict many others in time and power—the commenting daytimers made three main lines of argument:

(a) the importance of their presunrise service, both "local" service (such as news of school closings and school-bus schedules) and "unique" service where the station is in a city with fulltimers.

(b) the economic importance to the station of presunrise hours, and the serious economic impact of curtailment of such operation.

(c) the absence of any real interference impact from such operation (in spite of what our technical standards might indicate) on the service of fulltimers.

Numerous daytimers made factual showings in support of the value of the presunrise service, often including letters from listeners, school, civic and agricultural officials, and advertisers. In some cases, such as letters from school officials concerning the value of early morning school-closing and school-bus cancellation announcements during wintertime bad weather, these came from a considerable distance (see, for example, comments filed on behalf of Station KXXX, Colby, Kans.) This would appear to indicate that this type of service is rendered, at least in some cases, out to a distance greater than simple calculation of the daytimer's nighttime presunrise interference limit would indicate. Some factual data was advanced in support of the economic point mentioned; in reply comments some daytimers pointed out that although numerous fulltimers complained of the effects of interference from presunrise operations, none really complained of economic impact therefrom. As to the third point, the argument was mostly assertion only.

7. Of the full-time Class III stations commenting, a few did not oppose the further notice, at least if some modifications are made (such as limiting daytimers to 250 watts, like Class IV stations, instead of 500), and full "316 hearing rights" are given affected fulltimers. The great majority, more than 100, opposed the proposal, as did ABS. In general, there were two main opposing lines of argument (sometimes combined): (1) The harmful effect of interference from daytimer presunrise operation on fulltimer service, with area and population losses to full-time stations in most cases (including badly needed rural coverage) significantly greater than the gains to the daytimers and their areas; and (2) the undesirable effects of prohibiting full-timer use of daytime facilities (usually greater than nighttime) before local sunrise.[4] Some of those making the first line of argument urged that—with the high limits they generally have during these hours—daytimers are limited in coverage to their communities and immediately surrounding areas, so that they cannot effectively meet the needs for their service which are claimed, such as school announcements. It was also urged that these needs are rather minimal anyhow—news is news even if presented after sunrise rather than before, and bad weather school announcements can be taken care of by liberalizing the emergency operation rules (they have since been liberalized to cover such situations, though not where full-time emergency service is available to the area involved and only on a noncommercial basis; see § 73.98 of the rules). Conversely, several fulltimers (WREC), Memphis, for example) stressed the

[14] Filed as part of original document.

[2] Of approximately 4,257 authorized AM stations (licensees and permittees) as of May 24, 1967 there were 2,182 daytimers, or more than 50 percent. Of these, 1,214 are on regional channels and 926 are Class II daytime-only or limited-time stations on Class I clear channels. Of the latter, 509 are on Canadian, Mexican or Bahamian I-A channels, and as such are beyond the scope of this proceeding, leaving 417 Class II daytime or limited-time stations subject to consideration herein.

[3] According to ABS, as of early 1963, 722 out of 1180 regional daytimers would be "eligible", or 61 percent. Our study indicates that this is approximately correct, and that about the same ratio has obtained with respect to grants since. This analysis, however, and the figures in the text, do not take foreign interference considerations into account.

Stations included here as daytimers are those so operating at the time they filed (May and June 1963). A few already had authorizations for full-time operation, and at present about 8 of the commenting stations then operating as daytimers either operate unlimited-time or have authorizations to do so. In determining "eligibility" under the further notice proposal, the presence or absence of full-time facilities in the community or urbanized area was determined as of mid-April 1967. It has not changed substantially since.

[4] Of the 858 fulltimers on regional channels, only 90 operate with the same facilities day and night. DBA and some daytimers supported the cause of fulltimer presunrise use of daytime facilities, apparently on the theory that the preclusion of such use is the main ground for full-time opposition to the general licensing of daytimers for presunrise operation. However, as indicated herein this is not the only basis of fulltimer opposition to daytimer presunrise operation generally, or to the further notice.

value of their own wide coverage, including rural areas.[5]

8. As to the second line of argument, several fulltimers urged that they are better off coverage-wise using daytime facilities presunrise even with a considerably higher interference limit resulting from co-channel presunrise operation (particularly for nondirectional coverage of their particular communities); some asserted that they need these greater facilities for wide-area presunrise coverage. It was urged by several that presunrise "interference" is probably not as serious a problem as engineering standards would indicate, for one reason because (it is asserted) listeners will tolerate a higher interference level where news and informational material is concerned than for, say, symphonic music. It was also urged that it is unfair to accommodate daytimer presunrise operation at the expense of fulltimers in this way.

9. A number of fulltimers favored retention of the traditional § 73.87 status quo (at least pending a complete and thorough study of propagation conditions). It was urged that this has worked well and gives fulltimers a desirable and practical option—of using their greater daytime facilities presunrise, or, if interference conditions on their channels become really serious, reverting to nighttime facilities and filing § 73.87 complaints to "clean up" their channels.

10. Counterproposals and alternatives: Some of the opposing parties presented no alternative or counterproposals. Numerous stations, both daytime and fulltime, supported the § 73.87 status quo, the daytimers apparently relying either on the absence of complaint against their operations up to now or on legal theories as to their rights in the face of complaint, and the fulltimers urging the merit of the option mentioned above. A wide range of other counterproposals was advanced. Some fulltimers urged that § 73.87 be abolished and all presunrise operation (by daytimers or fulltimers with day facilities) be prohibited except in strict accordance with engineering standards. At the other extreme, some daytimers advocated a blanket "6 to 6" rule (daytimers operating with full day facilities) or immediate licensing of all daytimer presunrise operations. Other counterproposals included: Maintaining permissive operation under §73.87 (for both daytimers and fulltimers with day facilities) until complaint, and then giving the station complained against a hearing, continuing the service in the meantime; continuing such permissive operation and using our proposal as a sort of "backstop" for daytimers in the event of complaint; using the proposal as a minimum and giving case-by-case consideration to further presunrise operation by daytimers and fulltimers; permitting daytimers not normally eligible under the proposal to continue operation until complaint, and then to file applications for presunrise authority, with the affected station to show why the application should not be granted (it was urged that thus only really serious interference will be complained of); "grandfathering" all daytimer presunrise operations, even in the face of complaint, if they have existed without complaint for a period such as 3 to 5 years; permit no daytimer presunrise operation which causes interference unless it is shown that the interference involved could not be removed by directionalizing the operation; limit such operation to 250 watts unless 500 watts is shown to cause no interference; permit fulltimer use of day facilities at least until complaint, or in "white areas" or on a showing that it is warranted; permit fulltimers to operate with 500 watts non-directionally; and impose any cutback in daytimer power on a proportional basis (i.e., why should a one-kilowatt and a 5-kilowatt station both be cut back to 500 watts?). ABS and other fulltimers urged the necessity of a case-by-case approach rather than a general rule, taking into account possible daytimer directionalization or lesser power, service from nearby stations where there is no full-time station in the community itself, and other circumstances of each case. A number of parties urged continuance of § 73.87 but more flexible application of it, to permit continuance of the presunrise operation after complaint with lesser power (or less time) than that previously used. This procedure we have since adopted for resolving presunrise controversies, and it has been successful in a number of cases; but many pending complaint situations do not appear to lend themselves to resolution on this basis alone.

11. Some fulltimers—though a smaller number than daytimers—made factual showings as to the value of their presunrise service. The relatively few letters submitted usually, though not always, related to continued use of daytime facilities for wide-area presunrise coverage, rather than interference problems. Many parties made engineering showings concerning interference.[6]

12. The great majority of commenting daytimers appear to be presently operating presunrise during part of the year, and many fulltimers use daytime facilities during these hours. A staff study of three regional channels in mid-1962 revealed that virtually all daytimers operate presunrise during part of the year, and many, likely a majority, of fulltimers make such use of their daytime facilities. In spite of the sharply increased number of complaints in recent years, there probably still is some presunrise operation (in both senses) on every regional channel, and no complaints have been filed with respect to 16 of the channels. Thus, while much of the fulltimer argument regarding interference is put in terms of what would occur, in fact much of this interference already exists. However, as mentioned the number of complaints filed has sharply increased in recent years, now reaching stations on 25 channels, as compared to only 15 channels as recently as 3 years ago.[7]

Because of the prevalence of presunrise operation, often of many years' standing, one of the most frequent and vigorous arguments against our proposal, both by daytimers and by fulltimers seeking to continue use of day facilities, was that the proposal would result in great disruption of existing service on which listeners have come to rely.

13. Comments relating to the regional channels were filed by other parties, usually not directly affected. For example, NAFMB urged the importance of encouraging FM development, and requested that a daytimer not be "eligible" for presunrise operation if there is an FM channel in its community (or one is available there under the "25 mile rule"), and thus full-time aural service is available. We also note a late filing by the Committee for Equal Facilities, a group of daytime stations authorized after January 1962 and thus subject to the overall condition against presunrise operation, urging the importance of presunrise operation to them and their areas, asserting that they should be treated the same as stations authorized earlier, and asking that the Commission either expedite resolution of this proceeding or lift the overall condition as to the new stations. Some parties advanced competitive considerations. For example, two daytimers on foreign I-A channels—not now or proposed to be allowed presunrise operation—opposed regularizing presunrise operation by daytime regional stations in their communities, with which they compete, and it was also urged—by daytimers in communities or urbanized areas having a full-time station—that it is exactly where the daytimer faces such competition that it needs the economic benefit of extra hours.

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[5] WREC's showing (based on our rules and the proposed diurnal curves) was that at 6 a.m. in December e.s.t., 4 "eligible" daytimers operating would limit it to its 4.37 mv/m contour instead of its 2.0 mv/m normal nighttime contour, representing a loss of 6,310 square miles and 259,574 persons; of these, 5,460 square miles and 188,881 persons receive no other primary service at that time. This was the only showing giving specific details as to "white area" losses. Presunrise operation by certain "eligible" daytimers would serve some of the "white area" but only after 6 a.m., c.s.t.

[6] In terms of population lost, the largest numerical showing was that of WKY, Oklahoma City, claiming that, at 6 a.m. in December, it would lose 401,028 population as a result of "eligible" daytimers operating, out of 1,087,937 within the 1.94 mv/m contour it would have from nighttime facilities (the daytimers would limit it to 4.75 mv/m). WKY and other stations explored the possibility of daytimer directional operation to protect them. While no population figures were given in its showing, the "loss" would probably be greater in the case of WMCA, New York City, since the "loss" area lies in the populous New York-northern New Jersey region.

[7] These complaints have, by and large, been prosecuted by "pioneer" Class III fulltimers enjoying low nighttime RSS limits. These stations are not evenly distributed among the 41 regional channels, which has accounted for a disproportionate concentration of complaints on certain channels, notably: 600, 930, 950, 1250, 1330, 1360, 1370, and 1590 kc/s.

CLASS II STATIONS

14. In the original notice herein (and clarifying order issued January 29, 1962) we proposed to eliminate entirely presunrise operation by Class II stations. In the 1962 further notice, we proposed to permit it only for daytime-only or limited-time stations located west of all cochannel Class I stations, and only on channels not having foreign Class I assignments. As at present, as so limited it would be tied to sunrise time at the location of the dominant cochannel station. As compared to the present rule, the proposal would eliminate presunrise use of daytime facilities by: (1) Fulltime Class II stations; (2) stations located east of Class I stations but far enough away and having low enough power so that their skywave signal does not cause interference under the rules to the Class I station's skywave service; (3) Class II stations on I-B channels having foreign I-B stations; and (4) operation by agreement with the dominant station. Authorized daytime facilities could be used, and no other limit on time was specified.

15. About 25 comments were filed by Class II stations, generally opposing the proposal and stressing the importance of their presunrise operation and service, similar to the arguments mentioned above in connection with regional stations. Several of these comments were the same as those submitted by regional stations, the parties not directing themselves to the particular facts of their Class II situation. Others opposed the proposal because it would eliminate presunrise operation in their particular case, e.g., stations on channels having foreign clear channel assignments and using day facilities at sunrise at the foreign station (such as KFRE, Fresno, Calif., 940 kc/s), fulltime Class II's (e.g., KLOK, San Jose, Calif., 1170 kc/s), and stations located east of one cochannel Class I-B station and west of another, sufficiently far from the latter that their 250-watt daytime operation does not cause it interference, and wishing to continue to sign on at sunrise at the eastern Class I location (e.g., WTPR, Paris, Tenn., 710 kc/s, I-B stations at New York City and Seattle). Storer Broadcasting Co.'s filing related mostly to the regional channels, but it noted that a large number of Class II stations on U.S. I-A channels benefit from presunrise hours (although we had in the notice indicated that the matter was minimal) and pointed out that several, including its own KGBS, Los Angeles (limited-time) are more than 2,000 miles from the I-A station and under early AM assignment rules would have been permitted to operate full time simultaneously with it. DBA's comments urged that presunrise privileges should be given to Class II stations on the same widespread basis as Class III stations, urging that the House of Representatives so indicated by not making any distinction in enacting H.R. 4749, and that there is no logical reason for any different treatment. CCBS, opposing DBA in reply comments, urged that the Commission not authorize any across-the-board presunrise operation by Class II stations, because of losses to the service of Class I stations.[8] The only comments filed by a Class I licensee which dealt with this subject specifically were those of Metromedia, Inc., filing on behalf of its Class I-B station, WNEW, New York City (1130 kc/s) as well as its regional stations, and urging the general abolition of presunrise operation by any class of station.[9]

DECISION IN THE PROCEEDING

16. As already indicated, the resolution of this proceeding necessarily represents a balance between considerations and objectives which are to some degree in conflict—the provision for needed presunrise service on the one hand, particularly in situations where it has been in existence before and has come to be relied upon by listeners, and on the other hand, protection of the existing service of unlimited-time stations against an inordinate amount of loss through interference, and thus inefficient use of the channels involved. It is also apparent, as it has been for some time, that presunrise use of daytime facilities by U.S. stations must be brought into line with this country's obligations, under pertinent international agreements, to protect the stations of other nations in the North American Region from objectionable interference. With respect to the regional channels, we are persuaded, after careful consideration of the record herein and the above considerations, that the most appropriate balance can be achieved by permitting virtually all Class III stations (daytime and fulltime) to operate presunrise, from 6 a.m. standard time on, with 500 watts power, using their daytime modes of operation (directional or nondirectional), except where lesser power is required to meet international obligations as mentioned above.

17. In reaching this conclusion, we have taken into account the many considerations which have been so vigorously urged by those taking the various opposing positions, and the numerous counterproposals, urged upon us. We recognize that, as many full-time stations urge, permitting presunrise operation by daytimers (and by fulltimers) may cause substantial interference to the licensed service of full-time stations; it may well be true, as Storer and others urge, that the losses will often, perhaps usually, exceed the gains if strict engineering standards are applied. But in our judgment the record herein establishes that the presunrise service rendered by daytime-only stations is, by and large, a valuable one, and one which should be permitted. In our view, as a general proposition the gains outweigh the losses, when all factors, such as the location of the areas of service and interference with respect to the stations gaining and losing, and the extent of other service, are taken into account. We note the contention of Storer and others that rural areas will lose the badly needed service of wide-coverage full-time regional stations. But we also note that, with few exceptions, the fulltimers did not establish the extent to which listeners in such areas (usually at some distance from the station) actually rely on and need their service. Their showing in this respect fell short of daytimers' showings.

18. Moreover, we take into account the other service which remains available to such "loss" areas from the same or nearby places, often including wide-area coverage by I-A and I-B clear channel stations, and wide-coverage FM service.[10] The daytimers assert that the fulltimers are located in large cities, with a plethora of locally originated services, and, while this is by no means always true, there appears, both from the record herein and our experience generally, to be a tendency in this direction. For example,

[8] CCBS' comments do not mention the fact that presunrise operation now takes place on many of the U.S. I-A channels, where the daytime Class II stations are located west of the dominant stations. Its specific example of service losses is 640 kc/s, where there is no presunrise operation under 73.87 because the dominant station is at Los Angeles.

[9] WNEW showed the effect on service on 1130 kc/s if it and the other I-B station on the channel (KWKH, Shreveport), and three pertinent Class II stations (at Detroit, Milwaukee, and Minneapolis) used daytime facilities before sunrise New York. With the five stations' present operation with nighttime facilities, the two I-B stations are protected to their 0.5 mv/m groundwave contours and beyond, and the three Class II stations have limits of 2.3, 3.4, and 4.2 mv/m. If all five used daytime facilities instead, the Class I-B stations would be limited to 12 and 30 mv/m respectively, and the Class II stations would be limited to 44, 50 and 67 mv/m. This showing was made on the basis of the conventional nighttime propagation curves in the Rules. This situation does not in fact exist, since the Class II stations covered are all located east of the I-B station at Shreveport and therefore present 73.87 privileges do not extend to them, and even if it did exist it would not be entirely typical because of the large daytime facilities these Class II stations have (50 kw, directionalized); but it does illustrate the interference which unrestricted use of nighttime facilities by Class II stations creates or would create if permitted.

The effect of full-scale presunrise operation by Class II stations, even after sunrise at the Class I station, is illustrated by the situation of Class I-A station WCBS, New York City (880 kc/s), which in 1965 filed a complaint against presunrise operation by cochannel daytimers at Clinton, N.C. (1 kw) and Columbus-Worthington, Ohio (5 kw). The complaint claimed that immediately after sunrise at New York City in January (7:15 a.m., e.s.t.) and before their own local sunrise, the Clinton station limits WCBS to its 5.12 mv/m contour on the basis of conventional nighttime calculations, or about 1 mv/m if the diurnal factor is used, and the Ohio station imposes limits of more than 12 mv/m or about 2 mv/m, using the same bases of computation. The groundwave service of a Class I-A station is protected against cochannel interference to its 0.1 mv/m contour. As to interference to full-time Class II stations, a few such stations commented on this. We note that of 8 daytime-only Class II stations on I-B channels filing herein, all are the only stations in their communities and only one is in an urbanized area.

[10] On several occasions in recent years—for example in Docket No. 15084 (the overall AM allocation proceeding)—we expressed the view that AM and FM should be viewed as complementary parts of a total aural service.

as far as AM service is concerned, out of some 107 communities having full-time Class III stations who filed formal or informal comments herein, 65 have other Class II or Class III full-time AM service from stations in the same community (28 of these cities have wide-coverage I-A or I-B clear channel stations). Fourteen others have full-time service from a local Class IV station, and 25 have no other local full-time AM service (including 9 in urbanized areas and close to large cities with multiple services).

19. Of the 107 communities mentioned, all but 10 have wide-coverage Class B or C FM channels available (either assigned to the city or available under the "25-mile rule") on which wide-area coverage may be rendered from the city. Of the 10, three have Class A channels (two others are in urbanized areas and close to large cities with multiple AM and FM services). Taking into account both other full-time AM service (besides Class IV) and wide-coverage FM service, only nine of these communities do not have such service available. More than half of the full-time Class III stations—68 out of 122—have associated FM stations in the same community (or, in two cases, a nearby larger city); 65 of these are wide-coverage Class B or C assignments. Another 17 could take advantage of unoccupied channels, either assigned to the city or available under the "25-mile rule" (all but two Class B or C).[11]

20. In remarking on the fact that FM may thus be a means of overcoming the losses full-time stations might incur through interference, we have not overlooked the fact—which NAFMB and others urged—that it may also be of value to daytimers in overcoming their presunrise difficulties, as well as providing evening service. Out of some 135 Class III daytimers listed in Appendix C (excluding the 8 which have now become full-time operations), some 53 are FM licensees or permittees, 19 of them Class A and the rest Class B or C (including two where the FM station is in a nearby city). There are unoccupied channels—usually Class A assignments—which some of the others could use. However, of the 135 communities involved, there are some 22 situations in which no assignment is provided in the FM table for the community, it is not in an urbanized area, and it has no local full-time AM service. There are other situations where no assignment is provided in the table and the community has no full-time local AM service, but it is part of an urbanized area. In some of these cases, channels might be available under the "25 mile rule," or possibly additional assignments might be made through rulemaking; but a substantial number of these situations are in areas where channels are scarce and the making of additional assignments is not always possible however desirable it might be. Thus, it appears that with respect to the communities represented in filings herein, the extent of FM service and potential—particularly for wide-area coverage—is greater for full-time stations and their communities than it is for daytimers. We note also that many stations who particularly urged the value of wide coverage, both daytimers and fulltimers, are wide-coverage FM licensees or could become so (e.g., WMTM, KXXX, WSAU).

21. Thus, viewing the picture of aural service as a whole, we are convinced that permitting presunrise operation by daytimers to the extent provided herein will result in the provision of service where there is more need for it than there is for whatever service may be lost in the areas where such losses occur. Bearing in mind that FM is not always available to daytimers even though it often is, and the present fairly modest development of that service, perhaps particularly in more remote areas, we do not believe that it affords the answer to the "presunrise problem" as claimed by NAFMB. We do not conceive FM, at the present time, to afford the answer to supplying a needed presunrise service which daytimers in outlying areas appear to render and which, we believe, can be accommodated to the limited extent decided on herein without undue interference losses to licensed full-time service. However, it can afford a valuable supplement to service during these hours, in two respects: Giving daytimers, and fulltimers using daytime facilities, coverage comparable to that which they now have on AM using their full daytime facilities presunrise (and which they might not have limited to 500 watts); and giving coverage where AM service is lost through interference.[12]

22. In sum, then, in our view we are making provision for service where it is most needed, in fulfillment of the mandates of section 303(g) and 307(b) of the Communications Act. In evaluating the arguments concerning interference, two other factors should be borne in mind. First, for the most part, the presunrise service under consideration here—both by daytimers and fulltimers—is an existing service, and interference therefrom, while it has increased somewhat in recent years as more stations have been authorized, is not a phenomenon arising now for the first time. As mentioned above, on some regional frequencies there still has been no complaint against stations' presunrise operation, and this was true of a majority of these frequencies as recently as 3 years ago. In other words, these conditions, however bad they may appear from a strict technical standpoint, are for the most part circumstances which the full-time stations have been able to live with. The second point is that—by the 500-watt power ceiling now provided—we are taking action which may well improve present interference conditions on these channels, for example by sharply decreasing the interference from numerous 5 kilowatt daytime operations, by both daytimers and fulltimers.

23. We also note the contention of the fulltimers that the interference loss is being incurred for very little reason, because the daytimers' service areas are so severely limited during these hours. We do not believe that—bearing in mind that these are transitional hours—the service range is as limited as present technical standards might indicate. There may be merit in the argument—advanced by several daytimers and by fulltimers in support of using full daytime-facilities—that listener tolerance of interference in listening to news, weather, etc., is fairly high, higher than our traditional signal ratios contemplate. In any event, the service appears to be one—locally oriented—valuable enough to warrant provision for its rendition.

24. The further notice would have limited daytimer presunrise operation to stations where there is no fulltimer in the community. Upon further consideration, we believe this restriction is unwarranted, even though permitting some additional operation may increase interference beyond what it would be otherwise.[13] Other daytimers may render valuable service, as indicated above, and, perhaps more important, just as much as with the "eligibles," it is often service upon which listeners have come to rely, often for a period of several years, so that termination would be disruptive. We are not persuaded that its termination is warranted. Moreover, as various parties pointed out, the fulltimers in town may not have the same service area as the daytimer—perhaps a substantially

[11] The figures for the number of communities and licensees include CBS' Class III station at Boston, and ABC's Class III stations at Detroit, Los Angeles, and Pittsburgh.

[12] We are not adopting the approach urged in NAFMB's "Petition for Further Rule Making," filed herein on Apr. 19, 1967, wherein we are urged to reappraise the need for "substandard, interference producing AM presunrise operation" in light of our 1964 report and order in Docket No. 16084 (2 RR 2d 1659), the JTAC Radio Spectrum Utilization Report released the same year, and the substantial recent increase in the number of FM sets. As noted in footnote 13 of the Docket No. 15084 report and order, the nighttime allocation principles there considered were concerned with "service through the evening and not * * * service during the hours immediately before sunrise [which is] the subject of a separate rule making in Docket No. 14419 * * *." We will continue to give careful consideration to the development of FM and its proper role in the overall aural service picture; and it may be that in the fairly near future it will be appropriate to propose some action along the line urged. But we do not believe it appropriate to postpone resolution of this longstanding and wide-ranging AM proceeding, and the many uncertainties existing as long as it is unresolved, while such an evaluation of the role of FM is conducted.

[13] The interference from the additional daytimers would not necessarily be great. One engineering firm made showings as to presunrise interference on behalf of nine full-time regional stations (on eight channels), under various conditions, including (1) "eligible" daytimers operating as proposed in the further notice (500 watts from 6 a.m.) and (2) all daytimers operating on that basis (fulltimers using night facilities in both cases). In five of the nine cases the limit to the fulltimer would be the same under both conditions at all times; in the other four, the difference would usually be less than 2 mv/m, and only part of the time.

smaller one—and the proposal in this respect presented certain anomalies which might make it difficult to administer, such as cases where there are two daytimers in a community with no fulltimer, and cases where a fulltimer later goes into operation.

25. Although avoiding disruption of existing presunrise service is an important factor in our decision, we do not believe it should be the only one. Other stations, for example those granted since early 1962 and conditioned against presunrise operations, are likewise capable of rendering a valuable service during these hours, perhaps especially (though not necessarily entirely) when they are in places without fulltime outlets. The same applies to future authorizations. Therefore, we are not limiting presunrise operation to those stations which have engaged in it before, or to presently authorized stations. In our judgment, with interference conditions improved on the various channels by reduction of presunrise operation to 500 watts, the number of stations thus added will not materially worsen existing interference conditions.

26. If a great many stations are to be permitted presunrise operation, as we have concluded they should be, some restriction on such operation must be imposed if an inordinate degree of interference is to be avoided. It is for this reason that we have decided to limit presunrise operation, by daytimers or by fulltimers with daytime facilities, to no more than 500 watts power (as mentioned above, the authorized mode of operation, nondirectional or directional, will be used, although fulltimers may of course use their nighttime facilities if they prefer). This limitation will improve interference conditions in many cases, and 500 watts power appears sufficient to provide a generally adequate service to the communities involved. To a degree, of course, this reduction may mean loss of existing service, which has come to be relied upon. But if it is true that "distant" stations are not of significance to listeners at a particular place if they are fulltimers (which the daytimers urge with respect to interference), it is likely equally true that listener interest in daytimers generally decreases with distance, so that a 5-kilowatt operation may not be rendering a really significant presunrise service out to the bounds of its normal daytime service area. Moreover, while power greater than 500 watts is not precluded as such by the understanding with Canada, it appears highly unlikely that many operations with power much more than that could comply with the arrangement with Canada and applicable treaties with other countries. In connection with this limitation, as well as with the limitation to 6 a.m. mentioned below, we also note the significance of the FM service, mentioned above. If stations seek greater coverage presunrise than 500 watts would permit, they must rely on the companion aural service.

27. Likewise, we are convinced that presunrise operation must be confined to 6 a.m. l.s.t. and after. We reach this conclusion on the basis of the record herein, which, despite the assertions and showings of some stations to the contrary, does not persuade us that earlier operation has enough public interest to warrant the extensive interference entailed during earlier hours when skywave propagation and interference conditons more closely approach, or equal, full nighttime conditions. In any event, earlier operation is precluded by our understanding with Canada.

28. In reaching these conclusions as to limitations, we have rejected the contentions of some parties that the limits should be more restrictive, such as 250 watts and 7 a.m. The fact that 250 watts is the presunrise power of Class IV stations does not mean that it should be for regional stations, which are designed to serve wider areas. 500 watts appears to be both necessary to provide adequate presunrise service, and sufficiently low to avoid excessive interference. We do not believe that a 7 a.m. sign-on is sufficiently early tc meet the need for local informational service which has been demonstrated herein.

29. We have likewise concluded that full-time stations should be allowed to use daytime facilities before sunrise to the same extent. We are impressed by the arguments made (e.g., that of WLOS) that such facilities, even if operated with only 500 watts, may well provide better service to the city and its environs during these important hours. In addition, such operation will afford fulltimers some additional protection against interference from daytimer presunrise operation. The limitation to 500 watts and 6 a.m. is necessary for the same reasons mentioned above for daytimers; again, we call attention to the availability of FM for wider coverage. Many fulltimers commenting on this point (e.g., WSAU) are or can become FM licensees, often on wide-coverage channels, and thus render wide-area service.

30. We must reject the arguments and counterproposals of ABS and other parties, that a case-by-case approach must be used in this matter. Such an approach—taking into account that there are some 1,200 daytimers and 858 fulltime Class III stations—is simply out of the question from an administrative standpoint. The number of potential hearings involved staggers the imagination, and they would in all probability become exceedingly complex, since (with skywave interference involved) more than one daytimer usually affects a given fulltimer and, conversely, a given daytimer may affect more than one fulltimer. A given hearing situation might well end up involving a considerable number of the stations on a channel, including a comparative inquiry into which presunrise operation should be permitted and which precluded. Not only would this entail an inconceivable burden, both on the Commission and on standard broadcast stations and their advisers, it would take a great amount of time, a consideration inconsistant with our view that the public interest clearly requires a reasonably prompt resolution of the "presunrise" situation and the widespread uncertainties currently involved in it. We do not conceive that a more particularized approach, either by hearing or otherwise, would throw significantly more light on the appropriate course of action in a given situation, anything like enough to warrant the burden involved.

31. Likewise, we must reject the arguments of those who favor the traditional § 73.87 status quo, with its complaint and ensuing termination procedure. While it might have been a true statement 5 years ago that the rule has worked "reasonably well", it is hardly so today, with the large number of complaints which have been filed in recent years. We believe that the uncertainties involved in presunrise operation, as they have developed recently, must be resolved, so that all parties know where they stand. Moreover, such an approach is inconsistent with this country's international obligations to prevent objectionable interference to duly notified foreign stations.

32. *Legal matters:* It was contended that § 73.87 is a part of a station's license, so that we cannot order termination or reduction in a presunrise operation without complaint. This is without merit. The rule speaks of termination upon notice from the Commission that "undue interference" is caused, and in Music Broadcasting Co. v. FCC, 217 F (2d) 339 (1954), this was held to mean objectionable interference as determined under the usual nighttime interference rules. While we have in the past ordered termination or reduction only after complaint, the rule does not require this, and certainly this agency has the power to take steps to alleviate interference conditions on a channel on its own motion, even in the absence of complaint. To hold otherwise would be to negate our power to act in the public interest to further the more effective use of radio. There are virtually no presunrise operations with full daytime facilities which are free from objectionable interference effects on licensed full-time stations, using our regular nighttime interference rules. Therefore we have the power to terminate or cut back such operations—which are permissive, not licensed—without hearing or other proceedings.

33. In the further notice we posed the question of whether section 316 of the Communications Act—precluding modification of a license without a hearing—applies to the present situation where, after a general rule-making proceeding, certain presunrise operation may be permitted on an authorized basis, resulting in interference to some full-time stations. Many parties urged that it does, and that they will insist on their 316 hearing rights in connection with such

operation.[14] We conclude that it does not. Of course this Commission cannot finally determine the statutory legal rights of licensees as against its regulatory authority; this is for the courts. But it is our duty to construe the Act to the best of our ability, in light of pertinent court decisions. For present purposes, we view the recent decision in American Airlines, Inc. v. CAB, 359 F. (2d) 624 (C.A.D.C. 1966) as authority for the proposition that we can "modify" existing licenses with respect to interference received by stations—if "modify" is the appropriate term—through a general rule-making proceeding, and that section 316 does not apply. It must be borne in mind that this is a rule-making proceeding of general applicability, affecting many stations on many channels, exactly the type of proceeding the Court considered in that case. In this respect it is clearly distinguishable from FCC v. National Broadcasting Co. (KOA), 319 U.S. 239 (1943), from which the concept of "modification through interference" stems. That was a particular proceeding involving the assignment of one station (WHDH, Boston) to KOA's frequency at night for the first time, resulting in substantial interference to what had been until then a Class I-A station. Therefore we do not view KOA as a reason for postponing the effectiveness of the new rules, and are making them effective as quickly as possible.

34. Class I-B and Class II stations: As mentioned in the report and order (par. 18), and for the reasons stated therein, the rules adopted do not provide for presunrise use of daytime facilities by Class I-B stations. See Storer Broadcasting Co., 1 F.C.C. 2d 1954 (1965).

35. With respect to presunrise operation by Class II stations, as mentioned above the original notice herein would have precluded it completely; the further notice would have precluded it except for daytime-only and limited-time stations on U.S. I-A channels (and I-B channels having no foreign I-B stations), located west of all of the dominant cochannel stations. Upon further consideration and review of the comments filed, we are of the view that these proposals would be unduly restrictive and prevent the rendition of significant service. It is, of course, of great importance to protect the skywave and wide-area groundwave service of Class I stations; but in our judgment this can be achieved, if presunrise is limited in extent as discussed below, without precluding some other categories of stations from presunrise operation. Therefore, the rules adopted herein will permit presunrise operation by: (1) Class II stations (daytime, limited-time, and full time) located west of all cochannel dominant stations, starting at sunrise at the location of the westernmost foreign or domestic dominant station (or 6 a.m. local standard time, whichever is later)[15]; and (2) operation from 6 a.m. local time by daytime and full-time stations on Class I-B channels regardless of location, if they protect the 0.5 mv/m 50 percent skywave contours of domestic and foreign cochannel Class I stations located to the west. Reduced power may be used if necessary to afford such protection. Certain requests by Class II stations in other situations must be rejected as inconsistent with overall allocations efficiency and the public interest.[16]

36. With respect to the limitation to 6 a.m. and after, this of course is required by the terms of the understanding with Canada mentioned in the report and order. We believe it is also appropriate from a domestic standpoint, just as with the regional channels, since operation at an earlier hour, when propagation conditions more nearly approach full nighttime conditions, is the source of more substantial interference (see pars. 14 and 15 and footnote 9 above). Therefore, presunrise operation by Class II stations will be limited to 6 a.m., local standard time, and after, just as that by Class III stations.

37. With respect to the I-B channels, it is also appropriate to impose the same 500-watt restriction adopted for the regional channels. This is necessary to prevent excessive interference from higher-power operations, and afford an adequate degree of protection to Class I-B and unlimited-time Class II stations. This is particularly true since Class I-B stations will not be permitted presunrise use of daytime facilities (see report and order, par. 18).

38. Tentatively, we are of the same view that the same 500-watt restriction should apply to presunrise operation by Class II stations on the U.S. I-A channels (see, for example, the situation described in footnote 9, above). However, since this particular subject has not been explored, and since to some extent different conditions obtain on these frequencies (fewer Class II stations, much smaller foreign protection requirements, and the fact that under present assignment rules there can be no more daytime stations) we are not adopting it at this time. Such a restriction on Class II stations on these channels is proposed in a notice of proposed rule making adopted today.

39. The question of interference to U.S. Class I-B stations located west of the Class II station, to all full-time cochannel stations in North American countries other than Canada, and to Canadian I-B stations, will continue to be determined by conventional nighttime propagation standards. As to permissible radiation toward cochannel Canadian full-time Class II stations, the curves contained in new figure 12 of 73.190 will apply. If necessary to meet any of these requirements, stations may operate with power less than 500 watts and make presunrise requests on the basis of such lower power.

40. Other matters—diurnal curves: The further notice herein proposed a family of diurnal curves, taking into account the fact that the appropriate reducing factor applicable to conventional nighttime interference calculations for any particular point in time during the two hours before sunrise. Use of these curves would show less interference than conventional nighttime computations. However, their validity was attacked, chiefly on the ground that (based on data concerning postsunset conditions) they do not accurately represent presunrise conditions. A substantial question appears to exist as to their accuracy. Moreover, their use is quite complex, and they have no international standing. In our view, an appropriate resolution of this proceeding is possible

[14] It was argued that Transcontinent Television Corp. v. FCC, 308 F. (2d) 339 (1962)—which affirmed our authority to change a station's channel at the end of its license period without an evidentiary hearing—is not authority for the type of action contemplated here, even at the expiration of an outstanding license, for one reason because that case involved a detailed exploration in rule making of one particular situation. We do not agree with these arguments, particularly in light of the subsequent decision in The Goodwill Stations, Inc. v. FCC, 325 F. (2d) 637 (1963), affirming our clear channel decision. As indicated above, the presunrise rule making is a proceeding of general applicability. As such, we hold its impact on individual applicants, permittees, and licensees confers no adjudicatory hearing rights under sec. 316 of the Communications Act. United States v. Storer Broadcasting Co., 351 U.S. 192 (1956); Airline Pilots Association v. Quesada, 276 F. (2d) 892 (1960); Federal Power Commission v. Texaco, 377 U.S. 33 (1963); California Citizens Band Association v. USA and FCC, 9th Circuit, Case No. 20,030 (1967).

[15] This, of course, does not include daytime-only Class II stations on foreign I-A channels, which are not now permitted to operate presunrise and are not within the scope of this proceeding.

[16] Thus, if Class I-A stations' skywave service is to be protected, as we believe it must be, we cannot permit presunrise operation by a Class II station to the east of a cochannel Class I-A station; and, since we have provided that Class I-B stations must use nighttime facilities until local sunrise, we reject requests from Class II stations based on the fact that the I-B station to the west of them was in fact using its daytime facilities. As far as interference to full-time Class II stations is concerned, we are of the view that in this respect the same considerations apply as on the regional channels, and that presunrise operation serves a valuable purpose and should be permitted to the extent provided herein.

without them, and therefore they are not adopted herein.[illegible]

41. Directional or nondirectional presunrise operation: The further notice proposed operation by "eligible" Class III daytimers with 500 watts nondirectionally, even through their authorized facilities might be directional. Some parties attacked this, for one reason because it would produce an artificial service area for a short time during only part of the year, which the directional station would not have at other times, leading to confusion. For this reason, and also because of the added burden involved in specifying an additional mode of operation, we agree with the objecting parties and are providing herein for use of the authorized daytime mode of operation, directional or nondirectional.

APPENDIX B

Part 73 of the Commission's rules is amended as follows:

1. Section 73.87 is amended to read as follows:

§ 73.87 Program transmissions prior to local sunrise.

Except as provided in § 73.98 and § 73.99, no standard broadcast station shall operate at times, or with modes or powers, other than those specified in the basic instrument of authorization.

2. A new § 73.99 is added to read as follows:

§ 73.99 Presunrise service authority.

(a) In order to afford the maximum uniformity in early morning operations compatible with interference considerations, the following classes of standard broadcast permittees and licensees are eligible to request presunrise service authority (PSA):

(1) Class II stations except those operating on Class I-A clear channels not assigned to the United States under the North American Regional Broadcasting Agreement (NARBA) or the United States/Mexican Agreement, and those assigned to U.S. I-A clear channels and located east of the cochannel I-A station.

(2) Class III stations.

(b) When issued, a PSA will permit:

(1) Class II stations to commence operation with their daytime antenna systems either at 6 a.m. local standard time or at sunrise at the westernmost Class I station located east of the Class II station (whichever is later), and to continue such operation until local sunrise: *Provided*, That the permissible power, to be specified in the PSA, shall not exceed 500 watts (or the authorized daytime or critical hours power, if less than 500 watts), or such lesser power as may be determined on the basis of calculations made pursuant to paragraph (c) of this section.

NOTE: Pending decision in Docket 17562, Class II stations on U.S. I-A channels, located west of the cochannel dominant station, may operate with their facilities licensed for use immediately after local sunrise without limitation to 500 watts power. Applications by such stations for PSA's will not be required until that proceeding is resolved, but presunrise operation may not begin prior to 6 a.m. local standard time.

(2) Class III stations to commence operation with their daytime antenna systems at 6 a.m. local standard time, and to continue such operation until local sunrise: *Provided*, That the permissible power, to be specified in the PSA, shall not exceed 500 watts or such lesser power as may be determined on the basis of calculations made pursuant to paragraph (c) of this section.

(c) Notwithstanding the provisions of §§ 1.571 and 1.580 of this chapter, requests for PSA's shall be treated as proposals for minor changes in existing facilities and, as such, are not subject to the procedural requirements or remedies applicable to applications for new facilities and major changes therein. PSA requests shall be submitted by letter, signed in the manner specified in § 1.513 of this chapter, with the following information:

(1) Name, call letters and station location.

(2) For Class II stations, a showing that objectionable interference, as determined by the Standard Broadcast Technical Standards of this subpart or by the engineering standards of the NARBA or the United States/Mexican Agreement (whichever is controlling), will not be caused within the 0.5 mv/m 50 percent skywave contour of any domestic or foreign Class I-B clear channel station located west of the Class II station. In addition, the applicant must show that foreign Class II stations (if any) assigned to the same channel will receive full treaty protection. If the foregoing protections cannot be achieved on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced to preclude objectionable interference: *Provided*, That with respect to Canadian Class II stations, permissible radiation may be established by the use of figure 12 of § 73.190, in the manner described in paragraph (c)(3) of this section.

(3) For Class III stations, a showing that cochannel stations in foreign countries will receive full treaty protection. If such protection cannot be achieved on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced to preclude objectionable interference: *Provided*, That with respect to Canadian Class III stations, such power level may be established by a showing that the radiation at the pertinent vertical angle toward cochannel Canadian stations does not exceed that defined in Figure 12 of § 73.190. If the latter showing cannot be made on the basis of 500-watt operation, calculations may be submitted to establish the level to which power must be reduced in order to limit radiation at the pertinent vertical angle to the values specified in Figure 12 of § 73.190.

(4) A description of the method whereby any proposed power reduction will be achieved.

(d) Calculations made under paragraph (c) of this section shall not take outstanding PSA's into account, nor shall the grant of a PSA confer any degree of interference protection on the holder thereof.

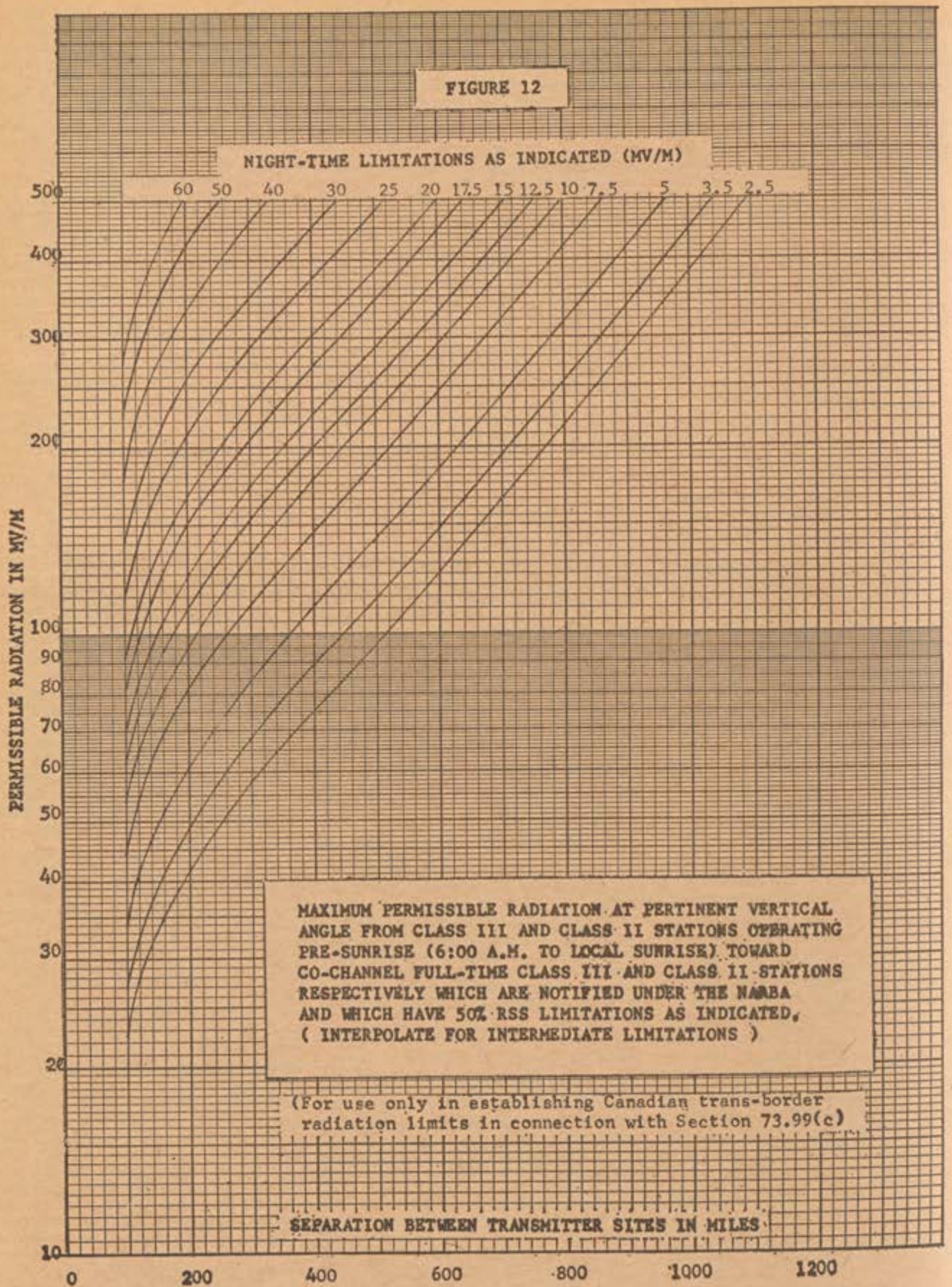
(e) Operation under a PSA is not mandatory, and will not be included in determining compliance with the requirements of § 73.71. To the extent actually undertaken, however, presunrise operation will be considered by the Commission in determining overall compliance with past programing representations and station policy concerning commercial matter.

(f) The PSA is secondary to the basic instrument of authorization and may be suspended, modified, or withdrawn by the Commission without prior notice or right to hearing, if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

(g) The PSA will be issued for a term coinciding with the current basic instrument of authorization and, unless surrendered by the holder or suspended, modified or withdrawn by the Commission, will have continuing or renewed effect under succeeding instruments.

(h) The issuance of a PSA is intended to include the waiver of §§ 73.45, 73.182, and 73.188 in situations where the operation might otherwise be considered as technically substandard. However, such special conditions as the Commission may deem appropriate may be included in the PSA to insure the operation of the transmitter and associated equipment in accordance with all phases of good engineering practice.

[illegible] On July 15, 1966, ABS filed further comments containing measurement data intended to show that the diurnal attenuation factors for sunrise and sunset transitional periods are not symmetrical, and, specifically, that morning propagation conditions (referred to sunrise at the path midpoint) are more favorable to undesired 10 percent skywave interfering signals than are evening propagation conditions (referred to sunset at the path midpoint). As stated in the text, we recognize on the basis of the earlier material filed that this factor raises a question as to the proposed curves' validity, and this is one reason for not adopting them as a presunsire tool. We have also pointed out that individual skywave measurements, or series of measurements, are not appropriate as a basis for determining skywave service and interference (Amendment of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (Skywave Measurements), 10 R.R. 1562 (1954)). Therefore, this extremely late-filed matter, and DBA's motion to strike it, need not be considered. We are of the view that the approaches adopted herein—sign-on time and power limitations, together with the conventional nighttime skywave standards on the clear channels where skywave service is to be protected—are the most appropriate and perhaps the only workable, concepts of presunrise regulation. ABS' suggestion that the proceeding be further delayed while more measurements are taken and analyzed must be rejected, if this longstanding and important proceeding is to be terminated in a reasonable time. The same applies to "Supplemental Comments" filed by ABS on Feb. 23, 1967, containing additional engineering material.



[F.R. Doc. 67-8181; Filed, July 14, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FLORIDA TANGERINES

Standards for Grades

Correction

In F.R. Doc. 67-7520, appearing at page 10097 of the issue for Saturday, July 8, 1967, the following section heading should appear above Table IV on page 10102:

§ 51.1834 **Classification of defects.**

[7 CFR Part 1005]

[Docket No. AO 177-A30]

MILK IN TRI-STATE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Daniel Boone Hotel, Washington and Capitol Streets, Charleston, W. Va., beginning at 10 a.m., on August 22, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Huntington Interstate Milk Producers Association and Dairymen's Co-Operative Sales Association:

Proposal No. 1. Amend § 1005.51(a)(1) as follows: The Class I price shall be the basic formula price for the preceding month, plus $1.52 for all districts.

Proposal No. 2. Amend § 1005.51(b) as follows:

(b) *Class II price.* The Class II price shall be the basic formula price for the month: *Provided, however,* That milk and skim used for cottage cheese shall be 15 cents above the basic formula price.

Proposal No. 3. Amend § 1005.52(a) as follows:

(a) *Class I milk.* Multiply the 92 score butter price in Chicago times 0.12.

Proposed by Greenbrier Dairy Products Co., division of Beatrice Foods Co.:

Proposal No. 4. Amend the order to provide that the Class I price differential in all portions of the Tri-State marketing area be established at $1.50.

Proposed by Johnson's All Star Dairy:

Proposal No. 5. Amend §§ 1005.51 and 1005.72 to provide that the plants in the Athens District and the Gallipolis-Scioto District will pay the same amount for their milk as the plants in the Charleston-Huntington District are required to pay for their milk.

Proposed by Valley Bell Dairy Co., Inc.:

Proposal No. 6. Amend the order to provide that the Class I price differential for the Charleston-Huntington District, Gallipolis-Scioto District and the Athens District be set at $1.50 per hundredweight.

Proposed by Broughton's Farm Dairy, Inc.:

Proposal No. 7. Amend § 1005.51(b) to read as follows:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month: *Provided,* That such price shall not be more than the sum of subparagraphs (1) and (2) of this paragraph plus 10 cents, rounded to the nearest cent:

(1) From the Chicago butter price for the month, subtract three cents, add 20 percent of the resulting amount and multiply by 3.5; and

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

Proposed by The United Dairy Co.:

Proposal No. 8. Amend § 1005.51(b) by adding the following proviso: "but in no event shall the Class II price exceed the price per hundredweight computed by adding together the plus amounts computed as follows, plus 10 cents:

"(a) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

"(b) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965."

Proposed by The Pickaway Dairy Co-op Association, Inc.:

Proposal No. 9. Amend § 1005.11(b) to read as follows:

(b) A supply plant from which during the months of October and November not less than 50 percent, and during all other months not less than 40 percent, of the Grade A milk physically received at such plant from dairy farmers, reload points and handlers pursuant to § 1005.13(d) or diverted as producer milk from such plant pursuant to § 1005.16 is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through December shall be a pool plant for the months of January through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 33, 19 Locust Street, Gallipolis, Ohio 45631; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 12, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8204; Filed, July 14, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-84]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at Sidney, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The Sidney, Nebr. VOR is scheduled for relocation to an airport site and conversion to VORTAC in March 1968. Upon relocation and conversion of this VOR, the present public instrument approach procedure for Sidney Municipal Airport will be canceled and two new public instrument approach procedures will be established. Therefore, it is necessary to alter the Sidney control zone and transition area in order to provide controlled airspace protection for aircraft executing the two new public instrument approach procedures and to delete that controlled airspace which protects aircraft executing the present public instrument approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

SIDNEY, NEBR.

Within a 5-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

(2) § 71.181 (32 F.R. 2148), the following transition area is amended to read:

SIDNEY, NEBR.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles SE of the VORTAC; and that airspace SW of Sidney VORTAC extending upward from 8,500 feet MSL bounded on the N by the S edge of V-138, on the E by the W edge of V-169, on the SE by the NW edge of V-172, on the SW by the NE edge of V-132 and on the NW by the SE edge of V-207, excluding the airspace within Federal airways.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on June 30, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8163; Filed, July 14, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WA-17]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration is considering a proposal by the Canadian Department of Transport that would designate the United States portion of a west alternate segment to VOR Federal airway No. 317 from Ethelda Bay, British Columbia, radio beacon to Annette Island, Alaska, VOR via the intersection of the Sandspit, British Columbia, VOR 039° T (013° M) and the Annette Island, Alaska, VOR 167° T (140° M) radials.

This west alternate would provide an additional route for air traffic operating between Ethelda Bay and Annette Island.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 7, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8164; Filed, July 14, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 18782; EDR-119]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Notice of Proposed Rule Making

JULY 11, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 298 of the Board's Economic Regulations (14 CFR Part 298) which would (1) extend the term of the air taxi operators' existing authority to carry mail; (2) permit air taxi mail service to begin under a temporary mail rate; and (3) authorize individual exemptions for air taxi mail service in certain competitive markets.

The principal features of the proposed amendment are further described in the explanatory statement, and the proposed amendment is set forth in the proposed rule. This regulation is proposed under the authority of sections 204(a), 406, and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 763 and 771; 49 U.S.C. sections 1324, 1376 and 1386).

Interested persons may participate in the proposed rulemaking through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before August 15, 1967, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Effective November 4, 1965, Part 298 of the Board's Economic Regulations was amended so as to authorize air taxi operators to carry mail under certain limitations and conditions. Air taxi operators were authorized to carry mail only in small aircraft and within the 48 contiguous States and Hawaii. Air taxi operators can carry mail only upon a subsidy-free basis, with a final mail rate being in effect before service begins.

The most significant restriction on the air taxi mail authority is with respect to pairs of points served by certificated carriers. Section 298.21(f) precludes air taxi operators from carrying mail in any market where a certificated route carrier is currently authorized to provide service either by certificate or pursuant to exemption authority. As a result, the Post Office Department cannot employ air taxi operators to carry mail in certain markets even if the certificated carrier does not provide convenient service.

The Post Office Department has informally represented that liberalization of Part 298 is essential to meet its urgent needs. The Post Office Department's request comes at a time when air mail traffic is booming. The Department shipped 1.6 billion pieces of domestic airmail during fiscal 1965; it expects to ship 2.5 billion pieces in 1968. Most airmail cannot be sorted and prepared for shipment until after the end of the business day. If the Post Office Department is to make prompt delivery, it requires adequate aircraft departures at late-evening hours. But most air carriers attempt to gear their schedules to peak passenger travel hours, which end before the Post Office's primary needs begin. As a result, the Post Office Department is unable in many cases to achieve its objective of overnight delivery between two points within a single State.

In markets which no certificated carrier is authorized to serve, the Post Office Department has often employed air taxi operators. In most instances, the air taxi operator provides exclusive mail schedules operating from 10:30 to 11 p.m. until about 2 to 4 a.m. On an annual basis, 11 air taxi operators now provide 84,000 ton-miles of airmail transportation, or 0.027 percent of the total airmail ton-miles. Although air taxi operators thus carry only a small fraction of the load, they have proved that they can provide the Post Office Department with needed, reliable service.

In competitive markets which certificated route carriers are authorized to serve, the Post Office Department has its principal problem. Often, the mail volume for which a special late-evening flight is needed is too small for the certificated carrier to transport economically in large aircraft. Yet the load may be sufficient for an air taxi operator to carry in small aircraft. But, under Part 298, the Post Office Department cannot employ an air taxi operator even if the certificated carrier is unable and unwilling to provide the needed transportation.

As a result, the Post Office Department has been forced to rely upon air taxi operators to file applications for individual exemption authority to carry mail in competitive markets. The Board has granted such requests in the past;[8] and we believe that it is time to formalize and expedite the procedure for obtaining such individual exemption authority.

In summary, that procedure would allow the Post Office Department to gain on exemption by filing either a "Regular" or an "Expedited" notice of intent to use air taxi mail service. An "expedited" notice would differ from a "regular" notice in that it would require the Post Office Department to represent that the certificated route carriers had no objection. Unless suspended by the filing of an objection or by Board order, an "expedited" notice would be automatically effective after 5 days; a "regular" notice would be automatically effective after 10 days. If an objection were filed, however, no service could begin until the Board authorized it. In unusual circumstances, the Board could permit the service to be performed temporarily while it considered the objection.

We emphasize that the proposed rule would not confer blanket exemption authority in competitive markets. Only the Post Office Department could file an exemption application. In its application, the Department would be required to explain why the certificated carrier's service is inadequate to meet its needs. The Department has expressly represented that it does not intend to divert airmail from any certificated schedule permitting timely delivery.

Under the proposed rule, the Board would still fix the final mail rate for the air taxi service. To expedite the new procedure, Part 298 would be modified so that the Board would no longer be required to fix that rate before service is instituted. Rather, the parties would be required to file a jointly agreed-upon rate. They could begin service at that rate, subject to refund or additional payment if the Board later fixes a different final rate.

Exemption authorizations effective under the new procedure would terminate on June 30, 1969. The term of the existing blanket exemption would be extended 6 months so as to terminate on the same date, thus enabling the Post Office Department to arrange its planning upon a fiscal-year basis. By the mid-1969 expiration date, the Board intends to review the entire air taxi mail program. Finally, the mail rate procedure for the existing blanket exemption would be amended to conform to the new expedited procedure for individual exemptions.

The Board has previously found that air taxi operators should be exempt from the bulk of the regulatory requirements under the Act and regulations. The extent of the air taxi operators' general operations is limited; the extent of those operators' authority to carry mail will be even more limited. Certification procedures could not be completed in time to meet the exigencies of the postal service, and in any event such proceedings might subject a particular air taxi operator to a financial burden which would be wholly disproportionate to the benefits to be received from the new mail authority. Accordingly, the Board tentatively finds that insofar as the provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the rules and regulations issued thereunder, would prevent air taxi operators from exercising the proposed authority, the enforcement of those provisions would be an undue burden on such air taxi operators by reason of the limited extent of, and unusual circumstances affecting their operations, and would not be in the public interest.

[8] E.g., L. S. Cox, Jr., doing business as Owensboro Aviation, Order E-24574, Dec. 29, 1966; Cannon Aviation Co., Inc., Order E-24384, Nov. 9, 1966.

Proposed rule. It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

1. By amending § 298.13 so that the section will read as follows:

§ 298.13 Duration of exemption.

The exemption from any provision of Title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided*, That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further*, That the authorizations to air taxi operators to engage in the transportation of mail by aircraft within the 48 contiguous States and Hawaii shall terminate on June 30, 1969.

2. By amending § 298.21(f) so that the subsection will read as follows:

§ 298.21 Scope of service authorized.

* * * * *

(f) *Limitations on carriage of mail within the 48 contiguous States and Hawaii.* Within the 48 contiguous States and Hawaii, an air taxi operator shall not be authorized to carry mail between any pair of points (1) when there is no agreed-upon mail rate for such carriage filed pursuant to § 298.24(e); (2) when an air carrier holds a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (3) when an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act has authority to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416 (b)(1) of the Act: *Provided, however*, That with respect to a market which a certificated helicopter carrier is authorized to serve under an area exemption order, an air taxi operator will be prohibited from carrying mail therein only if there is an approved flight pattern with respect to such market under Part 376 of this chapter (Board's special regulations): *Provided further*, That this subsection shall not preclude an air taxi operator from carrying mail between any pair of points regarding which there is in effect a notice of intent to use air taxi mail service, as provided in § 298.24. The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

3. By adding a new § 298.24, reading as follows:

§ 298.24 Authority to carry mail in competitive markets.

(a) *General scope.* An air taxi operator may carry mail between a pair of points named in a notice of intent to use air taxi mail service which is effective pursuant to this section. Such a notice may be filed only by the Post Office Department and shall be conspicuously entitled either regular notice of intent to use air taxi mail service or expedited notice of intent to use air taxi mail service.

(b) *Regular notice of intent to use air taxi mail service.* A notice filed under this subsection shall state the name of the air taxi operator who will engage in the carriage of mail if known; the location of the points between which mail is to be carried; and the reasons why the Post Office Department deems the proposed service required to meet the needs of the Postal System.

(c) *Expedited notice of intent to use air taxi mail service.* In addition to the information required by § 298.24(b), a notice filed under this subsection shall contain a representation that the Post Office Department has ascertained that no interested certificated route carrier objects to air taxi mail service between the subject pair of points. Such notice shall also identify each interested certificated route carrier with which the Post Office has discussed the proposed air taxi mail service. For purposes of this subsection, an interested certificated route carrier is defined as (1) an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (2) an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which has authority to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416(b) of the Act.

(d) *Effective date of notice—protests and objections.* Subject to the provisions of § 298.24(e), a regular notice of intent to use air taxi mail service filed under § 298.24(b) shall be effective to authorize the proposed service upon the expiration of 10 days after the filing of such notice, unless within such 10-day period (1) the Board shall issue an order suspending such notice or (2) any person shall file a written protest and objection setting forth grounds why such service would be contrary to the public interest. Subject to the provisions of § 298.24(e), an expedited notice of intent to use air taxi mail service filed under § 298.24(c) shall be effective to authorize the proposed service upon the expiration of 5 days after the filing of such notice, unless within such 5-day period (3) the Board shall issue an order suspending such notice or (4) any person shall file a telegraphic or other written protest stating opposition to the proposed service. Within 10 days after the filing of a notice under § 298.24(c), any person who filed a timely protest thereto shall also file a written objection setting forth grounds why such service would be contrary to the public interest. Within 7 days after an objection has been filed, the Post Office Department may file an answer thereto. Where a protest has been filed, a notice under § 298.24 (b) or (c) shall not be effective unless and until the Board so orders.

(e) *Establishment of mail rate.* No notice filed under § 298.24 (b) or (c) shall be effective until the Post Office Department and the affected air taxi operator have jointly filed with the Board a petition setting forth a mutually agreed-upon rate for the carriage of mail and requesting the Board to fix a final mail rate pursuant to section 406 of the Act. If the Board fails to fix a final mail rate by the date when such notice becomes effective, the mutually agreed-upon rate shall be the basis for temporary payment, subject to upward or downward adjustment upon the determination of a final mail rate which shall be retroactive to the date when service was inaugurated.

(f) *Service of documents.* A copy of each notice or answer filed by the Post Office Department with the Board under § 298.24 (b), (c), or (d) shall be served upon each interested certificated route carrier, as that term is defined in § 298.24 (c). A copy of each protest and objection shall be served upon the Post Office official subscribing the notice and upon any air taxi operator named therein. Service of any document upon any person may be made by personal service, or by registered or certified mail. Each copy of a notice served pursuant to this subsection shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this part.

(g) *Filing of documents.* An executed original and nine copies of each notice, answer or objection and protest shall be filed with the Board. Each such copy shall be accompanied by a statement that service has been made in accordance with the provisions of § 298.24(f).

(h) *Other procedural provisions.* Except as otherwise specifically provided herein, the requirements of Part 302 of the Board's Procedural Regulations shall govern notices and other pleadings filed pursuant to this section.

[F.R. Doc. 67-8194; Filed, July 14, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 175-62; FCC 67-768]

PRESUNRISE OPERATION

Class II Stations on U.S. I–A Clear Channels

In the matter of "Presunrise" operation by Class II stations under presunrise service authorization on U.S. I-A clear channels, Docket No. 17562.

1. The Commission has today adopted a report and order and rules in Docket 14419, the longstanding proceeding concerning "presunrise" operation, i.e., use of authorized daytime facilities before local sunrise. New § 73.99 of the rules is adopted to cover this subject. It provides—for all stations permitted presunrise operation except Class II stations on U.S. I-A channels—that such operation shall be limited to no more than 500 watts power and the period between 6 a.m. and sunrise, local standard time. The 6 a.m. limitation is required by the agreement with Canada on this subject adopted by exchange of notes on June 12, 1967, and is, in our view, also appropriate from the standpoint of domestic considerations. The 500-watt restriction is not contained in the agreement, but was adopted for domestic reasons, to prevent excessive interference from higher-power daytime facilities operated before local sunrise.

2. With respect to Class II stations on U.S. I-A clear channels (daytime, limited-time, and full time), the new rules permit presunrise operation by such stations located west of the dominant Class I-A station, limited to 6 a.m. and after as the Canadian agreement requires. We left open for further consideration the question of whether such presunrise operation should be limited to no more than 500 watts, as the other categories of stations permitted to engage in presunrise operation are limited. It is the purpose of this notice to invite comments on that question, and we propose to amend § 73.99, adopted today, to impose the 500-watt limit on stations in this Class II category.

3. We expressed in the report and order the tentative view that the same 500-watt ceiling should apply to Class II stations on these U.S. I-A channels. The reasons leading to this view are, briefly, that as a general proposition, it is undesirable, from the standpoint of equity and technical parity for competitive purposes, to permit one group of stations to operate presunrise with more power than other groups are allowed to use; and that limitation to no more than 500 watts will prevent excessive interference to Class I-A stations on these channels (see, for example, footnote 9 of Appendix A to the report and order), and to Class II-A stations on some of

these channels which are designed to provide wide coverage to "white areas." On the other hand, we recognize that in some respects the situation on these channels is different from that on the regional and I-B frequencies. Fewer stations are sources of interference; under present rules there can be only a very few new assignments (no daytime-only or limited-time stations, and only full-time Class II's specifically provided for in the rules); and there are substantially fewer foreign protection problems. Parties may wish to comment on these various considerations.

4. Accordingly, it is proposed to remove from § 73.99(b)(1), adopted today, the Note which exempts Class II stations on U.S. I-A channels from the 500-watt ceiling on presunrise operation. Authority for this amendment is contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 5, 1967, and reply comments on or before October 5, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 28, 1967.

Released: July 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8182; Filed, July 14, 1967; 8:47 a.m.]

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[1] Commissioner Johnson absent.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 72]

DIRECTOR OF REGIONAL USAID FOR AFRICA; GAMBIA AND MALI

Redelegation of Foreign Assistance Program Administration Authorities

1. Pursuant to the authority vested in the Administrator of the Agency for International Development by the Secretary of State's Delegation of Authority No. 104, dated November 3, 1961 (26 F.R. 10608), as amended, I hereby:

a. Amend the Administrator's Delegation of Authority No. 45, dated June 27, 1964 (29 F.R. 9508), by adding The Gambia and Mali to the countries with respect to which the Assistant Administrator for Africa is authorized to redelegate foreign assistance program administration authorities to the Director of the Regional USAID for Africa; and

b. Revoke (i) the Acting Administrator's Delegation of Authority No. 21 dated November 20, 1962 (27 F.R. 11821), as amended; No. 31, dated September 16, 1963 (28 F.R. 11512); and No. 61, dated June 22, 1965 (30 F.R. 8344); and (ii) the Administrator's Delegation of Authority No. 24, dated February 28, 1963 (28 F.R. 2365), as amended.

2. This amendment and revocation shall be effective July 1, 1967.

Dated: July 3, 1967.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 67-8175; Filed, July 14, 1967; 8:47 a.m.]

[Delegation of Authority No. 73]

PRINCIPAL U.S. DIPLOMATIC OFFICER; GUINEA

Delegation of Authority

1. Pursuant to the authority vested in the Administrator of the Agency for International Development ("A.I.D.") by the Secretary of State's Delegation of Authority No. 104, dated November 3, 1961 (26 F.R. 10608), as amended, I hereby delegate to the principal diplomatic officer of the United States in Guinea, with respect to the administration of the foreign assistance program within Guinea, the authorities delegated to Directors of A.I.D. Missions, subject to the limitations applicable to the exercise of such authorities by such Directors, in:

a. Unpublished Delegation of Authority of January 10, 1955 from the Director of the Foreign Operations Administration;

b. Delegation of Authority of November 26, 1954 (19 F.R. 8049), as amended, from the Director of the Foreign Operations Administration;

c. Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927) from the Director of the International Cooperation Administration;

d. A.I.D. manual orders, regulations (published or otherwise), policy directives and determinations, memoranda, and other instructions,

As they may be amended from time to time.

2. This Delegation of Authority shall be effective July 1, 1967.

Dated: July 3, 1967.

RUTHERFORD POATS,
Acting Administrator.

[F.R. Doc. 67-8176; Filed, July 14, 1967; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

RECOMMENDED AMENDMENTS TO THE PROPOSED INTEREST EQUALIZATION TAX EXTENSION ACT OF 1967

Exemption for Prior American Ownership; Due Date of Interest Equalization Tax

On July 14, 1967, the Treasury Department recommended that the Senate act favorably on H.R. 6098, 90th Congress, 1st session (the proposed Interest Equalization Tax Extension Act of 1967) as passed by the House of Representatives but with amendments, effective with respect to acquisitions of stock or debt obligations made after July 14, 1967, which would:

(a) Replace the exemption for prior American ownership with an exemption for "prior American ownership and compliance." The new exemption would apply to the acquisition of stock or a debt obligation of a foreign issuer or obligor if it is established that the person from whom such stock or debt obligation was acquired (the "seller") (i) was a U.S. person throughout the period of his ownership or continuously since July 18, 1963, (ii) had not acquired such stock or debt obligation under an exemption which made him ineligible to sell such stock or debt obligation as a U.S. person, and (iii) had complied with his interest equalization tax obligations with respect to such stock or debt obligation (i.e., the seller acquired such stock or debt obligation in an acquisition which was not subject to the interest equalization tax or the seller paid the tax).

(b) Provide that if stock of a foreign issuer or a debt obligation of a foreign issuer or obligor was acquired by a U.S. person in a transaction subject to the interest equalization tax, the U.S. person is required to file an Interest Equalization Transaction Tax Return accompanied by proper payment prior to any disposition of the stock or debt obligation if the acquisition had not been reported on the appropriate Interest Equalization Quarterly Tax Return accompanied by proper payment.

(c) Specify the manner, described below, under which the exemption for prior American ownership and compliance can be established.

(d) Amend the provisions with respect to "regular market" trading on certain national securities exchanges and "clean comparison" trading in the over-the-counter market set forth in section 4918 of the Internal Revenue Code so that they are applicable only to those members and member organizations of national securities exchanges or national securities associations registered with the Securities and Exchange Commission, which have agreed to comply, and do comply, with the amended statutory provisions and with the documentation, recordkeeping and reporting requirements established by the Secretary or his delegate (referred to in this notice as "Participating Firms"). During the period beginning July 15, 1967, and until a notice or notices to the contrary are published by the Internal Revenue Service, it will be presumed that (i) all members or member organizations of the New York Stock Exchange, (ii) all members and member organizations of the American Stock Exchange, and (iii) those members or member organizations of the National Association of Securities Dealers, Inc., which either reported a net capital (as defined in Rule 15c3-1 under the Securities Exchange Act of 1934) of $750,000 in the latest financial statement filed with the Securities and Exchange Commission on Form X-17A-5 prior to July 13, 1967, or which have effected 300 or more transactions in foreign securities during either the week commencing July 2 or commencing July 9, 1967 (which members or member organizations of the National Association of Securities Dealers, Inc., are listed below), have agreed to comply, and are complying, with such amended statutory provisions and with the documentation, recordkeeping and reporting requirements and shall be Participating Firms.

Participating Firms as of July 15, 1967. The Participating Firms as of July 15, 1967, are as follows:

All members and member organizations of the New York Stock Exchange.

All members and member organizations of the American Stock Exchange.

The following members and member organizations of the National Association of Securities Dealers, Inc., not members or member organizations of the New York Stock Exchange or the American Stock Exchange:

1. A. E. Ames Co., Inc., New York, N.Y.
2. Allen & Co., New York, N.Y.
3. Allison-Williams Co., Minneapolis, Minn.
4. B. C. Ziegler & Co., West Bend, Wis.
5. Bankers Securities Corp., Philadelphia, Pa.
6. Barrow, Leary & Co., Shreveport, La.
7. Calvin, Bullock, Ltd., New York, N.Y.
8. Carl Marks & Co., Inc., New York, N.Y.
9. Cartwright, Valleau & Co., Chicago, Ill.
10. Childress & Co., Jacksonville, Fla.
11. City Securities Corp., Indianapolis, Ind.
12. Collett & Co., Inc., Indianapolis, Ind.
13. Cumberland Securities Corp., Nashville, Tenn.
14. Dayton Bond Corp., Dayton, Ohio.
15. Dempsey & Co., Chicago, Ill.
16. Distributors Group, Inc., New York, N.Y.
17. Donald B. Litchard, Boston, Mass.
18. Dreyfus Corp., New York, N.Y.
19. E. L. Villareal Co., Inc., Little Rock, Ark.
20. E. M. Warburg & Co., Inc., New York, N.Y.
21. Eaton & Howard, Inc., Boston, Mass.
22. Equitable Securities Corp., Nashville, Tenn.
23. Excelsior Option Corp., Boston, Mass.
24. F. Eberstadt & Co., New York, N.Y.
25. F. I. du Pont, A. C. Allyn, Inc., New York, N.Y.
26. First Boston Corp., New York, N.Y.
27. First Investors Corp. of New York, New York, N.Y.
28. First Southwest Co., Dallas, Tex.
29. Glover & MacGregor Inc., Pittsburgh, Pa.
30. Gordon B. Hanlon & Co., Boston, Mass.
31. Gross & Co., Los Angeles, Calif.
32. H. S. Kipnis & Co., Chicago, Ill.
33. Halsey, Stuart & Co., Inc., Chicago, Ill.
34. Hamilton Management Corp., Denver, Colo.
35. Henry Spiegel, New York, N.Y.
36. Hettleman & Co., New York, N.Y.
37. Hickey & Co., Chicago, Ill.
38. Hirsch & Co., Inc., New York, N.Y.
39. IDS Securities Corp., Minneapolis, Minn.
40. Insurance Securities Inc., Corp., Houston, Tex.
41. J. C. Bradford & Co., Inc., Nashville, Tenn.
42. J. S. Strauss & Co., San Francisco, Calif.
43. John Nuveen & Co., Inc., Chicago, Ill.
44. John W. Clarke & Co., Chicago, Ill.
45. Kalman & Co., Inc., St. Paul, Minn.
46. Kenower, MacArthur & Co., Detroit, Mich.
47. Loomis, Sayles & Co., Inc., Boston, Mass.
48. M. A. Schapiro & Co., New York, N.Y.
49. National Securities & Research Corp., New York, N.Y.
50. National Variable Annuity Co., Fla., Jacksonville, Fla.
51. Parsons & Co., Inc., Cleveland, Ohio.
52. Paul Revere Variable Annuity Ins. Co., Worcester, Mass.
53. Pflueger & Baerwald, San Francisco, Calif.
54. R. S. Dickson & Co., Inc., Charlotte, N.C.
55. Richard W. Clark Corp., New York, N.Y.
56. Second District Securities Co., Inc., New York, N.Y.
57. Stephens, Inc., Little Rock, Ark.
58. Stern Brothers & Co., Kansas City, Mo.
59. Stetson Securities Corp., Fairfield, Conn.
60. Stone & Youngberg, San Francisco, Calif.
61. Stryker & Brown, New York, N.Y.
62. The Crosby Corp., Boston, Mass.
63. Thomas, Haab & Botts, New York, N.Y.
64. Thomas McDonald & Co., Chicago, Ill.
65. Troster, Singer & Co., New York, N.Y.
66. Vance, Sanders & Co., Inc., Boston, Mass.
67. Waddell & Reed, Inc., Kansas City, Mo.
68. Weedon & Co., San Francisco, Calif.
69. Wellington Management Co., Philadelphia, Pa.
70. Wheeler, Munger & Co., Los Angeles, Calif.
71. White Weld & Co., New York, N.Y.
72. William C. McDonnell, New York, N.Y.
73. William E. Pollack & Co., Inc., New York, N.Y.
74. Wood Struthers & Co., Inc., New York, N.Y.

Changes in list of Participating Firms. Any other member or member organization of a national securities exchange or a national securities association registered with the Securities and Exchange Commission may become a Participating Firm if it files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP), a letter signed by the member, a partner or an officer (i) requesting designation as a Participating Firm, (ii) agreeing to comply with the documentation, recordkeeping and reporting requirements established by the Internal Revenue Service (whether established prior or subsequent to the date of the letter), (iii) agreeing that its books and records no matter where located may be examined by any employee of the Internal Revenue Service, and (iv) if the letter is filed with the Commissioner of Internal Revenue on or after August 15, 1967, stating that such documentation, recordkeeping and reporting requirement procedures are operational. The Internal Revenue Service will from time to time publish the names of those members or member organizations which have become Participating Firms subsequent to July 15, 1967.

Any member or member organization which became a Participating Firm prior to August 15, 1967, shall cease to be a Participating Firm unless on or before August 15, 1967, it files with the Commissioner of Internal Revenue a letter signed by the member, a partner, or an officer setting forth each of the items (i) to (iv), inclusive, of the preceding paragraph. A Participating Firm may terminate its status as such by filing a request with the Commissioner of Internal Revenue. In addition, if the Commissioner of Internal Revenue has reasonable cause to believe that a Participating Firm is not complying with such statutory provisions, or with the documentation, recordkeeping and reporting requirements, or any part thereof, he may cause the removal of such firm from the list of Participating Firms.

The effective date on which a member or member organization shall become or cease to be a Participating Firm shall be the date specified in a notice issued by the Internal Revenue Service, which date shall not be prior to the date following the date on which the notice was made available to financial publications and wire services.

Establishment of exemption for prior American ownership and compliance. The Treasury recommended that the amendments to H.R. 6098 authorize the following procedures, effective July 15, 1967, for the establishment of the exemption for prior American ownership and compliance:

1. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor directly from or through a Participating Firm receives in good faith from the Participating Firm an "IET Clean Confirmation" (meeting the requirements described below) applicable to the particular stock or debt obligation acquired, the exemption for prior American ownership and compliance shall be deemed to have been established.

2. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor receives in good faith copies 1 and 2 of a Validation Certificate issued by the Internal Revenue Service to the seller or to himself applicable to the particular stock or debt obligation acquired and, in the case where the Validation Certificate was issued to the seller, completes and files copy 2 of the certificate with the Internal Revenue Service, the exemption for prior Amercan ownership and compliance shall be deemed to have been established.

3. If a U.S. person acquiring stock of a foreign issuer or a debt obligation of a foreign obligor establishes that there is reasonable cause for an inability to establish prior American ownership and compliance in accordance with one of the foregoing, prior American ownership and compliance may be established by other evidence which satisfies the Internal Revenue Service that the person from whom such acquisition was made was a complying U.S. person not ineligible to sell as a U.S. person.

Sales effected by Participating Firms. The Treasury further recommended that the amendments to H.R. 6098 provide that Participating Firms are required to sell stock of a foreign issuer or a debt obligation of a foreign obligor as stock or a debt obligation not exempt from the interest equalization tax by reason of the exemption for prior American ownership and compliance except in the following cases:

1. The Participating Firm (i) held in its custody at the close of business on July 14, 1967, for the account of the seller the stock or debt obligation being sold, (ii) has in its possession and relies in good faith on a certificate of American ownership with respect to the stock or debt obligation being sold, or a blanket certificate of American ownership with respect to such account, and (iii) included the stock or debt obligation in the Transition Inventory of the Participating Firm duly filed with the Internal Revenue Service as hereinafter provided.

2. The Participating Firm purchased on or after July 15, 1967, for, or sold to, the seller the stock or debt obligation being sold if the exemption for prior American ownership and compliance ap-

plied to the seller's acquisition and if the Participating Firm continuously held in its custody such stock or debt obligation or received from the seller the identical stock certificates or evidence of indebtedness which it had previously delivered to the seller in respect of the purchase.

3. The Participating Firm received the stock or debt obligation being sold from another Participating Firm or from a Participating Custodian with a Transfer of Custody Certificate meeting the requirements described below.

4. The Participating Firm has received from the seller copies 1 and 2 of a Validation Certificate issued by the Internal Revenue Service applicable to the stock or debt obligation being sold and on the date of the sale or the next business day completes and files copy 2 of the certificate with the Internal Revenue Service.

5. The Participating Firm withholds the amount of Interest Equalization Tax which would be imposed had the seller purchased in a taxable acquisition the stock or debt obligation being sold on the day of the sale. Information on withholding procedures will be published shortly.

IET clean confirmation. A Participating Firm is authorized to issue an "IET Clean Confirmation" to a customer with respect to stock or a debt obligation of a foreign issuer or obligor in the following circumstances:

1. In a case where the Participating Firm purchased the stock or debt obligation as broker for the customer from or through another Participating Firm in the regular market (in the case of a purchase on a national securities exchange referred to in section 4918(c) of the Internal Revenue Code) or received a clean comparison from another Participating Firm under the procedures referred to in section 4918(d) of the Internal Revenue Code.

2. It sold the stock or debt obligation as dealer to the customer and it was a complying U.S. person not ineligible to sell as a U.S. person.

Each IET Clean Confirmation shall state the date of acquisition, the number of shares or the face amount of obligations purchased, the description of the stock or debt obligations, the price paid and the name of the broker representing the seller and the market on or through which the purchase was effected. Only an original document may constitute an IET Clean Confirmation and each copy or duplicate shall be marked as such. All other confirmations issued by Participating Firms with respect to stock or debt obligations of foreign issuers or obligors shall be clearly and indelibly marked so as to be distinguishable from IET Clean Confirmations.

Issuance of Validation Certificates. Validation Certificates will be issued by all District Directors of Internal Revenue commencing Monday, July 17, 1967, upon proof that the U.S. person on whose behalf the Validation Certificate is requested has complied with his interest equalization tax obligations with respect to the securities to be covered by the Validation Certificate. The Internal Revenue Service will shortly announce the procedures for obtaining Validation Certificates. Each District Director will reissue Validation Certificates in different denominations upon request.

Transition Inventory. The Transition Inventory shall be filed with the Commissioner of Internal Revenue no later than August 15, 1967. Each Participating Firm and each Participating Custodian filing a Transition Inventory (Participating Custodians are described below) shall list those stocks and debt obligations of foreign issuers and obligors held at the close of business July 14, 1967, and shall indicate those held for the accounts of United States persons and those held for the accounts of other persons.

Participating Custodians. During the period beginning July 15, 1967, and until a notice or notices to the contrary are published by the Internal Revenue Service, the Participating Custodians are the Federal Reserve Member Banks which are classified as reserve city banks.

A bank or trust company insured by the Federal Deposit Insurance Corporation may become a Participating Custodian if it files with the Commissioner of Internal Revenue, Washington, D.C. 20224 (Attention: CP), a letter signed by an officer (i) requesting designation as a Participating Custodian, (ii) agreeing to comply with the documentation, recordkeeping and reporting requirements established by the Internal Revenue Service (whether established prior or subsequent to the date of the letter), (iii) agreeing that its books and records no matter where located may be examined by any employee of the Internal Revenue Service, and (iv) if the letter is filed with the Commissioner of Internal Revenue on or after August 15, 1967, stating that such documentation, recordkeeping and reporting requirement procedures are operational. The Internal Revenue Service will from time to time publish the names of those members or member organizations which have become Participating Custodians subsequent to July 15, 1967.

Any bank or trust company which became a Participating Custodian prior to August 15, 1967, shall cease to be a Participating Custodian unless on or before August 15, 1967, it files with the Commissioner of Internal Revenue a letter signed by an officer setting forth each of the items (i) to (iv), inclusive, of the preceding paragraph. A Participating Custodian may terminate its status as such by filing a request with the Commissioner of Internal Revenue. In addition, if the Commissioner of Internal Revenue has reasonable cause to believe that a Participating Custodian is not complying with the statutory provisions related to the interest equalization tax applicable to it, or with the documentation, recordkeeping and reporting requirements, or any part thereof, he may cause the removal of such firm from the list of Participating Custodians.

The effective date on which a bank or trust company shall become or cease to be a Participating Custodian shall be the date specified in a notice issued by the Internal Revenue Service, which date shall not be prior to the date following the date on which the notice was made available to financial publications and wire services.

Transfer of Custody Certificates. Transfer of Custody Certificates shall be issued only by Participating Firms and Participating Custodians and only in connection with a transfer from the account of a customer of a Participating Firm or Participating Custodian to the account of the same customer with a different Participating Firm or Participating Custodian in the following circumstances:

1. The Participating Firm or Participating Custodian held in its custody on July 14, 1967, for the account of the customer the stock or debt obligation referred to in the Transfer of Custody Certificate and acquired and holds in good faith a certificate of American ownership with respect to such stock or debt obligation or a blanket certificate of American ownership with respect to such account, if it included such stock or debt obligation in the Transition Inventory duly filed by it with the Commissioner of Internal Revenue.

2. The Participating Firm or Participating Custodian received the stock or debt obligation referred to in a Transfer of Custody Certificate from another Participating Firm or Participating Custodian accompanied by a Transfer of Custody Certificate.

3. The Participating Firm purchased for the customer the stock or debt obligation referred to in the Transfer of Custody Certificate and in connection with the purchase either received (i) a Validation Certificate issued by the Internal Revenue Service, or (ii) was authorized to issue an IET Clean Confirmation and in either case continuously held in its custody the stock or debt obligation so purchased or received back from the purchaser the identical securities or evidence of indebtedness previously delivered to the purchaser.

Recordkeeping requirements. The recordkeeping requirements for Participating Firms are, until further notice, identical to the recordkeeping requirements for broker-dealers issued pursuant to the Securities Exchange Act of 1934 with the following required modifications:

1. Records of original entry (in most cases the purchase and sale blotter) shall be prepared and maintained separately for all purchases and sales of stock and debt obligations of foreign issuers and obligors. All entries shall clearly designate those transactions which involved foreign-owned securities. All entries reflecting a purchase of securities, the acquisition of which is exempt from the tax under the exemption for prior American ownership and compliance, shall clearly designate the documentation received establishing such exemption. All entries reflecting a sale of securities regular way on a national securities exchange referred to in section 4918(c) of the In-

ternal Revenue Code or under the clean comparsion procedure established by section 4918(d) of the Code shall clearly designate the documentation authorizing such sale.

2. The securities record or ledger reflecting separately for each stock or debt obligation of a foreign issuer or obligor all "long" or "short" positions (including such securities in safekeeping) carried by such firm or custodian for its account or for the account of customers (commonly known as stock record sheets) shall be prepared and maintained apart from those prepared and maintained for all other securities. All entries in such record or ledger, and in each customer's account, shall clearly designate those of such securities with respect to which the firm or custodian can issue a Transfer of Custody Certificate without obtaining further documentation.

3. The ledger account itemizing separately the accounts of such firm or custodian reflecting all purchases, sales, receipts, and deliveries of stock or debt obligations of a foreign issuer or obligor for the firm's own investment and trading accounts shall be prepared and maintained apart from those prepared and maintained for all other securities. All entries shall clearly designate those transactions which involve securities on which the firm or custodian can issue a Transfer of Custody Certificate. Appropriate files for each of said dealer-owned foreign securities shall be maintained, in readily accessible form, to hold all relevant information and evidence to substantiate tax free nature of the acquisitions pursuant to which such securities were acquired or, if acquired in a taxable transaction, the retained copies of the tax returns filed with respect to such acquisitions.

4. Separate files shall be maintained for all interest equalization tax reports filed with the Internal Revenue Service (both for information and tax paying purposes) including copies of all documents filed with the Internal Revenue Service and summaries and supporting schedules. In addition, such files shall contain substantiation of the Transition Inventory filed with the Commissioner of Internal Revenue.

Certain debt obligations. The foregoing procedures would not apply to those debt obligations of foreign obligors which are neither convertible nor listed or traded in domestic or foreign markets. In such cases, the exemption for prior American ownership and compliance will, until other procedures are announced, be established if the U.S. person acquiring the obligation received in good faith a letter from the seller certifying to the exemption together with a copy thereof and files the copy with the Internal Revenue Service.

[SEAL] STANLEY S. SURREY,
Assistant Secretary.

JULY 14, 1967.

[F.R. Doc. 67-8281; Filed, July 14, 1967; 11:15 a.m.]

POST OFFICE DEPARTMENT

Transfer of Functions

The following is an excerpt from Headquarters Circular No. 67-30, signed by the Postmaster General on July 3, 1967:

I. *Purpose.* A. To establish an Equal Employment Opportunity Division in the Bureau of Personnel.

B. To establish a Contract Compliance Division in the Office of the General Counsel.

C. To establish a Parcel Post Branch in the Customer Relations Division, Bureau of Operations.

D. To abolish the Office of Special Projects, and to retain the Special Assistant for Policy and Projects as a staff function reporting to the Postmaster General/Deputy Postmaster General.

II. *Background.* A. The establishment of a division in the Bureau of Personnel to administer the provisions of Executive Order 11246 is essential to the strengthening of the Equal Employment Program in the postal field service. It permits centralization of all such activities in the Department; the administration of equal employment activities in regional offices and postal data centers, formerly a responsibility of the Office of Regional Administration, is transferred to the new division.

B. The establishment of a Contract Compliance Division in the Office of General Counsel to carry out the responsibilities of the Department under Executive Order 11246, recognizes the need to emphasize the legal aspects of this function. It also provides an opportunity for the program in the field to be supervised by the regional counsels.

C. The Department's efforts to make the parcel post program viable was sufficient justification to establish the function as an activity of the Special Assistant for Policy and Projects at the time that action was taken. Now that the effort is well underway, it is appropriate that the parcel post program become a permanent organization element of the Bureau of Operations.

D. The activities of the Office of Special Projects have been devoted principally to improvement of the parcel post service. Therefore, the Office will cease to function as a separate organizational entity as the parcel post function is permanently established. The function of Special Assistant for Policy and Projects will continue in order to provide high-level staff assistance to the Postmaster General/Deputy Postmaster General on matters concerning policy and program development.

IV. *Effective date.* These changes are effective with the issuance of this Headquarters Circular.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 11, 1967.

[F.R. Doc. 67-8160; Filed, July 14, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18552]

ANCHORAGE-FAIRBANKS SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 1, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 11, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-8193; Filed, July 14, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 7B2189) has been filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer at levels not to exceed 0.25 percent by weight of olefin films intended for use in contact with nonfatty foods.

Dated: July 6, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-8188; Filed, July 14, 1967; 8:48 a.m.]

Office of Education

DIRECTOR, DIVISION OF SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Delegation of Authority

Pursuant to the authority vested in the Commissioner of Education by section 13(a) of P.L. 81-815 (20 U.S.C. 643(a)), the authority of the Commissioner of Education under sections 9 and 10(b) of said P.L. 81-815 (20 U.S.C. 639, 640(b)) to execute deeds of conveyance or other documents transferring to local educational agencies all the right, title, and interest of the United States in and to school facilities, without charge but on such other terms and conditions and at such time as is deemed appropriate, is delegated to the Director of the Division of School Assistance in Federally Affected Areas, Bureau of Elementary and Secondary Education, Office of Education.

Dated: July 7, 1967.

HAROLD HOWE II,
Commissioner of Education.

[F.R. Doc. 67-8186; Filed, July 14, 1967; 8:48 a.m.]

Social Security Administration

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The following statement supersedes all previous material issued in Part 8 (Social Security Administration) of the Statement of Organization and Delegations of Authority for the Department of Health, Education, and Welfare.

8-A *Mission.* The Social Security Administration administers the Federal retirement, survivors, disability, and health insurance for the aged programs and the Federal Credit Union Act. It is responsible for studying the problems of poverty, insecurity, and the health care needs of the aged and the contributions that can be made to their solution by social insurance and related programs, and for making recommendations as to the most effective methods of improving social and economic security through social insurance.

8-B *Organization and functions.* The Social Security Administration is under the supervision and direction of the Commissioner of Social Security, and is composed of the following organizational components:

Office of the Commissioner (OC)—Gives overall executive leadership to the administration of the Federal retirement, survivors, disability, and health insurance for the aged programs and the Federal Credit Union Act. Establishes objectives within the broad and general statutory requirements, and provides program and policy formulation and guidance.

Office of the Assistant Commissioner, Field, OC—Provides day-to-day guidance to the Regional Assistant Commissioners; interprets policies and objectives; indentifies major program and administrative problems affecting the field and takes, initiates or recommends action on them. Assures for the Commissioner that inter- and intraregional problems arising in the field are given prompt attention. Through day-to-day contacts with the Regional Assistant Commissioners, assesses the effectiveness and adequacy of social security program administration in the field and the responsiveness of the field organization to the public and to the policies, directives, and values of the Commissioner; keeps the Commissioner fully informed on these matters. Carries out personal and confidential assignments relating to any aspect of program administration for the Commissioner.

Office of the Regional Assistant Commissioner, OC—Serves as the personal representative of the Commissioner in the social security region (the U.S. is divided into eight such regions, each region headed by a Regional Assistant Commissioner) and is accountable to the Commissioner through the Assistant Commissioner, Field. Coordinates the activities of and provides broad general leadership and direction to the bureaus' regional representatives. Assures timely and coordinated implementation of SSA policies to achieve program objectives, evaluates program accomplishments, identifies problem areas, and initiates or recommends corrective measures. Represents SSA in dealings with the DHEW Regional Directors, and with officials of public and private organizations.

Office of the Actuary—Conducts actuarial and demographic research in social insurance and related programs, and makes actuarial appraisals of existing and proposed programs involving problems of financing, estimating future claims and program costs and workloads (both long-range and short-range), and evaluating operations of the four Trust Funds; develops and analyzes actuarial data for benefit estimates and valuations; provides technical and consultative services to congressional committees, congressmen, public advisory committees, and other Federal agencies; provides expert testimony before congressional committees concerning actuarial estimates when they are considering legislative changes in the social security programs. Performs actuarial valuation work for the Retired Serviceman's Family Protection Plan.

Office of Administration (OA)—As the staff arm of the Commissioner for overall management and direction of SSA, assists the Commissioner and acts for him in the development, promulgation, coordination, direction and evaluation of all policies, procedures, systems, and operations necessary for carrying out the mission of SSA. Represents SSA on matters of overall program administration with the Department, other Federal agencies, and non-Federal organizations. Plans, initiates, coordinates and carries out SSA-wide management programs.

Employee Management Relations and Equal Employment Opportunity Staff, OA—Establishes guidelines to carry out employee - management cooperation (EMC) under Executive Order 10988 and equal employment opportunity (EEO) under Executive Order 11246. Develops and coordinates policy and appraises the effectiveness of both programs, SSA-wide. Insures that the employment policies of medicare insurance intermediaries under contract with SSA meets the requirements of Executive Order 11246. Acts as liaison between SSA and DHEW and other agencies in the areas of EMC, EEO and civil rights. Represents SSA in contact with public and private organizations interested in EEO and EMC.

Management Coordination and Special Projects Staff, OA—As an extension of the Assistant Commissioner for Administration, carries out selected projects of an important, complex, or unusual nature or in which prompt completion is required. This may involve coordinating the work of all or several offices or bureaus if the project cuts across component lines or expediting a project through encouragement, direction or assistance. Carries out or takes the lead in special projects of major SSA-wide significance or importance.

Division of Administrative Appraisal and Planning, OA—Plans, directs and coordinates an extensive management program designed to: Establish major operating goals and measures of effectiveness for program administration; develop systematic approaches to evaluating organizational performance; identify current and emerging problems and policy/procedural issues; develop and implement consistent and progressive administrative policies and philosophy; anticipate and plan for long-range needs of program administration; perform long-range operational, organizational, and administrative planning; and provide leadership to SSA administrative planning for pending legislation. Develops and administers the SSA-wide management information and management appraisal programs and systems.

Division of Audits and Investigations, OA—Plans and directs SSA internal audits and investigations program. Conducts comprehensive audits in headquarters and, independently or in collaboration with DHEW, plans and conducts field audit programs. Appraises existing policies, procedures, and practices for effectiveness and efficiency and for compliance with law and regulations. Reviews DHEW and GAO audit reports; provides liaison with DHEW Office of Audit and GAO site audit team; prepares reports on SSA internal audit and investigative activities. Conducts or directs investigations of alleged program and other criminal violations, of employee misconduct, and other irregularities. Develops and implements policies and procedures for and provides staff consultation on SSA internal audit and investigative activities.

Division of Employee Development, OA—Administers the SSA employee development program. Establishes objectives, policies, standards, and procedures. Works with SSA components in planning and appraising programs designed to meet such needs. Coordinates employee development programs of the components, and plans and conducts training programs on an Administration-wide basis. Negotiates for the use of outside facilities and outside specialists in the conduct of special training. Administers a service program for identification, evaluation and development of improved teaching methods, aids and techniques. Directs and coordinates the SSA Center for Continuing Education. Administers the SSA Career and Educational Guidance Program.

Division of Financial Management, OA—Manages the financial affairs of the Administration. Plans, prepares, explains, and executes the SSA budget; studies and surveys the expenditure of funds. Prepares and justifies budget estimates to finance program and other legislative changes. Maintains administrative accounts, and certain trust fund expenditure and receipt accounts; audits and certifies vouchers for administrative expenses; prepares basic and required financial reports. Stimulates issuance of financial and/or administrative policies and instructions. Coordinates development of financial systems within the Administration and with the Department. Reviews financial systems and methods. Provides financial advice on program matters and initiates cost studies.

Division of Operating Facilities, OA—Directs and appraises Administration-wide management programs in the areas of: Construction and leasing of buildings space utilization, forms and records, printing and graphics, real and personal property, procurement, supply, and mail systems and civil defense. Provides Administration liaison with the General Services Administration on matters related to the maintaining and servicing of central office facilities. Manages the Administration Library and related services. Provides a variety of central office services such as: Centralized secretarial services and training, centralized dictation facilities, parking, travel, and transportation.

Division of Personnel, OA—Directs the Social Security Administration personnel management program. Within the framework of Federal statutes and DHEW regulations, formulates and issues personnel policies, regulations, program guides and standards, and evaluates program implementation. Carries out or coordinates position classification, recruitment, placement and employee relations programs. Participates in administration of programs for employee-management cooperation, equal employment opportunity and employee communications. Provides assistance to components, field installations and component personnel offices in their personnel operations. Provides personnel operations services for headquarters offices.

Division of Systems Coordination and Planning, OA—Plans overall specifications and design of and evaluates SSA systems. Recommends the establishment and maintenance of administrative systems policies. Assures the integration and coordination of systems development throughout SSA. Establishes and maintains controls to assure that systems are changed only with Office of Administration knowledge and approval, and reviews and evaluates proposals for systems or equipment changes and acquisitions.

Employee Health Service, OA—Promotes health, efficiency and productive longevity of SSA employees through administration of a comprehensive employee health program. Treats directly all types of medical emergencies in work situations, or arranges for use of other private and Government services. Administers mass screening programs or offers individual services for detection of various health problems. Makes referrals to appropriate private and community resources. Conducts various physical examination programs. Administers a broad environmental health program establishing and enforcing highest possible standards of health and comfort. Administers an Adminstration-wide safety program. Pursues a continuing health education program to ensure understanding and cooperation of employees.

SSA Employee Communications Staff, OA—Plans, develops and directs a comprehensive management-employee communications program; publishes a variety of informational materials including a monthly employee magazine, a semimonthly management newsletter and a weekly central office bulletin; writes and edits administrative reports and presentations; guides and appraises regional employee communications; provides advice and consultation on communications matters.

SSA Operations Research Staff, OA—Establishes a high caliber, effective and responsive operations research capability within the Social Security Administration. (Operations research implies a mixed scientific discipline approach to systems analysis and evaluation.) Participates in the development and improvement of programs designed to optimize the operation of the entire system. As necessary, utilizes mathematical analysis, statistical techniques, model-building, and cost/benefit studies for the purpose of quantifying the presented problem areas and providing clear, definitive alternative courses of action to facilitate management decisions.

Office of Information (OI)—Plans and directs a nationwide program of public information to provide public understanding of rights and responsibilities under social security programs. Develops guidelines, techniques and key materials applicable to all informational media. Carries out cooperative activities with other organizations to inform the public and providers of health services. Conducts surveys and studies to identify problems and to determine the effectiveness of informational activities. Provides advisory and consultative services to the Commissioner and to bureaus and offices of SSA, and to the Office of the Secretary on public information and public relations aspects of SSA programs. Provides staff direction to SSA's public correspondence activities.

Division of Operations, OI—Develops, formulates and evaluates nationwide objectives, themes and action messages. Conducts surveys and studies of levels of public understanding. Issues instructions and guidelines on public information materials, activities and techniques. Originates contacts and/or responds to outside requests resulting in comprehensive programs to reach the public through national groups and organizations. Conducts a program of community relations in Baltimore. Provides tour and receptionist services for the Social Security Building. Conducts the SSA Speakers' Service. Operates a Washington inquiries program serving congressional offices, Departmental and other governmental offices and the public.

Division of Production, OI—Plans and produces materials for use by all major media (publications, magazines, radio, television, motion pictures, direct mail, exhibits, posters and speeches). Initiates, develops and implements policy on the nature, style, content and use of informational materials. Directs production of materials by contractors. Provides technical assistance to SSA components in the preparation and production of other issuances having public information aspects; clears such materials for conformance to policy, for suitability of presentation editorially and aesthetically, and for public relations and public understanding. Prepares speech materials and background information for use by Administration, Department and other Federal officials.

Division of Public Inquiries, OI—Formulates, establishes, promulgates and assesses Administration policy governing public correspondence. Conducts studies and surveys to detect and evaluate Administration procedures and practices which may create misunderstanding, adverse public reaction or other public relations problems. Recommends corrective action as necessary. Provides advice and assistance to Administration officials and liaison with the Department on public correspondence matters. Conducts a program to improve Administration correspondence with the public. Receives, analyzes and controls high priority written and telephone inquiries. Replies to many of these inquiries and reviews all written replies to such high priority inquiries prepared elsewhere in the Administration.

Office of Program Evaluation and Planning (OPEP)—Evaluates the effectiveness of the social security program in providing security through retirement, survivors, disability and health insurance. Develops a consistent and equitable program philosophy; formulates, interprets and elucidates program objectives. Develops, evaluates and makes recommendations concerning legislative proposals for changes in the social security program. Analyzes and makes recommendations on related income maintenance and health insurance proposals, particularly those which may involve coordination with the social security program, and on other methods of providing economic security through social insurance. Provides technical and advisory services to responsible officials within the executive branch, to congressional committees and individual congressmen and to private organizations interested in social security legislation.

Division of Coverage and Disability Benefits, OPEP—Develops and evaluates legislative proposals for extending social security protection to groups not yet covered and evaluates proposals for program changes in the light of their effect on special coverage groups. Studies and makes recommendations on measures dealing with the provision of income maintenance for the disabled and their dependents through the social security system. Recommends methods for coordinating with the protection afforded under other public retirement or disability programs.

Division of Health Insurance, OPEP—Evaluates the present health insurance program in terms of its effectiveness in providing adequate health insurance protection for the aged and develops and analyzes legislative proposals to fill gaps in the protection provided and proposals to change the health insurance provisions in other respects. Evaluates the need for health insurance on the part of social security beneficiaries under 65 and develops alternative courses of action for meeting these needs through legislation. Makes recommendations on methods and sources of financing the health insurance program. Recommends methods for coordinating the health insurance protection afforded under social security with that afforded under other public retirement programs.

Division of Retirement and Survivors Benefits, OPEP—Develops and elucidates overall program principles and philosophy. Evaluates and prepares proposals for legislative changes in the social security program in the area of retirement and survivors benefits and also in those aspects of the program that are not primarily concerned with coverage, disability, or health insurance. Analyzes and makes recommendations on related income maintenance proposals. Conducts studies to aid in defining and resolving various program issues such as the level of social security benefits and the range of dependents who should receive benefits and the establishment of priority among these dependents.

Office of Research and Statistics (ORS)—Plans and conducts broad research and statistical programs, studying the problems of poverty, insecurity and health costs and the contributions that can be made to their solution by social insurance and related programs and makes recommendations as to the most effective methods of improving social and economic security. Provides continuing evaluation of effectiveness of national policies and procedures in meeting program goals, and as basis for management decisions. Compiles, analyzes and publishes data for use of other agencies, universities and research organizations. Conducts and participates in international social security programs, extramural research grant and contract programs, and continuous evaluation and measurement of basic program policies.

Evaluation and Measurement System Staff, ORS—Plans, directs and coordinates the development and operation of a system of continuous statistical evaluations and measurement of basic claims and related policies and procedures.

International Staff, ORS—Develops, coordinates and carries out programs designed to assemble and analyze information about social security programs of all countries; plans and carries out comparative economic studies of selected aspects of foreign programs; coordinates relationships between SSA and international social security organizations, interchanging information on program matters; provides technical guidance and participates as appropriate in development and implementation of U.S. international policy in the social insurance field; plans and directs study and training programs for foreign nationals in social security; advises AID and other agencies and governments on training resources and methods in the United States and assists in training for technical assistance.

Publications Staff, ORS—Plans, stimulates and guides an overall research and statistics publications program; plans, edits and publishes the Social Security Bulletin.

Annual Statistical Supplement, the Research Report series and other reports; provides professional-level writing and editing services to assist in preparing research and statistical documents for publication.

Research Grants Staff, ORS—Develops, coordinates and carries out SSA aspects of the cooperative research grants program; stimulates interest in the program and identifies new or existing areas of knowledge or problems which may be usefully studied under the program; provides guidance to research applicants; reviews applications and preliminary proposals for grant research; reports progress and findings of SSA-related projects.

Division of Economic and Social Surveys, ORS—Plans, develops and directs a continuing national survey program designed to expand our information on the income and security of individuals and families. Surveys of the aged, disabled, families with children and persons in institutions are undertaken to obtain knowledge for program evaluation and planning purposes.

Division of Health Insurance Studies, ORS—Plans, develops and directs the statistical system for the health insurance program; carries out special studies and analyses of the operation of the program, including utilization of services and trends in costs; plans, directs and conducts research on the impact of the program on other public and private programs, on the financial status of hospitals, on total medical expenditures and costs; carries out studies of unmet needs and related questions. Assumes leadership in coordinating the SSA research program in this area with related studies carried out or supported by other agencies, e.g., the Public Health Service, the Bureau of Family Services.

Division of Program and Long-Range Studies, ORS—Plans and directs a program of long-range research in the broad field of economic security, including studies of income distribution and measures of income adequacy, trends in poverty and low income, redistributive effects of the social security system, methods of social security financing and impacts on the total economy. Plans and directs program-related research directed primarily to evaluation of the effects of existing provisions of the Act. Plans, directs and coordinates research concerned with the relationship of social security and other public and private income maintenance programs.

Division of Statistics, ORS—Plans and directs the development and maintenance of a broad statistical program, involving basic OASDI program statistics, the provision of statistical services across SSA lines and technical consultation to users of SSA statistics within and outside the agency.

Bureau of Data Processing and Accounts (BDPA)—Plans and develops systems for, and establishes and maintains, all records and accounts which form the basis for determination of entitlement and computation of benefits payable under the provisions of the Act. Develops reporting requirements for employers and self-employed persons. Certifies earnings data and computation of benefit amounts for use in processing claims. Investigates and resolves all reporting discrepancies and related matters. Furnishes data to the Treasury Department to enable proper crediting to the Trust Funds. Provides basic data for the development of comprehensive statistical studies. Is responsible for SSA EDP systems analysis, programming and operations.

Division of Accounting EDP Systems, BDPA—Designs and implements EDP systems for: Establishing and maintaining employee/employer accounts; processing improperly reported earnings items; establishing and maintaining various management controls. Responsible for health insurance recordkeeping EDP system design including: Establishing and maintaining beneficiary, provider and group premium files; processing queries, replies, bills and payment records; and preparation of identification cards, premium and utilization notices. Provides technical advice and assistance to Administration components, State, Federal, domestic and foreign organizations. Evaluates and acquires latest techniques and equipment pertinent to the Bureau's mission in data processing.

Division of Accounts and Adjustments, BDPA—Identifies and reinstates earnings items, health insurance inquiries, doctor bills and hospital notices reported incorrectly or incompletely as to name or number. Processes notices received from Internal Revenue correcting reported earnings, periods or account numbers. Processes evidence postings based on district office investigations. Adjusts accounts when account holders' identities have been confused. Maintains registers of accounts established, health insurance records, files of suspense and reinstated items, employer wage reports, self-employed income reports and detailed earnings listings. Answers and/or initiates correspondence relating to earnings and health insurance records.

Division of Central EDP Operations, BDPA—Converts earnings data from employer wage reports to magnetic tape and performs a series of EDP operations to update summary records for individual accounts. Electronically analyzes earnings data and prepares computations to derive primary insurance amounts applicable to the certification of original claims cases, disability benefit cases and recomputations; identifies and reinstates earnings items reported incorrectly; maintains and updates benefit-in-force rolls and provides data to payment centers; maintains and updates health insurance benefit rolls and provides data to intermediaries. Provides operational control of the SSA telecommunication network.

Division of Certification, BDPA—Analyzes, makes determinations and certifies to district offices and payment centers all earnings data and primary insurance amounts applicable for adjudicating original claims, recomputations and disability benefits, and in disability benefit cases determines and certifies whether the insured status test is met. Resolves discrepancies involving differences between this Division's records and individuals' statements of earnings and employment. Reviews district office determinations or makes certain determinations on the basis of evidence submitted by district offices as to whether or not alleged employment is employment as defined by the Social Security Act.

Division of Claims and State Coverage Methods, BDPA—Plans, develops and selects operating policies and systems, and issues instructions for: Claims certification, claims-process coordination with other bureaus and agencies, issuing earnings statements, reconciling disagreements to earnings and medicare utilization statements, disclosing with or without charge confidential information from the records, and administering the contractual coverage of State and local government employees, including the collection and accounting of all related payments. Constructs, analyzes and advises regarding related policy positions, legislative proposals and program objectives. Negotiates, coordinates and assists regarding needs of other bureaus and outside agencies and organizations.

Division of Claims EDP Systems, BDPA—Designs and implements EDP systems for: Establishing and maintaining the master beneficiary accounts and all related subsidiary tape files; processing initial and subsequent awards originating with the request for earnings record and computation action, and continuing to the introduction of the account on the beneficiary rolls; producing numerous statistical, study and management data required from the beneficiary roll; furnishing HI-SMI entitlement and billing data to the HI-EDP processes; providing a file reference capability to service requests for master record data; developing and maintaining post-entitlement applications and processes which facilitate the continuing maintenance of the beneficiary records.

Division of Management Coordination, BDPA—Provides overall direction in the analysis, appraisal, evaluation and coordination of the Division's management activities to assure an integrated and well-balanced management program embracing the fields of fiscal management, cost accounting, medical group premium collections, clerk time and production controls, organization planning, management standards, training and staff development, reports management, work planning and reporting, personnel management, incentive awards, communications, conference planning and reporting and related management functions. Provides study programs and informational services to visitors; performs special assignments and administrative duties for the Director.

Division of Registration, BDPA—Controls printing and distribution of prenumbered account cards. Issues duplicate account cards. Establishes and corrects account holder records. Furnishes missing account numbers. Maintains files of the Bureau's correspondence, employee and employer applications. Answers correspondence relative to individual and employer numbers. Initiates BDPA processing of claims, disability and medicare actions. Receives employer wage and self-employment reports of income for audit prior to electronic processing. Receives and medically codes a sampling of medical bills. Establishes and maintains the Bureau's State and local government accounts. Establishes records for Minister Waiver Certificates. Furnishes photographic services. Provides safe storage of key duplicate records as a safeguard against disaster.

Division of Report Processing, BDPA—Processes employer wage and self-employment income reports. Converts earnings data from these reports to punch cards. Performs sorting, listing, blocking and auditing operations; corresponds with the Internal Revenue Service and employers on discrepancies. Performs a series of clerical operations necessary for the auditing and control of the quarterly updating of employee accounts and the reinstating processes for rejected items; audits earnings data and adjusts discrepancies; maintains the eligibility records for the health insurance programs; audits and controls the processing of payment records. Corresponds with intermediaries and providers dealing directly with the Administration.

Division of Reporting and Accounting Methods, BDPA—Initiates, develops and issues new or revised operating policies and procedures for establishing the social security records, processing all earnings data to update these records and for various segments of the health insurance program. Analyzes proposed legislation and policy changes and statistical data demands for procedural and operational implications and for administrative feasibility. Coordinates the Division's operating procedures with other Administration components, other governmental agencies and with the EDP systems divisions to assure desired integration of clerical and manual procedures with EDP operation.

Division of Statistical Services, BDPA—Provides advisory services to other components, other Government agencies and non-Government organizations on availability, timing and adequacy of Bureau data for various projects wherein SSA records or internally created records would be used. Assists these organizations by planning and developing procedures and EDP programs for and processing a large variety of projects covering data on: Health insurance, disability, routine and special management studies, claims, employers and employee earnings or self-employment income, and employee lifetime employment history. Conducts studies jointly with other components on problems of mutual concern. Provides liaison with other components regarding requests for statistical data.

Division of Telecommunications Management, BDPA—Provides management planning, direction and appraisal of record and voice telecommunications systems to support SSA programs. Devises, recommends and executes policies and procedures to assure efficient, economical communications services and facilities. Collaborates on development of fiscal plans and budget. Develops and issues technical operating manuals, directories and training programs. Approves major changes of SSA telephone plant; manages and operates central office telephone systems. Maintains technical liaison with SSA elements, Federal agencies, private concerns, carriers and vendors consistent with policy set by legislation, directives, contracts and tarrifs.

Bureau of Disability Insurance (BDI)—Administers a national disability insurance program. Promulgates policies and procedures for administration of disability operations. Negotiates agreements, advances funds, establishes administrative and fiscal controls and provides direction for management of State agency disability operations. Reviews disability claims adjudicated in district offices and State agencies; processes disability claims for payment; and maintains rolls of disability beneficiaries. Provides technical direction for processing disability claims in district offices. In cooperation with the Vocational Rehabilitation Administration, promulgates policies and procedures for administration of the disability beneficiary rehabilitation program. Appraises the quality and effectiveness of disability program administration. Participates in legislative planning.

Medical Consultant Staff, BDI—Develops broad medical concepts and policies for administration of the disability program. Provides consultation on all medical aspects of disability program planning and administration. Directs and/or provides consultation for research studies to develop improved medical techniques for reevaluating and measuring disability. Develops and conducts orientation and training programs for medical personnel in the Bureau and in State agencies. Develops medical evaluation and development policies and guides. Provides medical consultation and review on certain individual claims determinations. Establishes and maintains liaison with professional medical organizations to promote program goals. Represents the Administration and Bureau with other agencies and organizations.

Division of Benefit Services, BDI—Processes awards for disability benefits. Certifies to the Treasury Department benefit amounts payable on disability claims. Suspends, terminates and adjusts benefits of individuals and their dependents on the disability rolls. Prepares benefit payment data for introduction into the computer system and maintains accounting controls and records using EDP techniques as well as more conventional methods; coordinates computer operations with the Bureau of Data Processing and Accounts. Recommends disability policy, procedural and legislative changes. Coordinates Division operations with other bureaus of the Social Security Administration, State agencies, the Treasury Department, the General Accounting Office and the Post Office Department.

Division of Disability Policy and Procedures, BDI—Promulgates policies and procedures for processing disability claims through all stages of operations in district offices, State agencies and the Bureau of Disability Insurance. Recommends regulations pertaining to disability. Adapts the Bureau's methods of processing to the Social Security Administration operating procedures for authorization and payment of disability claims. Provides interprogram coordination with public and private organizations concerned with disability; renders technical assistance in the preparation of rulings and program materials; collaborates in legislative planning. Acts as consultant on disability policy matters.

Division of Evaluation and Authorization, BDI—Reviews State agency determinations of disability in initial claims and in cases involving issues of continuing disability. Reviews district office determinations of nondisability factors for entitlement to primary or auxiliary disability insurance benefits and authorizes allowance or disallowance of disability claims. Negotiates issues arising in review of State agency determinations. Adjudicates disability cases excluded from State agency jurisdiction. Recommends disability policy, procedural and legislative program changes. Evaluates and reports on quality of State agency disability determinations and provides guidance to assure conformity in initial determinations. Coordinates with the Railroad Retirement Board on disability determinations involving the two programs.

Division of Management and Appraisal, BDI—Initiates, plans and directs Bureau fiscal, statistical analysis, management improvement and administrative management programs. Provides a program of training and personnel management. Formulates Bureau work plans and work emphases. Provides general administrative management services. Surveys, analyzes and appraises operating and administrative systems, methods, functions and organization to devise, develop and implement management improvements in Bureau operations; appraises the quality of adjudication at all stages of the disability claims process. Directs and coordinates a program of studies and statistical analyses to appraise and improve administrative policies, procedures and operations. Provides a system of statistical data for use within and outside the Bureau.

Division of Reconsideration, BDI—Reviews disability determinations reconsidered by State agencies when claimants disagree with the initial determination. Exercises the Secretary's authority to approve, revise or reverse State agency disability determinations. Negotiates issues arising in review of State agency disability determinations. Reconsiders disability cases excluded from State agency jurisdiction. Also reconsiders all disability claims contested for issues other than existence and duration of disability. Recovers or waives amounts incorrectly paid to beneficiaries. Analyzes decisions of hearing examiners, Appeals Council and the courts for impact upon administration of the disability program. Evaluates claims to recommend Administration position for disability determinations in litigation.

Division of State Disability Operations, BDI—Develops and maintains a continuing program of surveillance and evaluation of disability program operations at regional and State agency levels. Provides guidance and assistance to regional offices in carrying out their responsibilities for program direction in the field. Develops and carries out Bureau activities to stimulate the vocational rehabilitation of disability applicants and beneficiaries. Cooperates with the Vocational Rehabilitation Administration in the formulation of regulations, policies and procedures for Trust Fund payment of disability beneficiary rehabilitation services. Develops and maintains a comprehensive national system of policies, standards, procedures and guides for the administrative and fiscal management of contracting State agencies.

Office of the Regional Representative, Disability Insurance, BDI—Provides direction and leadership for the disability insurance program at the regional level. Reviews and evaluates State agency activities, providing guidance in the substantive program and administrative areas; reviews State agency budgets. Provides technical direction for disability insurance program operations in the district offices. Coordinates with other regional representatives in SSA or DHEW constituents concerned with the disability program. Establishes and maintains relationships with professional organizations, participates in public information activities for the disability program.

Bureau of District Office Operations (BDOO)—Supervises the operations of a national network of social security district and branch offices which are responsible for: developing public understanding of the purposes and provisions of the programs of the Social Security Administration and the public's rights and responsibilities thereunder; assisting the public in filing claims for retirement, survivor and disability benefits and in filing applications to establish health insurance coverage; developing and adjudicating OASDI claims, conducting earnings record, coverage, fraud and related investigations; making referrals for rehabilitation services; issuing social security account numbers; assisting claimants in filing appeals in pursuit of their claims for benefits under the program; and coordinating areas of mutual program or operating interest with governmental and private organizations.

Operations Analysis and Standards Staff, BDOO—As the staff arm of the Bureau Director, is responsible for: Conducting special analyses, studies and investigations as requested by the Director or initiated by the Staff; developing criteria, in concert with Bureau components, for objective measurement of overall Bureau operations; designing and directing a Bureau-wide program of survey; establishing standards for claims processing time and work production rates for field facilities; and receiving and evaluating the various periodic statistical and other management reports in the Bureau to provide the Bureau Director with an organized and orderly picture of operations.

Division of Field Operations and Management, BDOO—Provides leadership to over 20,000 employees located in some 700 installations throughout the country to assure effective and economical fiscal, personnel and other management activities by developing management policies and procedures, by assisting in their installation and by appraising their effectiveness. Contributes to the development, appraisal and modification of SSA management policy and procedure from the viewpoint of administrative feasibility and public and district office reaction and experience. Represents the Bureau in coordinating regional and district office management operations with other SSA components and outside organizations.

Division of Field Organization and Methods, BDOO—Carries out a broad organization and methods program affecting the design and nature of district and branch offices and resident and contact stations throughout the country. Directs long-range studies leading to improved organizational arrangements and a continuing program of systems analysis and planning. Develops criteria and specifications for the Bureau reports system based on analysis of the need for operational data and information. Participates in a continuing nationwide review of field installation operations and management designed to identify problems and contribute to the overall appraisal of SSA policies and procedures.

Division of Operating Policy and Procedure, BDOO—Provides leadership to regional and district offices to assure effective and economical implementation of OASDHI program provisions by developing operating policies and procedures, assisting in the implementation of substantive policy and procedures and giving assistance to regional offices. Contributes to the development, appraisal and modification of substantive policy and procedure and legislative program planning from the viewpoint of administrative feasibility and public and district office reaction and experience. Represents the Bureau in coordinating regional and district office operations with other SSA and outside organizations.

Office of the Regional Representative, District Office Operations, BDOO—Serves as focal point of line authority through which management and operational aspects of district office responsibility and performance are supervised and coordinated. Provides leadership, guidance and direction to from 20 to 80 or more district and branch offices through the principal line officer, the regional representative, and his assistant regional representatives, each of whom is responsible for supervision of a network of 10 to 13 district offices. Ensures consistency of operations with regional and central office policies and procedures.

Bureau of Federal Credit Unions (BFCU)—Administers the Federal Credit Union Act. Plans, organizes and directs a nationwide field organization which is engaged in chartering, examining and supervising Federal credit unions. Prescribes standards, procedures and accounting forms for use by Federal credit unions; promulgates Federal credit union rules and regulations; issues manuals and instructional material, and provides advice and assistance to credit union officials. Compiles and analyzes financial and statistical data on Federal credit union operations; conducts studies of credit union conditions and trends.

Division of Administration, BFCU—Plans and directs the business management functions of the Bureau including: Budget preparation and control; fiscal accounting and auditing for administrative funds, fees and accounts of liquidated Federal credit unions; records management; property accounting; services for travel, procurement, time and leave, printing and supplies. Plans and administers, within the framework of Civil Service laws and regulations and policies of the Department, SSA, and the Bureau, the personnel program of the Bureau including classification, recruitment and placement, appointments, promotion and employee relations. Coordinates the Bureau work planning activities.

Division of Examination and Accounting, BFCU—Plans and develops the Bureau's program for the examination of Federal credit unions; establishes standards and procedures for such examinations; reviews examination reports and participates in field examinations to assure conformity to and appraise the effectiveness of established policies and procedures; and analyzes and reviews all proposed Bureau actions on problem cases, suspensions and special reserve requirements. Establishes standards and requirements for accounting procedures and forms for Federal credit unions. Coordinates preparation and revision of Examiner's Guide, Accounting Manual and Supervisory Committee Manual.

Division of Organization and Standards, BFCU—Plans and directs the development of standards, policies and procedures for: Investigating groups applying for charters to establish Federal credit unions; granting charters; approving bylaws, and charter and bylaw amendments; handling mergers, conversions from State to Federal charters and vice versa, and liquidations. Reviews and analyzes applications for charters and bylaw and charter revisions, and recommends approval or disapproval. Reviews proposed mergers and conversions for conformity to legal and regulatory requirements. Gives guidance and service to regional offices in the above areas of responsibility.

Division of Statistical Research and Analysis, BFCU—Plans, develops, and carries out programs of research in the field of cooperative thrift and credit, with special attention to the role of credit unions in the national financial community. Prepares periodic reports on research activities for the use of Bureau and credit union officials and private groups. Prepares interpretive articles and memoranda on credit union operations. Designs, establishes and supervises regular data collection programs involving Federal and State-chartered credit union operations in the consumer saving and credit fields. Analyzes financial and statistical and other call reports from Federal credit unions. Prepares internal management reports. Compiles regional check list and district assignment lists.

Office of the Regional Representative, Federal Credit Unions, BFCU—plans and directs the execution of all phases of the Federal credit union program in the regions including: Recruitment and development of staff; investigations of applications for proposed new credit unions; examinations of the operations of individual credit unions; comprehensive review of examination reports for (1) conformance with policies and procedures, and (2) accuracy, completeness, and effectiveness; control of shortage, problem, retarded, and liquidation cases; approvals or recommendations as to the acceptability of nonstandard accounting systems and forms, and amendments to charters and bylaws; maintenance of effective working relationships with State Credit Union Leagues and State supervisory agencies.

Bureau of Health Insurance (BHI)—Provides direction for the nationwide administration of the hospital and supplementary medical insurance programs. Establishes policies, standards and procedures for these programs and conducts liaison and negotiates with medical and other professional groups. Negotiates and renegotiates agreements and contracts with State agencies and intermediaries for carrying out provisions of the Act. Monitors performance of intermediaries and State agencies. In cooperation with other governmental agencies, develops requirements for participation of providers of service which are necessary in the interest of the health and safety of patients. Develops and issues national principles for reimbursing institutional providers of services and national criteria for determining charges for physicians and related medical services.

Office of the Chief Medical Officer, BHI—Advises the Bureau on professional medical aspects of the overall administration of the Health Insurance For The Aged program. Maintains liaison with leadership of professional organizations representing the medical community in the United States to enhance understanding of program objectives and to improve program cooperation.

Division of Intermediary Operations, BHI—Establishes qualification standards, guidelines and procedures for the selection of intermediaries. Negotiates, renegotiates and recommends termination of agreements with intermediaries. Reviews, evaluates and approves intermediaries' operating budgets and requests for advance of funds; maintains continuing control of amounts expended; establishes intermediary reporting procedures. Reviews and evaluates the effectiveness of intermediaries' performance through analysis of reports, audit reports and comprehensive surveys. Participates in the development of policies and procedures for audits of intermediaries. Serves as the primary center for intermediary-Administration communication; assists intermediaries in resolving program and operating problems; coordinates activities of intermediaries with the Administration.

Division of Management, BHI—Develops, coordinates and implements a total management program for the Bureau including: Providing management analysis services; planning and operating the financial management program; conducting manpower selection and placement, employee development, fair employment, employee-management relations, position control and manpower utilizations; formulating, developing and issuing internal administrative communications; providing project control, problem area reporting, coordination of Bureau work planning activities, management information (including collection of operating data and preparation of operating statistics), administrative services for advisory groups and a variety of administrative support services.

Division of Policy and Standards, BHI—Develops, issues and appraises policies relating to: The entitlement of individuals to, and their enrollment for, hospital and supplementary medical insurance coverage; coverage of services, benefit amounts, coverage periods and SMI premiums; intermediaries' and providers' participation agreements and transfer agreements. Leads in the development of policies and procedures for determinations, reconsiderations and appeals, and for disclosure of information and detection and handling of fraud under the health insurance program; and for SSA, leads in the developing of conditions of participation for providers and independent laboratories. Prepares specifications for regulations. Furnishes technical services in connection with appeals and to advisory groups.

Division of State Operations, BHI—Establishes and maintains relationships with State agencies for certification of providers and independent laboratories; negotiates agreements with State agencies; conducts training sessions with regional offices, State and local agencies. Participates in developing conditions for participation of providers of services; provides instructions and procedures for certification, recertification and reconsideration; reviews and evaluates the application of the conditions by State agencies and regional offices. Directs, coordinates and evaluates application of the emergency services provision of the law. Establishes fiscal policy for State agency operations; reviews and approves State agency operating budgets; provides for expenditure reporting; and evaluates State agency and regional office certification activities. Reviews all provider certification reconsideration decisions.

Division of Systems, BHI—Directs the development and issuance of specifications, procedures and other instructional material to implement and maintain operational systems applicable to: Intermediaries, providers and other suppliers of services; the enrollment and eligibility of beneficiaries, their notification as to utilization of services and the collection of premiums; and methods for the direct reimbursement of providers where applicable. Assures effective coordination with all major operational components; evaluates the total system in terms of processing time, accuracy, cost and service. Plans, conducts and evaluates studies aimed at long range improvements in systems, methods and procedures. Coordinates the issuance of all instructions to intermediaries and providers.

Division of Reimbursement, BHI—Develops, issues and appraises accounting principles, policies, procedures and guidelines for determining reasonable cost of services furnished beneficiaries under the hospital insurance program, and for establishment of reasonable charges for services of physicians and others under the supplementary medical insurance program. Establishes and maintains liaison with key representatives of professional organizations in the field of provider and medical insurance reimbursement. Works with DHEW Audit Agency in developing audit programs and guides for provider audits. Provides full intermediary services—consultative, claims authorization and auditing—for direct dealing providers.

Office of the Regional Representative, Health Insurance, BHI—Represents the Bureau on a regional level. Coordinates, reviews and evaluates provider certification and recertification activities of State agencies; approves provider agreements. Serves as focal point for communications with intermediaries; advises intermediaries on claims operations; participates in the evaluation of intermediary activities. Coordinates activities of intermediaries, State agencies, other SSA components, State welfare agencies and other organizations. Negotiates State "buy-in" agreements. Establishes and maintains relationships with professional organizations; participates in public information activities for the health insurance program. Evaluates the operations of the health insurance program in the region and participates in policy development and administrative planning.

Bureau of Hearings and Appeals (BHA)—Conducts impartial and independent hearings and makes decisions involving retirement, survivor, disability or health insurance determinations which have been appealed. Performs a central review of appealed hearing-examiner decisions and renders final decisions. Develops and establishes guidelines and operating instructions to provide basic information to the hearing examiners and to assure equitable hearings. Conducts liaison as necessary with other components of the Department and with other governmental and private organizations.

Appeals Council, BHA—Dismisses, denies, or allows requests for review of hearing examiner decisions; may also review hearing examiner decisions on its own motion. Examines case records, obtains additional evidence, hears testimony, and renders a written decision or order which is the Secretary's final decision on cases accepted for review. Recommends whether to request remand of the Secretary's final decisions appealed to the courts. Obtains additional evidence and prepares supplemental decisions on remanded cases. Recommends whether an appeal should be taken to a higher court on court reversals of Secretary's decisions.

Medical Advisory Staff, BHA—Provides consultative services to the Appeals Council and other bureau components in the evaluation of disability. Plans and conducts continuing medical training of Bureau staff. Negotiates for the services of medical specialists to serve as advisors to hearing examiners and regional hearings representatives. Provides leadership and guidance in stimulating effective utilization of medical advisors through a continuing liaison program with medical advisors, regional hearings representatives and hearing examiners. Participates in the formulation of medical policies used in the evaluation of disability. Maintains liaison with medical groups to promote program understanding and to keep abreast of disability evaluation developments.

Division of Administration, BHA—Plans, directs and coordinates the Bureau's administrative, financial and personnel management programs; provides a variety of management services. Areas of activity include: management studies and analysis, reports and directives management, work planning, work reporting and measurement; budget development and execution; recruitment, appointment, placement, classification and employee-management relations; procurement of supplies and equipment; property and records management and control. Maintains central docket and files; provides mail, stenographic and clerical, duplicating and distribution services to the central office of the Bureau.

Division of Field Operations, BHA—Administers a nationwide organization of hearing examiners engaged in conducting impartial and independent hearings, and in rendering decisions on appeals by claimants from original determinations involving retirement, survivors, disability, or hospital insurance benefits. Provides administrative direction and guidance to the field organization, consisting of regional hearings representatives, hearing examiners and supporting staffs. Plans, develops and executes technical orientation and training for all field personnel. Issues manuals and other directives for field office operations. Conducts field surveys and research and analysis of field hearings activities. Coordinates bureau field activities and conducts liaison with governmental and private agencies.

Division of Program Operations, BHA—Develops, appraises and issues operating instructions for hearing examiners which provide basic information and promote equitable hearings. Provides advice and assistance to the Appeals Council and other bureau officials on complex issues and national policies related to the hearings and appeals process. Provides centralized staff review of hearing examiner decisions to assist the Appeals Council in deciding whether to assume jurisdiction; analyzes cases and recommends Appeals Council action on appealed claims and litigated cases. Identifies problem areas; makes recommendations for improving the hearings and appeals process; develops regulations to implement procedural changes. Participates in the development of rulings and legislative planning.

Office of the Regional Hearings Representative, BHA—Represents the Bureau of Hearings and Appeals in the Region(s). Plans, organizes and administers regional programs for the scheduling and conduct, by hearing examiners, of impartial and independent hearings, and the rendering of decisions on appeals by: Claimants contesting determinations as to retirement, survivor, disability, or hospital insurance benefits; and institutions contesting determinations as to their status with regard to the health insurance program. Provides substantive guidance and administrative direction and leadership to the hearing examiners and their supporting staffs. Coordinates operations and administrative activities with HEW regional office, State agencies and others. Conducts periodic visitations and inspections of the hearings and appeals offices, which serve as centers of operations for hearing examiners.

Bureau of Retirement and Survivors Insurance (BRSI)—Develops, issues and appraises substantive policies, procedures, instructions and interpretive materials to provide program direction for the retirement and survivors insurance claims and benefit processes, and those common to all social security programs. Develops and coordinates such issuances as Social Security Rulings and Regulations, Compilation of Social Security Laws and Social Security Handbook. Directs adminstration of six payment centers responsible for retirement and survivors insurance claims processes; HI and SMI enrollment; SMI premium collection. Provides technical guidance for district officers. Directs OASDI program abroad, develops and authorizes foreign claims and determines continuing eligibility of beneficiaries. Collaborates in legislative planning.

Division of Administrative Review, BRSI—Conducts a continuing appraisal of the application of and compliance with policies and procedures in all phases of the RSI claims process and the quality of results achieved. Analyzes and reviews data flowing from the appraisal activities performed in the BRSI Regional Offices. Identifies problem areas and deficiences in policies, policy application, methods and procedures and recommends corrective action. Provides advice and assistance to other components of the Bureau and Administration concerning the interpretation and application of appraisal findings and recommendations.

Division of Appraisal Systems, BRSI—Develops criteria and techniques for appraising the application of and compliance with policies and procedures in all phases of the RSI claims process and the quality of results achieved. Develops and installs systems for collecting and recording pertinent data. Identifies critical work stations for which quality and/or processing time data is to be obtained. Furnishes advisory and consultative services to the Regional Representatives, RSI, concerning their appraisal activities, and coordinates systems development with other SSA components engaged in related activities.

Division of Benefit Continuity, BRSI—Develops, establishes and evaluates policies, substantive instructions, interpretive and other material relating to: Retirement provisions applying to eligibility to receive benefit payments; withholding of benefits in domestic and certain foreign cases; recovery, adjustment, or waiver of overpayments; underpayments; confidentiality of information; selection of representative payees; use of benefits by representative payees; problems involving benefit checks; fraud or potential fraud in any aspect of program operations; and recommendations for prosecution. Participates in legislative planning and in negotiation and coordination within the Department and with Federal agencies having responsibility for related areas of work.

Division of Coverage, BRSI—Develops, establishes and evaluates policies, substantive instructions, interpretive and other materials relating to: Coverage of employment including special provisions relating to agricultural labor, nonprofit organizations, etc.; State and local employment (including administration of the substantive program); wages and wage exceptions; self-employment including provisions relating to trade or business, tax computations, etc.; statutes of limitation; and miscellaneous exceptions. Participates in legislative planning and in negotiations and coordination within the Department, with Federal agencies having responsibility for related work areas, and with other interested private or governmental organizations.

Division of Entitlement, BRSI—Develops, establishes and evaluates policies, substantive instructions, interpretive and other materials relating to: Applications for all types of benefits; insured status; computation and recomputation of benefits; effect of periods of disability; coordination and integration of OASDI with military service and with railroad retirement; proofs of factors of entitlement, such as age, relationship and support, fundamental procedural requirements in total claims process including reconsideration and appeals. Participates in legislative planning and in negotiations and coordination within the Department, with Federal agencies having responsibility for related work areas, and with other interested private and governmental organizations.

Division of Foreign Claims, BRSI—Administers the RSI, DI and HI programs in foreign countries. Develops, adjudicates and authorizes claims filed by persons living in foreign countries and determines their continuing eligibility. In assigned areas of responsibility, establishes and appraises program policies, procedures and operations, recommending changes or modifications. Provides Administration liaison and coordination with DHEW, the State Department, other agencies, components of foreign governments and private organizations. Provides centralized translation services for the Administration.

Division of Management, BRSI—Initiates, analyzes and coordinates management plans, programs and policies to assure attainment of bureau and Administration operating and management objectives, and the integration of the bureau's activities relating to such matters as: Personnel management; fiscal management; organization; employee development; performance standards; work planning and reporting; reports, correspondence and records management; conference planning; and space and procurement. Develops and implements management improvement policies and procedures and continually appraises those in use. Collaborates with Administration staff offices furnishing related specialized services to provide a well-balanced management program.

Division of Operations, BRSI—Develops, establishes and evaluates new or revised operating policies and procedures for executing the claims processing, benefit payment, benefit accounting and SMI premium collection programs of the payment centers. Participates in legislative planning and the development of changes or revisions in policy or regulations; examines requests for statistical information for procedural and operational implications and for administrative feasibility. Coordinates the Bureau's operating procedures with other Administration components and with other Federal agencies having responsibility for related work areas. Coordinates with EDP system planners to assure desired integration of internal EDP, clerical and manual procedures with Administration-wide EDP operations.

Division of Technical Services, BRSI—Coordinates the development, clearance and publication of RSI program procedures, substantive instructions and related materials. Develops and appraises instructional media, claims forms and clearance methods. Plans and coordinates the issuance of Social Security Rulings. Plans, develops, appraises and coordinates publication of the Social Security Handbook, Compilation of the Social Security Laws and related issuances. Coordinates the preparation of the Social Security Administration Regulations for approval by the Secretary and for publication in the FEDERAL REGISTER. Maintains files of precedent materials. Participates in legislative planning.

Office of the Regional Representative, Retirement and Survivors Insurance (Payment Center), BRSI—Reviews, authorizes or disallows claims for RSI benefits. Certifies to the Department of the Treasury the initial benefit amounts payable. Determines when payments would be terminated, suspended, continued, increased or reduced in amounts. Reconsiders determinations on initial claims and on continuing eligibility to receive payments. Receives, records and deposits SMI premiums. Maintains accounting controls. Within the SSA region, provides technical direction on the retirement and survivors insurance program to other SSA components and appraises the quality of determinations and the adequacy of RSI program policies. Coordinates activities with other organizations such as the Treasury and Post Office Departments, Veterans Administration and Railroad Retirement Board.

8–C *Delegations of authority*—1. *Order of succession.* During the absence or disability of the Commissioner of Social Security, or in the event of a vacancy in that office, the Deputy Commissioner shall act as Commissioner. During the absence or disability of both the Commissioner and Deputy Commissioner, an official designated by the Commissioner shall act as Commissioner.

2. *Delegations of authority to the Commissioner of Social Security.* Except as provided in paragraph 3 of this section and Part 2 and section 8–D of this Statement, the Commissioner of Social Security shall exercise:

a. The functions vested in the Secretary under Title II of the Social Security Act, as amended (42 U.S.C. 401–428); under Titles VII and XI of the Act, as amended (42 U.S.C. 902–907, 1301–1318), except insofar as the provisions of such Titles pertain to the Mission of the Welfare Administration as described in Part 9 of this Statement; under Title XVIII of the Act, as amended (42 U.S.C. 1395–1395*ll*), with appropriate advice from and consultation with the Public Health Service and Welfare Administration as described in Part 1 of this Statement; section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), insofar as such section pertains to the Mission of the Social Security Administration as described in section 8–A of this Statement; and under sections 1402(h), 3121 (k) and (l) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 1402(h), 3121 (k) and (l)).

b. The functions vested in the Secretary relating to the Mission of the Social Security Administration, as described in section 8–A of this Statement, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X8–2.

c. The functions vested in the Secretary by section 5(k)(2) of the Railroad Retirement Act, as amended (45 U.S.C. 228e), having to do with the determination and certification for the transfer of funds between the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Railroad Retirement Account.

d. Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, insofar as this authority pertains to the Mission of the Social Security Administration as described in section 8-A of this Statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

e. Authority vested in the Secretary by section 4 of Public Law 86-610, approved July 12, 1960 (74 Stat. 364), with respect to responsibilities relating to the Mission of the Social Security Administration as described in section 8-A of this Statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

3. *Delegations of authority to the Bureau of Hearings and Appeals.* In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, the receipt of evidence, the rendition of decisions, and the review of decisions in connection with administrative appeals:

a. By individuals from determinations made under Title II of the Social Security Act, as amended, and affecting their rights to benefits, lump sum payments, earnings credited to accounts, and disability determinations;

b. By individuals from determinations made under Title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits;

c. By institutions or agencies from determinations described in section 1869 (c) of the Social Security Act; and

d. By independent laboratories from determinations made pursuant to section 1861(s) of the Social Security Act, as amended, that they do not meet the conditions for coverage of their services.

4. *Delegations of authority to the Bureau of Federal Credit Unions.* The functions, powers, and duties of the Bureau of Federal Credit Unions under the Federal Credit Union Act, as amended (Public Law 86-354; 12 U.S.C. 1751-1772), shall be exercised by the Director of the Bureau of Federal Credit Unions under the general direction and supervision of the Commissioner of Social Security.

8-D *Reservation of authority.* 1. The Secretary shall serve as a member of the Board of Trustees of the (1) Federal Old-Age and Survivors Insurance Trust Fund, (2) Federal Disability Insurance Trust Fund, (3) Federal Hospital Insurance Trust Fund, and (4) Federal Supplementary Medical Insurance Trust Fund. During the absence of the Secretary, the Under Secretary or the Assistant Secretary for Legislation shall serve. During the absence or disability of the Secretary, the Under Secretary, and the Assistant Secretary for Legislation, the Commissioner of Social Security shall represent the Secretary.

2. Authority conferred by sections 218 (j), 706, 1813(b)(2), 1839(b)(2), 1867, and 1868 of the Social Security Act, as amended, shall be exercised only by the Secretary.

3. Authority to terminate agreements with States entered into pursuant to section 1864 of the Social Security Act, as amended, shall be exercised only by the Secretary.

4. Authority contained in subparagraph 8-C2c of this Statement may be redelegated only to the Deputy Commissioner of Social Security.

5. Authority conferred by section 218 (g)(2) of the Social Security Act, as amended, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to terminate an agreement with respect to one or more coverage groups in any case where a State waives the required notice and hearing provided in section 218(g)(2) of the Act, as amended, and consents to the removal of a group or groups from the agreement because the group(s) is dissolved, or is no longer legally able to function although not legally dissolved.

6. Authority conferred by section 218 (s) of the Social Security Act, as amended, shall be exercised only by the Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to grant, upon application by a State and for "good cause" shown, extensions of the time allowed for filing additional information or argument in connection with a request for review filed pursuant to section 218(s).

7. Authority conferred by section 1866 (d) of the Social Security Act, as amended, to withhold payment for inpatient hospital services or for post-hospital extended care services for failure to make timely utilization reviews, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security.

8. Authority conferred by sections 1816 (b) and 1842(b)(2) of the Social Security Act, as amended, where the determination is that an agency, organization, or carrier will be unable to carry out the terms of an agreement (contract), shall be exercised only by the Commissioner of Social Security.

9. Authority conferred by sections 1816(e)(2) and 1842(b)(4) to terminate an agreement (contract) with an agency, organization, or carrier shall be exercised only by the Commissioner of Social Security, *Provided further*, That he shall exercise such authority only after—

a. Such agency, organization, or carrier has been given an opportunity to request (within such time as is provided for by regulations) the Secretary to review the Commissioner's conclusions and findings and, where such request is made.

b. The Secretary has declined to review or has concurred in the Commissioner's proposal to terminate such agreement (contract).

10. Agreements and modifications of agreements under sections 218, 221(b), 1816(a), 1842(a), 1843(a), 1864(a), 1866(a), or 1874 of the Social Security Act, as amended, shall be reviewed by the Office of the General Counsel for legal form and substance.

8-E *Redelegation of authority.* Unless otherwise stated, authority delegated in section 8-C of this statement may be redelegated.

EXHIBIT X8-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Alabama:			
Andalusia	Branch Office	408 South Three-Notch St	36420
Anniston	District Office	700 Quintard Ave., P.O. Box 98	36202
Bessemer	do	118 18th St	35020
Birmingham	do	2121 8th Ave. North	35203
	Hearings and Appeals	908 South 20th St	35205
	Payment Center	3d Ave. and 23d St	35203
Decatur	District Office	Federal Bldg., P.O. Box 499	35602
Dothan	do	100 West Troy St	36301
Florence	do	412 South Court St., P.O. Box 776	35630
Gadsden	do	807 Chestnut St., P.O. Box 950	35902
Huntsville	do	2318 Whitesburg Drive, South, P.O. Box 1488.	35807
Mobile	do	218 St. Francis St	36601
	Hearings and Appeals	118 North Royall St	36602
Montgomery	District Office	474 South Court St	36104
Opelika	Branch Office	415 1st Ave	36801
Selma	District Office	908 Alabama Ave	36701
Talladega	Branch Office	138 North Court St	35160
Tuscaloosa	District Office	615 Queen City Ave	35401
Alaska:			
Anchorage	Branch Office	617 G St	99501
Juneau	District Office	709 West 9th St	99801

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Arizona:			
Phoenix	do	1300 North Central Ave., P.O. Box 13318	85002
	Hearings and Appeals	3033 North Central Ave	85012
Prescott	District Office	203 West Willis St., P.O. Box 1551	86301
Tucson	do	110 East Alameda St., P.O. Box 3008	85702
Yuma	Branch Office	212 3d Ave., P.O. Box 89	85364
Arkansas:			
Batesville	do	12th and Main Sts	72501
Blytheville	do	211 North Broadway	72315
El Dorado	do	217 East Main St., P.O. Box 1838	71730
Fayetteville	do	North College Ave., P.O. Box BB	72702
Forrest City	Branch Office	815 South Washington St., P.O. Box 954	72335
Fort Smith	District Office	Phoenix Village	72901
Helena	do	Walnut and Perry Sts., P.O. Box 370	72342
Hot Springs National Park	do	West Grand Ave. at Barry St., P.O. Box S	71901
Jonesboro	do	412 East Jackson St., Drawer 1150	72402
Little Rock	do	700 West Capitol, P.O. Box 149	72203
	Hearings and Appeals	700 West Capitol	72203
Pine Bluff	District Office	116 West Harding St	71601
Russellville	Branch Office	1803 South Arkansas, P.O. Box 788	72801
California:			
Bakersfield	District Office	2619 F St	93301
Berkeley	do	1950 University Ave	94704
Canoga Park	do	8277 Topanga Canyon Blvd	91304
Chico	do	376 Vallombrosa Ave., P.O. Box 1420	95926
El Centro	Branch Office	1681 West Main St	92243
Eureka	District Office	233 K St., P.O. Box 4450	95501
Fresno	do	650 North Fulton St., P.O. Box 4285	93744
Glendale	do	723 South Glendale Ave., P.O. Box 449	91209
Hayward	Branch Office	1089 B St	94541
Hollywood	District Office	1640 North Gower St., P.O. Box 1391	90028
Huntington Park	do	2570 East Slauson Ave., P.O. Box 2468	90255
Inglewood	do	608 East Manchester, P.O. Box 29	90306
Lancaster	Branch Office	44935 North 10th St., West	93534
Long Beach	District Office	1235 Pacific Ave	90813
	Hearings and Appeals	115 Pine Avenue Bldg	90802
Los Angeles	District Office	419 South Hill St	90013
	Hearings and Appeals	4661 Sunset Blvd	90027
Marysville	Branch Office	1016 G St	95901
Merced	do	550 West 22d St., P.O. Box 2225	95340
Modesto	District Office	1028 McHenry Ave	95353
Monterey Park	do	118 North Garfield Ave	91754
Monterey	Branch Office	740 Lighthouse Ave	93940
Oakland	District Office	831 East 14th St	94606
Oceanside	do	707 Oceanside Blvd., P.O. Box 1029	92054
Palm Springs	do	1000 South Palm Canyon Drive	92262
Pasadena	do	740 East Washington Blvd	91104
Pomona	do	445 East Holt Ave., P.O. Box 2326	91769
Redding	do	1555 East St., P.O. Box 860	96002
Sacramento	do	1818 J St	95802
	Hearings and Appeals	1722 Jay St	95814
Salinas	District Office	65 San Miguel Ave	93901
San Bernardino	do	157 West 5th St	92401
San Diego	do	2211 5th Ave	92103
San Francisco	do	303 Golden Gate Ave	94102
	do	761 South Van Ness Ave	94110
	Hearings and Appeals	100 McAllister St	94102
	Payment Center	1485 Market St	94101
San Jose	District Office	350 South 1st St	95112
San Luis Obispo	do	794 Santa Rosa St., P.O. Box 1249	93402
San Mateo	do	2211 Palm Ave	94403
San Rafael	do	1245 4th St., P.O. Box 150	94902
Santa Ana	do	1438 East 1st St., P.O. Box 661	92702
Santa Barbara	do	2801 Del La Vina St., P.O. Box 3037	93105
Santa Cruz	do	1053 Pacific Ave	95060
Santa Maria	Branch Office	703 East Main St	93454
Santa Monica	District Office	1514 Sixth St., P.O. Box 1219	90406
Santa Rosa	do	790 Coddington Center	95401
Stockton	do	826 North California St., P.O. Box 607	95201
Torrance	do	1408 Crenshaw Blvd., P.O. Box 2988	90509
Vallejo	do	401 Nebraska St., P.O. Box 471	94591
Van Nuys	do	7136 Van Nuys Blvd	91405
Ventura	do	4274 Telegraph Road, P.O. Box A	93003
Visalia	do	708 West Center St	93277
Watts	do	1219 East 98th St	90002
Whittier	do	13120 East Philadelphia St	90608

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Colorado:			
Alamosa	Branch Office	1015 4th St	81101
Boulder	do	14th and Walnut Sts	80302
Colorado Springs	District Office	15 South Weber, P.O. Box 1207	80901
Denver	do	1961 Stout St	80202
	Hearings and Appeals	19th and Stout Sts	80202
Durango	Branch Office	1211 Main Ave	81301
Fort Collins	do	103 South Meldrum St	80521
Grand Junction	District Office	1105 Colorado Ave	81502
Greeley	do	1113 10th Ave., P.O. Box 730	80631
La Junta	Branch Office	309 Santa Fe Ave	81050
Pueblo	District Office	110 West 8th St., P.O. Box 356	81002
Trinidad	do	207 East Main St	81082
Connecticut:			
Bridgeport	do	181 Middle St	06603
Danbury	Branch Office	148 Deer Hill Ave	06810
Hartford	District Office	450 Main St	06103
Meriden	do	71 Catlin St	06450
New Britain	do	60 Court St	06050
New Haven	do	135 College St	06510
New London	do	27 Masonic St	06320
Stamford	do	777 Summer St	06902
Torrington	do	40 Water St	06790
Waterbury	do	236 Grand St	06702
Willimantic	do	948 Main St	06226
Delaware:			
Dover	do	230 West Loockerman St	19901
Wilmington	do	504 West 10th St	19801
District of Columbia: Washington.	Central Office Hearings and Appeals.	330 C St	20201
	Central Office Federal Credit Unions.	633 Indiana Ave	20202
	District Office	414 11th St. NW	20203
	Hearings and Appeals	100 Indiana Ave. NW	20001
Florida:			
Clearwater	District Office	111 North Fort Harrison Ave	33517
Daytona Beach	do	115 North Ridgewood Ave	32015
Deland	Branch Office	129 East Indiana Ave., P.O. Drawer E	32720
Eau Gallie	District Office	1511 Harbour City Blvd	32935
Fort Lauderdale	do	308 Northeast 3d Ave	33301
Fort Myers	do	2124 Clifford St., P.O. Drawer SS	33902
Fort Pierce	Branch Office	1804 Okeechobee Rd	33450
Gainesville	District Office	411 Southwest Second Ave	32601
Hollywood	Branch Office	1930 Tyler St	33020
Jacksonville	District Office	400 West Ashley St	32202
	Hearings and Appeals	411 West Adams St	32202
Key West	Branch Office	Simonton and Caroline Sts	33040
Lake City	do	1751 Duval St	32055
Lakeland	District Office	306 South Florida Ave	33802
Leesburg	Branch Office	609 West Dixie Ave., P.O. Box 837	32748
Miami	District Office	1 Herald Plaza	33132
	Hearings and Appeals	51 Southwest 1st Ave	33130
Miami Beach	District Office	1232 Washington Ave	33139
	do	12996 Northwest 7th Ave	33168
Ocala	Branch Office	1615 South Pond St	32670
Orlando	District Office	2520 North Orange Ave	32804
	Hearings and Appeals	1011 East Colonial Dr	32803
Panama City	District Office	1135 Harrison Ave	32401
Pensacola	do	51 East Gregory St., P.O. Box 750	32502
Sarasota	do	111 South Orange Ave., P.O. Box 2198	33578
St. Petersburg	do	3170 3d Ave., North	33733
Tallahassee	do	117 West College Ave., P.O. Box 439	32302
Tampa	do	500 Zack St., P.O. Box 3132	33601
West Palm Beach	do	715 South Dixie Highway, P.O. Box 3171	33402
Georgia:			
Albany	do	500 Pine Ave., P.O. Box 1088	31702
Athens	do	Beechwood Shopping Center, P.O. Box 5687	30604
Atlanta	do	275 Peachtree St. NE	30303
	Hearings and Appeals	795 Peachtree St. NE	30308
Augusta	District Office	700 Telfair St	30902
Brunswick	Branch Office	Room 229, Federal Bldg	31521
Columbus	District Office	301-05 13th St	31902
Dalton	Branch Office	412 School St., P.O. Box 908	30720
Dublin	do	114 East Johnson St., P.O. Box 670	31021
East Point	District Office	2727 Main St., P.O. Box 1008	30344
Gainesville	do	425 Bradford St. NW., P.O. Box 682	30501

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Georgia—Continued			
Griffin	Branch Office	435 West Solomon St	30223
La Grange	District Office	314 North Lewis St	30240
Macon	do	451 College St., P.O. Box 4128	31208
Rome	do	308 Glen Milner Blvd., P.O. Box 231	30162
Savannah	do	101 East Liberty St., P.O. Box 2497	31402
Thomasville	do	North Broad St., P.O. Box 770	31792
Valdosta	do	122 North Oak St	31601
Waycross	do	704 Jane St., P.O. Box 756	31501
Hawaii:			
Hilo	do	224 Haili St	96720
Honolulu	do	1181 Alakea St	96813
Lihue, Kauai	Branch Office	4387 Rice St., P.O. Box 109	96766
Wailuku	do	2131 West Main St	96793
Idaho:			
Boise	District Office	614 Main St., P.O. Box 110	83701
Idaho Falls	Branch Office	510 D St., P.O. Box 2497	83401
Lewiston	District Office	726 21st St., P.O. Box 643	83501
Pocatello	do	428 North Main St., P.O. Box 1687	83201
Twin Falls	do	156 2d Ave., West, P.O. Box 1239	83301
Illinois:			
Alton	do	1623 Washington Ave., P.O. Box 453	62002
Aurora	do	122 West Downer Pl	60504
Berwyn	do	6311 West Cermak Rd	60402
Bloomington	do	327 North Center St	61701
Carbondale	do	1007 West Main St	62901
Champaign	do	309 West Clark St	61822
Chicago	do	111 North Wabash Ave	60602
	do	2306 West Lawrence Ave	60625
	do	1256 West 69th St	60636
	do	4635 West Madison St	60644
	do	4731 South Parkway	60615
	do	2345 West North Ave	60647
	do	4255 North Milwaukee Ave	60641
	do	1775 West Ogden Ave	60612
	do	8828 Stony Island Ave	60617
	Hearings and Appeals	219 South Dearborn St	60604
	do	2376 East 71st St	60649
	Payment Center	165 North Canal St	60606
Danville	District Office	403 West North St	61834
Decatur	do	241 North Main St	62523
East St. Louis	do	650 Missouri Ave	62201
Elgin	do	735 Dundee Ave., P.O. Box 565	60120
Elmwood Park	do	1930 North Harlem Ave	60635
Evanston	do	1239 Chicago Ave., P.O. Box 1475	60202
Galesburg	do	250 East Main St., P.O. Box 330	61401
Harrisburg	do	325 East Poplar St., P.O. Box 346	62946
Harvey	do	15325 Page Ave	60426
Joliet	do	225 North Chicago St., P.O. Box 1401	60434
Kankakee	do	1015 North Fifth Ave., P.O. Box 787	60901
La Salle	do	610 1st St	61301
Mount Vernon	do	54 Crownview, P.O. Box 867	62864
Peoria	do	610 Abington, P.O. Box 148	61601
Quincy	do	1205 Broadway, P.O. Box 530	62302
Rockford	do	401 South Main St	61101
Rock Island	do	211 19th St., P.O. Box 277	61202
Springfield	do	528 South 5th St	62701
Sterling	do	415 East 3d St., P.O. Box B	61081
Waukegan	do	2500 Grand Ave., P.O. Box 499	60085
Indiana:			
Anderson	do	216 East Ninth St	46016
Bloomington	do	115 West 7th St., P.O. Box 548	47402
Columbus	do	426 East Fifth St	47201
Elkhart	do	315 South Third St	46524
Evansville	do	214 Southeast 6th St	47713
Fort Wayne	do	343 West Wayne St	46802
Gary	do	610 Connecticut St	46402
Hammond	do	636 State St	46320
Indianapolis	do	2060 North Meridian St	46202
	Hearings and Appeals	15 East Washington St	46204
Kokomo	District Office	500 West Superior St	46901
Lafayette	do	833 Ferry St., P. O. Box 730	47902
Madison	do	310 Broadway	47250
Marion	do	119 West 6th St., P. O. Box 569	46952
Michigan City	do	305 West 8th St	46360

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Indiana—Continued			
Muncie	do	421 South Walnut St., P. O. Box 2528	47302
New Albany	do	121 West Spring St., P. O. Box 318	47150
Richmond	do	117 South 7th St	47374
South Bend	do	125 South Lafayette Blvd	46601
Terre Haute	do	687 Cherry St., P.O. Box 958	47808
Vincennes	do	319 North 2d St., P.O. Box 288	47591
Iowa:			
Burlington	do	300 North Main St., P.O. Box 638	52602
Cedar Rapids	do	122 Second St., SE	52401
Creston	do	316 West Montgomery St., P.O. Box 473	50801
Davenport	do	131 East 4th St	52801
Des Moines	do	205 12th St	50308
	Hearings and Appeals	418 7th St	50309
Dubuque	District Office	6th and Locust Sts	52001
Fort Dodge	do	2d Ave. South and 8th St., P.O. Box 997	50502
Mason City	do	124 West State St	50401
Ottumwa	do	601 West 2d St., P.O. Box 458	52502
Sioux City	do	520 Nebraska St	51101
Waterloo	do	West 4th and Commercial St	50702
Kansas:			
Dodge City	do	117 East Spruce St., P.O. Box 880	67801
Hays	do	107 West 13th St., P.O. Box 938	67601
Hutchinson	do	105 West 1st, P.O. Box 1069	67501
Independence	do	115 West Laurel St., P.O. Box 807	67301
Kansas City	do	812 North 7th St	66101
Manhattan	Branch Office	220 Poyntz Ave	66502
Pittsburg	District Office	705 North Locust St., P.O. Box 74	66762
Salina	do	528 North 9th St., P.O. Box 747	67402
Topeka	do	536 Jefferson St	66607
Witchita	do	435 South Water St	67202
Kentucky:			
Ashland	do	1816 Carter Ave	41101
Bowling Green	do	Main and Center Sts., P.O. Box 629	42101
Campbellsville	do	111 West Main St	42718
Corbin	do	102–104 2d St	40701
Covington	do	809 Garrard St	41011
Elizabethtown	do	408 North Mulberry St	42701
Frankfort	do	101 Bridge St	40601
Hazard	do	135 Memorial Dr., P.O. Box 759	41701
Hopkinsville	do	2100 Fort Campbell Blvd., P.O. Box 2	42240
Lexington	do	950 Winchester Rd	40505
	Hearings and Appeals	Church and Upper Sts	40507
Louisville	District Office	620 South 8th St., P.O. Box 1030	40201
	Hearings and Appeals	139 South 4th St	40202
Middlesboro	Branch Office	2317–19 West Cumberland Ave., P.O. Box 759.	40965
Owensboro	District Office	406 West Wesleyon Park Plaza, P.O. Box 1304.	42301
Paducah	do	112 South 10th St	42001
Pikeville	do	Second and Division Sts	41501
Louisiana:			
Alexandria	do	1777 Jackson St., P.O. Box 4227	71303
	Hearings and Appeals	1304 MacArthur Dr., P.O. Box 5696	71301
Baton Rouge	District Office	1924 Wooddale Blvd., P.O. Box 1748	70806
Hammond	Branch Office	124 Southwest Railroad Ave., P.O. Box 788	70401
Houma	District Office	302 Lafayette St., P.O. Box 29	70361
Lafayette	do	612 Pinhook Rd., P.O. Box 52085 OCS	70505
Lake Charles	do	3118 Ryan St., P.O. Box 1587	70601
Monroe	do	2003 Tower Dr., Box C	71204
Natchitoches	Branch Office	405 Keyser St., P.O. Box 836	71457
New Orleans	District Office	701 Loyola Ave	70113
	do	2051 Senate St., P.O. Box 8241	70122
	Hearings and Appeals	701 Loyola Ave	70113
Opelousas	Branch Office	531 North Lombard	70570
Shreveport	District Office	624 Travis St	71101
Maine:			
Augusta	do	40 Western Ave	04330
Bangor	do	51 Broadway	04401
Lewiston	do	536 Lisbon St	04240
Portland	do	10 Congress Square	04101
Presque Isle	do	555 Main St	04769
Rockland	Branch Office	403 Main St	04841

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Maryland:			
Baltimore	District Office	535 St. Paul St.	21202
	Central Office	6401 Security Blvd.	21235
Cumberland	District Office	6 Pershing St.	21501
Glen Burnie	do	95 Aquahart Rd	21061
Hagerstown	do	59 North Cannon Ave.	21740
Marlow Heights	do	3611 Branch Ave., SE.	20023
Salisbury	do	112 East Market St.	21801
Silver Spring	do	8113 Fenton St.	20910
Towson	do	200 East Joppa Rd	21204
Massachusetts:			
Attleboro	do	7 North Main St.	02703
Boston	do	Room E-129 Government Center	02203
	Hearings and Appeals	1211-C JFK Federal Bldg.	02203
Brockton	District Office	19 East Elm St.	02401
Cambridge	do	625 Mount Auburn St.	02138
Chelsea	do	295-7 Broadway	02150
Fall River	do	142 2d St.	02722
Fitchburg	do	154 Main St.	01420
Framingham	do	49 Park St.	01701
Haverhill	do	91 Merrimack St.	01830
Holyoke	do	330 Appleton St.	01040
Lawrence	do	46 Amesbury St.	01840
Lowell	do	21 Palmer St.	01852
Lynn	do	31 Exchange St.	01901
Malden	do	24 Exchange St.	02148
New Bedford	do	749 Purchase St.	02740
Norwood	do	17 Cottage St.	02062
Pittsfield	do	74 North St.	01202
Quincy	do	1431 Hancock St.	02169
Roxbury	do	90 Warren St.	02119
Salem	do	2 Margin St.	01970
Springfield	do	891 State St.	01109
Waltham	do	24 Crescent St.	02154
Worcester	do	340 Main St.	01608
Michigan:			
Ann Arbor	do	220 East Huron St., P.O. Box 627	48107
Battle Creek	do	74 North Washington Ave.	49017
Bay City	do	1009 North Madison Ave., North	48706
Benton Harbor	do	Napier Ave. and M-139	49022
Dearborn	do	5141 Oakman Blvd., P.O. Box 635	48126
Detroit	do	1214 Griswold St.	48226
	do	17731 East Warren	48224
	do	16450 Woodward Ave.	48203
	do	18500 Grand River Ave.	48223
	Hearings and Appeals	10 Witherell St.	48226
Escanaba	District Office	110 North 13th St.	49829
Flint	do	432 North Saginaw St.	48502
Grand Rapids	do	50 Ransom Ave. NE.	49502
Jackson	do	336 North Jackson St.	49201
Kalamazoo	do	410 West Michigan Ave.	49006
Lansing	do	226 Townsend St.	48914
Marquette	do	102 East Baker St.	49855
Mount Pleasant	do	316 North Mission	48858
Muskegon	do	175 West Apple Ave., P.O. Box 236	49443
Monroe	do	11 West Vine St.	48161
Petoskey	Branch Office	2 Pennsylvania Plaza	49770
Pontiac	District Office	21 South Glenwood	48058
Port Huron	do	Water Street, P.O. Box 944	48061
Roseville	do	28739 Gratiot Ave.	48066
Saginaw	do	312 South Washington Ave., P.O. Box 1487	48605
Traverse City	do	1111 East Front St.	49684
Minnesota:			
Austin	do	110 East Oakland Ave., P.O. Box 278	55912
Bemidji	do	6th and Minnesota, P.O. Box 214	56601
Duluth	do	17 North 4th Ave. West	55802
Fairmont	Branch Office	919 North State St.	56031
Hibbing	District Office	2628 1st Ave., P.O. Box 647	55746
Mankato	do	709 South Front St.	56002
Marshall	do	309 North 3d St., P.O. Box 448	56258
Minneapolis	do	110 South 4th St.	55401
	Hearings and Appeals	401 2d Ave. South	55401
Rochester	District Office	415 3d Ave. SE.	55902
St. Cloud	do	8th and St. Germain St.	56301
St. Paul	do	175 Aurora Ave.	55103
Winona	do	356 East Sarnia St., P.O. Box 646	55987

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Mississippi:			
Clarksdale	Branch Office	3d and Sharkey Sts., P.O. Box 879	38614
Columbus	District Office	825 College St., P.O. Box 1021	39701
Greenville	do	Main and Poplar Sts., P.O. Box 1358	38702
Greenwood	do	413 Howard St., P.O. Box 940	38930
Gulfport	do	1022 32d Ave., P.O. Box 4018	39502
Hattiesburg	do	2d Ave. and Corinne St., P.O. Box 431	39402
Jackson	do	502 North St., P.O. Box 2249	39205
	Hearings and Appeals	832 North State St.	39201
Laurel	Branch Office	Room 229, Federal Office Bldg., P.O. Box 1708.	39440
McComb	do	216 22d St., P.O. Drawer B	39648
Meridian	District Office	2300 9th St., P.O. Box 5377	39301
Natchez	Branch Office	327 Market St., P.O. Box 867	39120
Tupelo	District Office	Corner Main and Church Sts., P.O. Box 680.	38801
Vicksburg	do	Corner Crawford and Walnut Sts., P.O. Box 1277.	39180
Missouri:			
Cape Girardeau	do	632 Broadway St., P.O. Box 160	63701
Clayton	do	219 South Central Ave.	63105
Hannibal	do	801 Broadway, P.O. Box 997	63401
Independence	do	301 West Lexington	64050
Jefferson City	do	113 West Miller St.	65101
Joplin	do	306 West 1st St.	64802
Kansas City	do	907 Walnut St.	64106
	Hearings and Appeals	911 Walnut St.	64106
	Payment Center	601 East 12th St.	64106
Kennett	Branch Office	622 1st St.	63857
Moberly	District Office	Johnson and Adams Sts.	65270
Poplar Bluff	do	215 South Broadway	63901
Rolla	Branch Office	113 West 9th St.	65401
St. Joseph	District Office	8th and Edmond Sts.	64501
St. Louis	do	417 North 10th St.	63101
	do	3626 South Grand Blvd.	63118
	Hearings and Appeals	1114 Market St.	63101
Sedalia	District Office	823 Thompson Blvd.	65301
Springfield	do	224 East Pershing St.	65806
West Plains	Branch Office	1314 Webster St.	65775
Montana:			
Billings	District Office	316 North 26th St., P.O. Box 2524	59101
Butte	do	54 East Broadway, P.O. Box 1962	59701
Great Falls	do	819 Central Ave., P.O. Box 2347	59401
Helena	do	616 Helena Ave.	59601
Kalispell	Branch Office	140 1st Ave. East, P.O. Box 15	59901
Miles City	do	713 Pleasant St.	59301
Missoula	District Office	208 South 3d St. West	59801
Nebraska:			
Beatrice	Branch Office	120 South 5th St.	68310
Grand Island	District Office	115 West Charles St., P.O. Box 785	68801
Hastings	do	315 West 3d St.	68901
Lincoln	do	2966 O St.	68510
Norfolk	do	4th and Madison, P.O. Box 884	68701
North Platte	do	3d and Pine Sts., P.O. Box 1127	69101
Omaha	do	215 North 17th St.	68102
	Hearings and Appeals	215 North 17th St.	68102
Scottsbluff	District Office	1716 Avenue A	69361
Nevada:			
Las Vegas	do	601 South 13th St., P.O. Box 2326	89104
Reno	do	811 Ryland St., P.O. Box 7117	89502
New Hampshire:			
Concord	do	18 School St.	03301
Keene	Branch Office	18 Dunbar St.	03431
Littleton	District Office	165 Main St.	03561
Manchester	do	50 Bridge St.	03101
Nashua	do	5 Water St.	03060
Portsmouth	do	40 Pleasant St.	03801
New Jersey:			
Asbury Park	do	611 Heck St.	07712
Atlantic City	do	Pacific and Pennsylvania Aves.	08401
Bloomfield	do	622 Bloomfield Ave.	07003
Bridgeton	do	100 North Pearl St.	08302
Camden	do	415 Federal St.	08101
East Orange	do	19 South Harrison St.	07018
Elizabeth	do	268 North Broad St.	07201

EXHIBIT X8-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
New Jersey—Continued			
Hackensack	do	50 Main St.	07601
Irvington	do	1071 Springfield Ave.	07111
Jersey City	do	900 Bergen Ave.	07306
Morristown	do	136 South St.	07960
Newark	do	1016 Broad St.	07102
	Hearings and Appeals	9 Clinton St.	07102
New Brunswick	District Office	167 New St.	08901
Passaic	do	63 Grove St.	07056
Paterson	do	22 Church St.	07505
Perth Amboy	do	93 Smith St.	08861
Trenton	do	437 East State St.	08608
New Mexico:			
Albuquerque	do	500 Gold Ave. SW., P.O. Box 2247	87103
Clovis	Branch Office	Giddings and 5th Sts.	88101
Farmington	District Office	501 Airport Dr., P.O. Box 1138	87401
Las Cruces	Branch Office	1480 North Main St.	88001
Roswell	District Office	Richardson Ave., and 5th St., P.O. Box 1378.	88201
Santa Fe	do	Room 1203 Federal Bldg., P.O. Box 1508	87501
New York:			
Albany	do	16 Park St.	12207
	Hearings and Appeals	315 Federal Bldg.	12207
Auburn	District Office	2 Easterly Ave.	13021
Batavia	do	17 Masse Pl.	14020
Binghamton	do	107 Chenango St.	13902
Bronx	do	1990 Westchester Ave.	10462
	do	2359 Jerome Ave.	10468
	do	151 East 151st St.	10451
	Hearings and Appeals	349 East 149th St.	10451
Brooklyn	District Office	345 Adams St.	11201
	do	790 Broadway	11206
	do	333 Avenue X	11223
	do	280 Moffatt St.	11207
	do	135 East 22d St.	11226
Buffalo	do	120 West Mohawk St.	14202
	Hearings and Appeals	220 Delaware Ave.	14202
Corning	District Office	11 East Pulteney St.	14832
Elmira	do	152 Baldwin St.	14901
Flushing	do	136-59 37th Ave.	11354
Freeport	do	59 North Main St.	11520
Geneva	do	360 Exchange St.	14456
Glens Falls	do	65 Bay St.	12801
Gloversville	do	52 South Main St.	12078
Huntington	do	740 Walt Whitman Rd.	11746
Ithaca	Branch Office	113 South Cayuga St.	14850
Jackson Heights	District Office	77-14 Roosevelt Ave.	11372
Jamaica	do	144-10 Jamaica Ave.	11435
	Hearings and Appeals	89-31 161st St.	11432
Jamestown	District Office	Prendergast Ave and 3d St.	14701
Kenmore	do	3660 Delaware Ave.	14217
Kingston	do	57 Albany Ave.	12401
Manhattan	do	39 Broadway	10006
	do	1657 Broadway	10019
	do	230 West 125th St.	10027
	do	1387 St. Nicholas Ave.	10033
	Hearings and Appeals	30 East 42d St.	10017
	Payment Center	9605 Horace Harding Expressway	11368
Mineola	District Office	1505 Kellum Pl.	11501
New Rochelle	do	70 Church St.	10805
Newburgh	do	473 Broadway	12550
Niagara Falls	do	1309 Pine Ave.	14301
Ogdensburg	do	306 Catherine St., P.O. Box 579	13669
Olean	do	153 North Union St., P.O. Box 406	14760
Oneonta	do	116 Main St.	13820
Oswego	do	Corner Oneida and 1st Sts.	13126
Patchogue	do	75 Oak St.	11772
Plattsburgh	do	19-25 Elm St.	12902
Poughkeepsie	do	33 Academy St.	12602
Rochester	do	107 Clinton Ave. North	14604
Schenectady	do	530 Franklin St.	12305
Spring Valley	do	50 North Madison Ave.	10977
Staten Island	do	595 Forest Ave.	10310
Syracuse	do	840 James St.	13203

EXHIBIT X8-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
New York—Continue			
Troy	do	25 3d St.	12180
Utica	do	287 Genesee St.	13501
Watertown	do	88 Public Square, P.O. Box 440	13601
White Plains	do	200 Mamaroneck Ave.	10601
Yonkers	do	45 South Broadway	10701
North Carolina:			
Asheville	do	50 South French Broad Ave.	28801
Charlotte	do	2923 Independence Blvd. North	28205
	Hearings and Appeals	517 Insurance Lane	28204
Durham	District Office	2022 Guess Rd., P.O. Box 2507	27705
Fayetteville	do	301 Green St., P.O. Box 5	28301
Gastonia	do	1320 East Franklin Ave., P.O. Box 3897	28052
Goldsboro	do	311 East Walnut St., P.O. Box 8	27530
Greensboro	do	1327 Beaman Pl., P.O. Box 9275	27408
Greenville	do	305 Boyd Ave.	27834
Hickory	do	25 1st Ave. NE.	28601
High Point	do	422 North Wrenn St., P.O. Box 231	27261
New Bern	do	308 New St., P.O. Box 1250	28561
Raleigh	do	1122 Hillsboro St., P.O. Box 2596	27602
	Hearings and Appeals	1330 St. Mary's St.	27605
Rocky Mount	District Office	226 Hill St., P.O. Box 1140	27802
Salisbury	do	106 Corriher Ave.	28144
Wilmington	do	14 South 16th St., P.O. Box 3067	28403
Winston-Salem	do	533 North Spring St.	27101
North Dakota:			
Bismarck	do	Federal Bldg., Room 203, P.O. Box 918	58502
Fargo	do	408 Roberts St., P.O. Box 1348	58102
Grand Forks	do	401 DeMers Ave., P.O. Box 130	58201
Minot	do	100 1st St. SW.	58701
Ohio:			
Akron	do	340 South Broadway	44308
Ashtabula	do	4314 Main Ave.	44004
Canton	do	1020 Market Ave.	44702
Chillicothe	do	606 Central Center	45601
Cincinnati	do	550 Main St.	45202
	do	7685 Reading Rd.	
	Hearings and Appeals	550 Main St.	45202
Cleveland	District Office	1240 East 9th St.	44199
	do	10633 Euclid Ave.	44106
	do	2012 West 25th St.	44113
	Hearings and Appeals	1365 Ontario St.	44114
Columbus	District Office	170 North High St.	43215
	Hearings and Appeals	33 North High St.	43215
Dayton	District Office	333 West 1st St.	45402
Defiance	do	5th St. and Clinton Ave.	43512
East Liverpool	do	740 Dresden Ave.	43920
Findlay	do	327 East Lincoln St.	45840
Hamilton	do	211 South Front St.	45011
Lancaster	Branch Office	212 South Broad St.	43130
Lima	District Office	640 West Market St.	45802
Lorain	do	203 8th St.	44052
Mansfield	do	165 West 3d St., P.O. Box 506	44901
Marietta	do	331 4th St., P.O. Box 644	45750
Marion	do	126 South Main St.	43302
New Philadelphia	do	172 West High St.	44663
Newark	do	15 West Locust St.	43055
Piqua	do	319 West Ash St.	45356
Portsmouth	do	923 Findlay St., P.O. Box 1259	45662
Sandusky	do	158 Market St.	44870
Springfield	do	15 East Pleasant St.	45501
Steubenville	do	630 Market St.	43952
Toledo	do	234 Summit St.	43604
Warren	do	558 High St. NE.	44482
Wooster	Branch Office	405 West Liberty St.	44691
Youngstown	District Office	35 Central Square	44503
Zanesville	do	3089 Maple Ave.	43701
Oklahoma:			
Ardmore	do	232 West Main St., P.O. Box 548	73401
Bartlesville	Branch Office	548 Southeast Washington St., P.O. Box 3191	74003
Enid	District Office	2003 Lahoma Rd., P.O. Box 3027	73701
Lawton	do	615 West B Ave., P.O. Box 308	73501
McAlester	do	109 East Washington, P.O. Box 988	74501

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Oklahoma—Continued			
Muskogee	do	119 North 3d St., P.O. Box 678	74401
Oklahoma City	do	200 Northwest 4th St	73102
	Hearings and Appeals	3d and North Robinson	73113
Ponca City	Branch Office	222½ East Grand, P.O. Box 390	74601
Shawnee	do	1500 North Kickapoo	74801
Tulsa	District Office	1212 East 15th St	74152
Oregon:			
Coos Bay	Branch Office	259 North Broadway, P.O. Box 270	97420
Eugene	District Office	640 High St., P.O. Box 1337	97401
Klamath Falls	do	1020 Pine St., P.O. Box 549	97601
La Grande	do	1802 4th St., P.O. Box 1027	97850
Medford	do	1017 North Riverside, P.O. Box 1017	97501
Portland	do	1221 Southwest 12th St	97205
	Hearings and Appeals	430 Southwest Morrison St	97204
Roseburg	Branch Office	803 Southeast Stephens, P.O. Box 336	97470
Salem	District Office	702 Church St. NE., P.O. Box 149	97308
Pennsylvania:			
Allentown	do	123–131 North 13th St	18102
Altoona	do	1113 17th St	16603
Ambridge	do	339 Merchant St	15003
Bristol	do	1502–04 Farragut Ave	19007
Butler	do	401 South Main St	16001
Chambersburg	do	14 North Main St	17201
Chester	do	5th and Market Sts	19013
Du Bois	do	120 North Brady St	15801
Easton	do	204 Northampton St	18042
Erie	do	1001 State St	16501
Greensburg	do	101 North Main St	15601
Harrisburg	do	16 North 2nd St	17101
Hazleton	do	21 East Broad St	18201
Indiana	do	521 Philadelphia St	15701
Johnstown	do	Federal Bldg., Locust St	15901
Lancaster	do	225 West King St	17603
Lebanon	Branch Office	840 Willow St	17042
McKeesport	District Office	411 6th Ave	15132
New Castle	do	25 North Mill St	16101
New Kensington	do	707 5th Ave	15068
Norristown	do	55 East Marshall St	19401
Oil City	do	311 Seneca St	16301
Philadelphia	do	1319 Filbert St	19107
	do	5716 Greene St	19144
	do	4739 Frankford Ave	19124
	do	5131 Chestnut St	19139
	Hearings and Appeals	1015 Chestnut St	19107
	Payment Center	401 North Broad St	19108
Pittsburgh	District Office	915 Penn Ave	15222
	do	121 South Highland Ave	15206
	Hearings and Appeals	1000 Liberty Ave	15222
Pottsville	District Office	201 East Arch St	17901
Reading	do	533 Penn St	19601
Scranton	do	North Washington Ave. and Linden St	18501
Sharon	do	817 East State St	16147
State College	do	346 East College Ave., P.O. Box 18	16801
Sunbury	do	230-A Market St., P.O. Box 266	17801
Uniontown	do	50 West Main St	15401
Washington	do	365 Jefferson Ave	15301
West Chester	do	High and Market Sts	19380
Wilkes-Barre	do	19 North Main St	18701
	Hearings and Appeals		18701
Williamsport	District Office	302 West 4th St	17701
York	do	229 South George St	17403
Puerto Rico and Virgin Islands.			
Arecibo	do	521 Rotarios Ave., P.O. Box 675	00613
Caguas	do	Baldorioty St. and Vizcarrondo, P.O. Box 1145.	00626
Mayaguez	do	96 McKinley St., P.O. Box 1630	00709
Ponce	do	104 Atocha St., P.O. Box 2113	00732
San Juan	do	102 Ponce de Leon Ave., P.O. Box 2468	00910
Santurce	Hearings and Appeals	665 Condado Ave	00908
St. Thomas	Branch Office	22 Crystal Glade, P.O. Box 118	00801
Rhode Island:			
Pawtucket	District Office	15 High St	02863
Providence	do	290 Dyer St	02903
Woonsocket	do	Monument Square	02895

EXHIBIT XS-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
South Carolina:			
Anderson	do	114 West Greenville St., P.O. Box 78	29621
Bennettsville	Branch Office	124 South Liberty St	29512
Charleston	District Office	334 Meeting St., P.O. Box 2306	29403
Columbia	District Office	1813 Main St	29201
	Hearings and Appeals	1226 Laurel St	29201
Conway	Branch Office	905 3d Ave	29526
Florence	District Office	237 South Warley St	29501
Georgetown	Branch Office	105 Screven St	29440
Greenville	District Office	East Washington St., P.O. Drawer 10157	29603
	Hearings and Appeals	419 North Main St	29601
Greenwood	District Office	219 Magnolia Ave., P.O. Box 519	29647
Orangeburg	Branch Office	314 St. John St., P.O. Box 427	29115
Rock Hill	District Office	226 Hampton St., P.O. Box 431	29730
Spartanburg	do	141 Alabama St., P.O. Box 2727	29302
Sumter	Branch Office	101 South Main St., P.O. Box 1253	29151
South Dakota:			
Aberdeen	District Office	Room 218, Post Office Bldg., P.O. Box 1380.	57401
Huron	do	334 3d St. SW., P.O. Box 839	57350
Rapid City	do	926 Main St	57701
Sioux Falls	do	512 South Dakota Ave	57102
Tennessee:			
Chattanooga	do	1403 McCallie Ave., P.O. Box 991	37401
	Hearings and Appeals	705 Market St	37402
Clarksville	Branch Office	2d and Legion Sts	37040
Columbia	District Office	601 North High St., P.O. Box 999	38402
Cookeville	do	412 Spring St., P.O. Box 699	38502
Dyersburg	do	Church and McGaughy Sts., P.O. Box 368	38024
Greeneville	Branch Office	213–215 East Depot St., P.O. Box 241	37743
Jackson	District Office	Post Office Bldg., P.O. Box 2507	38301
Johnson City	do	325 West Walnut St	37601
Kingsport	Branch Office	Parkway Plaza Shopping Center	37660
Knoxville	District Office	1015 North Central Ave., P.O. Drawer 3447	37917
	Hearings and Appeals	301 West Cumberland Ave	37902
LaFollette	Branch Office	511 East Central St., P.O. Box 1470	37766
Memphis	District Office	167 North Main St	38103
Morristown	Branch Office	201 East Main St., P.O. Box 1196	37813
Murfreesboro	do	103 West Sevier St	37130
Nashville	District Office	1600 Hayes St	37203
	Hearings and Appeals	1717 West End Ave	37203
Tullahoma	Branch Office	West Lincoln St., P.O. Box 817	37388
Texas:			
Abilene	District Office	North 3d and Pine Sts	79604
Amarillo	do	1006 Adams St	79101
Austin	do	531 Barton Spring Rd	78704
Beaumont	do	485 North 15th St., P.O. Box 5306	77706
Big Spring	do	1009 Gregg St	79720
Brownsville	do	910 East Washington St., P.O. Box 1351	78521
Brownwood	Branch Office	315 North Center Ave., P.O. Box 700	76801
Bryan	District Office	307 South Main St., P.O. Box 798	77801
Corpus Christi	do	1802 South Staples St., P.O. Box 3606	78404
Corsicana	Branch Office	415 North 12th St., P.O. Box 1481	75110
Dallas	District Office	3716 Rawlins St., P.O. Box 6556	75219
	Hearings and Appeals	311 South Akard St	75202
Eagle Pass	Branch Office	338 Monroe St., P.O. Box 1303	78852
El Paso	District Office	3211 Yandell Dr., P.O. Box 3246	79923
Fort Worth	do	819 Taylor St	76102
	Hearings and Appeals	819 Taylor St	76102
Galveston	District Office	1419 Tremont St	77550
Greenville	Branch Office	Corner of Wesley and Lee Sts., P.O. Box 1137	75401
Houston	District Office	515 Rusk Ave	77002
	Hearings and Appeals	515 Rusk Ave., P.O. Box 61529	77061
Laredo	District Office	700 San Augustine Ave., P.O. Box 389	78041
Longview	do	108 East South St., P.O. Box 871	75603
Lubbock	do	3428 Avenue H	79404
Lufkin	do	Chestnut Village Shopping Center, P.O. Box 908.	75901
McAllen	do	504 South 12th, P.O. Box 1180	78501
Odessa	do	700 East Grant St	79760
Palestine	Branch Office	611 East Lacey	75801
Pasadena	District Office	1416 East Southmore Ave., P.O. Box 3009	77502
Plainview	Branch Office	1401 B. West 5th	79072
Paris	District Office	1220 Clarksville St., P.O. Box 511	75461
Pampa	Branch Office	400 West Kingsmill St	79065
Port Arthur	District Office	234 Fort Worth Ave., P.O. Box 1427	77641

EXHIBIT X8-1—SOCIAL SECURITY ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Texas—Continued			
San Angelo	do	3000 West Harris Ave	76901
San Antonio	do	309 Dwyer Ave	78204
Sherman	do	315 West Mulberry, P.O. Box 848	75091
Temple	do	210 West Central Ave., P.O. Box 428	76501
Texarkana	do	121 College Dr., P.O. Box 1319	75502
Tyler	do	105 West Front St., P.O. Box 3427	75701
Vernon	Branch Office	1728 Fannin St., P.O. Box 1417	76384
Victoria	District Office	312 South Main St., P.O. Box 2268	77903
Waco	do	3326 Franklin Ave., P.O. Box 299	76703
Wichita Falls	do	Lamar and 10th Sts., P.O. Box 1650	76307
Utah:			
Ogden	do	304 25th St	84401
Provo	do	170 North 2d St., P.O. Box 948	84601
Salt Lake City	do	125 South State St	84111
Vermont:			
Burlington	do	11 Elmwood Ave	05402
Montpelier	do	87 State St	05601
Rutland	do	24 Evelyn St	05701
Virginia:			
Alexandria	do	825 South Washington St., P.O. Box 118	22313
Bristol	do	2195 Euclid Ave	24201
Charlottesville	do	2140 Barracks Rd., P.O. Box 5126	22903
Covington	do	433 West Main St., P.O. Box 57	24426
Danville	do	Arnett Blvd	24540
Lynchburg	do	2600 Memorial Ave., P.O. Box 2247	24501
Newport News	do	8001 Marshall Ave	23605
Norfolk	do	220 West Brambleton Ave	23510
Norton	Branch Office	46 7th St	24273
Petersburg	District Office	200 North Sycamore St., P.O. Box 629	23804
Richmond	do	400 North 8th St	23240
	Hearings and Appeals	400 North 8th St	23240
Roanoke	District Office	306 West Campbell Ave	24016
	Hearings and Appeals	920 South Jefferson St	24016
Staunton	District Office	119 West Frederick St., P.O. Box 1020	24401
Winchester	do	20 South Cameron St., P.O. Box 436	22601
Wytheville	Branch Office	440 West Franklin St	24382
Washington:			
Aberdeen	District Office	309 East Market St	98520
Bellingham	do	Magnolia and Cornwall Sts	98225
Bremerton	do	801 11th St., P.O. Box 29	98310
Everett	do	3024 Wetmore Ave	98201
Longview	Branch Office	1456 Broadway, P.O. Box 1017	98632
Olympia	District Office	1007 South Washington St., P.O. Box 608	98501
Pasco	Branch Office	319 West Lewis, P.O. Box 1048	99301
Seattle	District Office	230 Fairview Ave. North	98109
	Hearings and Appeals	1319 2nd Ave	98101
Spokane	District Office	1420 North Washington St	99201
Tacoma	do	1016 South L St	98405
Vancouver	do	500 West 12th St., P.O. Box 249	98660
Walla Walla	do	335 South 2nd St., P.O. Box 947	99362
Wenatchee	do	606 North Chelan St., P.O. Box 428	98801
Yakima	do	101 North 6th St., P.O. Box 2188	98902
West Virginia:			
Beckley	do	110 Howe St., P.O. Box Y	25801
Bluefield	do	Federal St., P.O. Box 4160	24702
Charleston	do	1206 Quarrier St., P.O. Box 1788	25326
	Hearings and Appeals	500 Quarrier St	25301
Clarksburg	District Office	722 West Pike St	26301
Huntingdon	do	1415 6th Ave., P.O. Box 2165	25722
	Hearings and Appeals	1011 6th Ave	25701
Logan	District Office	417 Main St	25601
Martinsburg	Branch Office	126 East Martin St., P.O. Box 737	25401
Morgantown	District Office	9 South High St	26505
Parkersburg	do	963 Market St	26101
Welch	do	20 McDowell St., P.O. Box 669	24801
Wheeling	do	11th and Chapline Sts	26003
Wisconsin:			
Appleton	do	401 South Elm St., P.O. Box 528	54911
Eau Claire	do	715 South Barstow St., P.O. Box 930	54701
Fond Du Lac	do	73 East 1st St., P.O. Box 73	54936
Green Bay	do	325 East Walnut St	54301
Janesville	do	306-08 West Milwaukee St., P.O. Box 729	53546
Kenosha	do	2002 63d St., P.O. Box 549	53140
La Crosse	do	149 South 6th St., P.O. Box 856	54601
Madison	do	2825 University Ave	53705
Milwaukee	do	342 North Water St	53202
	do	4331 West Oklahoma Ave	53219
	Hearings and Appeals	161 West Wisconsin Ave	53203
Oshkosh	District Office	424 Washington Ave	54901
Racine	do	603 Main St	53401
Sheboygan	do	607 North 8th St	53081
Superior	do	1810 Belknap St., P.O. Box 196	54880
Waukesha	do	716 North Barstow St	53186
Wausau	do	119 Scott St., P.O. Box 998	54402
Wisconsin Rapids	do	140 Johnson St., P.O. Box 848	54494
Wyoming:			
Casper	do	606 South David St., P.O. Box 1771	82602
Cheyenne	do	525 Randall Blvd., P.O. Box 948	82001
Rock Springs	do	516 Broadway, P.O. Box 1230	82901

EXHIBIT X8-2—STATUTES, OTHER THAN THE SOCIAL SECURITY ACT, WHICH GIVE THE SECRETARY AUTHORITY RELATING TO THE MISSION OF THE SOCIAL SECURITY ADMINISTRATION

(a) Act of August 11, 1939 (Public Law 400, 76th Cong.), 53 Stat. 1420, sec. 2, 53 Stat. 1420.

(b) Act of August 13, 1940 (Public Law 764, 76th Cong.), 54 Stat. 785, sec. 5, 54 Stat. 787.

(c) Act of May 26, 1948 (Public Law 557, 80th Cong.), 62 Stat. 274, sec. 3(b)(5), 70 Stat. 980.

(d) Act of September 1, 1954 (Public Law 769, 83d Cong.), 68 Stat. 1142, as amended, September 26, 1961, Public Law 87-299, 75 Stat. 640.

(e) Internal Revenue Code of 1954, 68A Stat. 3, sec. 3121(k)(2), 68A Stat. 428, sec. 3121(1)(4), 68 Stat. 1095.

(f) Civil Service Retirement Act, 46 Stat. 468, sec. 3(j), 70 Stat. 745, 75 Stat. 623.

(g) Immigration and Nationality Act, 66 Stat. 204, sec. 290(c), 66 Stat. 234.

(h) International Organizations Immunities Act, 59 Stat. 669, sec. 5(b), 59 Stat. 671.

(i) Railroad Retirement Act of 1937, 50 Stat. 307, sec. 3(e), 50 Stat. 311, as amended, sec. 5(k)(2)(E), 65 Stat. 688, sec. 5(k)(3), 60 Stat. 732, 72 Stat. 1780, sec. 21(c), 79 Stat. 340.

(j) Social Security Act Amendments of 1939 (Public Law 379, 76th Cong.), 53 Stat. 1366, sec. 907, 53 Stat. 1402, 57 Stat. 45, 47, 58 Stat. 188, 68 Stat. 1085.

(k) Social Security Act Amendments of 1950 (Public Law 734, 81st Cong.), 64 Stat. 477, sec. 101(d), 64 Stat. 488, 66 Stat. 775, 74 Stat. 936, sec. 110, 64 Stat. 523.

(l) Social Security Amendments of 1954 (Public Law 761, 83d Cong.), 68 Stat. 1052, sec. 101(k), 68 Stat. 1060, sec. 102(e)(5), 68 Stat. 1068, 74 Stat. 966, sec. 109, 68 Stat. 1084, 74 Stat. 948, sec. 403(a), 68 Stat. 1098, 70 Stat. 855, 72 Stat. 938, 74 Stat. 944, sec. 404, 68 Stat. 1099.

(m) Social Security Amendments of 1956 (Public Law 880, 84th Cong.), 70 Stat. 807, sec. 104(f), 70 Stat. 826, sec. 116, 70 Stat. 833, 74 Stat. 994.

(n) Social Security Amendments of 1958 (Public Law 85-840), 72 Stat. 1013, sec. 314(c)(2), 72 Stat. 1037, sec. 316, 72 Stat. 1040, 74 Stat. 935.

(o) Social Security Amendments of 1960 (Public Law 86-778), 74 Stat. 924, sec. 101(d), 74 Stat. 927, sec. 102(f)(3)(B), 74 Stat. 934, sec. 102(h), 74 Stat. 934, sec. 102(i), 74 Stat. 935, sec. 102(k), 74 Stat. 935, sec. 105(b), 74 Stat. 943, sec. 404(a), 74 Stat. 970.

(p) Social Security Amendments of 1965 (Public Law 89-97), 79 Stat. 286, sec. 102(b), 79 Stat. 332, sec. 103(c), 79 Stat. 334, sec. 109(b), 79 Stat. 340, sec. 316(c), 79 Stat. 386, sec. 319(c), 79 Stat. 391, sec. 331(c), 79 Stat. 402.

(q) Other Social Security Act Amendments, Public Law 85-227 (Aug. 30, 1957), 71 Stat. 512, sec. 2, 71 Stat. 512; Public Law 85-239 (Aug. 30, 1957), 71 Stat. 521, sec. 3, 71 Stat. 522; Public Law 86-284 (Sept. 16, 1959), 73 Stat. 566, sec. 3, 73 Stat. 566; Public Law 87-878 (Oct. 24, 1962), 76 Stat. 1202.

(r) Title 38, U.S. Code (Public Law 85-857), 72 Stat. 1105, sec. 422, 72 Stat. 1132, sec. 3001, 72 Stat. 1225, sec. 3005, 72 Stat. 1226.

(s) Trading With the Enemy Act of 1917, 40 Stat. 411, sec. 36(a), 60 Stat. 925.

Dated: July 7, 1967.

[SEAL] JOHN W. GARDNER, *Secretary.*

[F.R. Doc. 67-8015; Filed, July 14, 1967; 8:45 a.m.]

Office of the Secretary

SAINT ELIZABETHS HOSPITAL

Statement of Organization, Functions, and Delegations of Authority

The following statement supersedes all previous material issued in Part 14 (Saint Elizabeths Hospital) of the Statement of Delegations of Authority for the Department of Health, Education, and Welfare.

14-A *Mission*. Saint Elizabeths Hospital is responsible for providing appropriate treatment for the mentally ill, for mental health training programs for professional and other personnel, and for research in mental health.

14-B *Organization and functions.* Saint Elizabeths Hospital is administered by the Superintendent under the direction of the Secretary. It consists of the following major components:

Office of the Superintendent: Manages and directs the activities of Saint Elizabeths Hospital.

Behavioral and Clinical Studies Research Center: Coordinates and directs research activities.

Division of Administration: Performs all nonmedical activities, including business management, construction, management improvement, maintenance, dietary, and industrial.

Division of Medical Services: Provides complete psychiatric care for various categories of mentaly ill patients and general medical and surgical treatment for all patients. Provides administrative management and paramedical activities. The paramedical activities include providing complete nursing care of all patients; compiling and issuing biometric data; providing for the spiritual and religious welfare of patients; providing laboratory services; maintaining medical records; providing psychological services including personality, speech and hearing evaluations and treatment; conducting psychodrama, dance therapy, occupational and recreational therapy programs; implementing sanitation measures; providing social service facilities; providing educational and rehabilitation programs; conducting a volunteer worker program; and conducting a training and rehabilitation program for patients under 18 years of age.

Professional Training and Education Division: Formulates training program policies, and directs the psychiatric residency training program. Coordinates other medical and paramedical professional educational programs.

Cruvant Division: Furnishes treatment and care in an intermediate security setting to male and female patients.

Dix Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

Geriatric Division: Furnishes treatment and care for patients age 70 or older at the time of admission.

John Howard Division: Furnishes treatment and care for male patients in a maximum security setting.

Que Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

Richardson Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

West Lodge Division: Furnishes treatment and care for male and female patients under 70 years of age at the time of admission.

West Side Division: Furnishes treatment and care for male patients, including some admitted as a result of criminal proceedings. Intermediate security facilities are utilized for certain patients.

W. A. White Division: Furnishes treatment and care for male and female patients of all ages.

14-C *Delegations of authority.* 1. Order of Succession: During the absence or disability of the Superintendent or in the event of a vacancy in that office, the Assistant Superintendent will act as Superintendent. During the absence or disability of the Superintendent and Assistant Superintendent, or in the event of a simultaneous vacancy in the offices of Superintendent and Assistant Superintendent, the First Assistant Physician will act as Superintendent.

During the absence, disability or vacancy in the office of Superintendent, Assistant Superintendent, and First Assistant Physician, the Clinical Director who is senior according to the date of his appointment as Clinical Director, will act as Superintendent. In the event of equal seniority between Clinical Directors, seniority as to date of appointment to the Hospital will govern.

During the absence or disability of the Superintendent, or in the event of a vacancy in that office, the Acting Superintendent, serving in accordance with the prescribed order of succession, will perform all functions and exercise all authority of the Superintendent.

2. Except as provided in Chapter 2-000 the Superintendent of Saint Elizabeths Hospital will exercise all of the functions transferred to the Department by section 11(a), Reorganization Plan No. IV, and Reorganization Plan No. 1 of 1953.

3. The Superintendent of Saint Elizabeths Hospital, by delegation of the Secretary, will exercise the functions vested in the Secretary by the Act of June 21, 1950 (P.L. 569, 81st Congress), as amended (37 USC 354), relating to the appointment of boards of physicians under the Superintendent's jurisdiction, to determine the mental competency of members of the uniformed services being provided medical treatment at Saint Elizabeths Hospital.

14-D *Redelegation of authority.* Unless otherwise restricted, authority contained in section 14-C may be redelegated by the Superintendent to such officials of Saint Elizabeths Hospital as he may deem appropriate.

14-E *Location.* Saint Elizabeths Hospital is located at 2700 Nichols Avenue SE., Washington, D.C. 20032.

Dated: July 8, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8189; Filed, July 14, 1967; 8:48 a.m.]

VOCATIONAL REHABILITATION ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

"The following statement supersedes all previous material issued in Part 12 (Vocational Rehabilitation Administration) of the Statement of Organization and Delegations of Authority for the Department of Health, Education, and Welfare."

12-A *Mission.* 1. The Vocational Rehabilitation Administration is the focal point in the Department of Health, Education, and Welfare for the administration of programs to support and increase the vocational rehabilitation of disabled persons and their greater utilization in suitable employment, and to eliminate or minimize obstacles to this objective.

2. The Vocational Rehabilitation Administration administers programs of grants to States in support of the Federal-State rehabilitation program; intramural and extramural research and demonstration programs to expand knowledge and advance practice in rehabilitation; training grant programs to increase the supply of professionally trained rehabilitation personnel; an international program in rehabilitation research, research training, the interchange of rehabilitation experts, and the training of foreign nationals in rehabilitation techniques; grants for the construction, alteration, expansion, equipment and initial staffing of rehabilitation facilities and workshops; grant programs and supporting service activities for the improvement of workshops for the handicapped; grants for service projects to expand the number of disabled people rehabilitated; grants to assist States in planning activities in rehabilitation; the operation of a data system for furnishing information on rehabilitation programs and activities; and grants in support of the national study of manpower problems in correctional rehabilitation.

3. The Vocational Rehabilitation Administration also administers the Randolph-Sheppard Act under which blind persons are licensed to operate vending stands on Federal and other property.

4. The Vocational Rehabilitation Administration cooperates with the Social Security Administration in making disability determinations under the Social Security Act and in providing vocational rehabilitation services to disabled beneficiaries; with the Bureau of Employees' Compensation, Department of Labor, in providing rehabilitation services for disabled Federal employees; and with the Public Health Service in administering grants for the construction of rehabilitation facilities under the Medical Facilities Survey and Construction Act.

12-B *Organization and functions.* 1. Office of the Commissioner: Responsible to the Secretary of Health, Education, and Welfare for directing the programs of the Vocational Rehabilitation Administration. Determines policy and program objectives. Provides program leadership and maintains relationships with Federal, State, International and Professional agencies and organizations. Directs and coordinates program planning activities.

Deputy Commissioner: Collaborates and shares responsibility for the general direction and supervision of all activities and operations of the Vocational Rehabilitation Administration and acts for the Commissioner in her absence.

Special Assistant for Civil Rights: Develops and administers the Vocational Rehabilitation Administration program of compliance with Title VI of the Civil Rights Act and the implementing departmental regulation and with EO No. 11246.

2. Assistant Commissioner, Legislation and Public Affairs: Administers the legislative and the public information and reports programs of the Vocational Rehabilitation Record," and prepares other conduct of special staff projects involving broad questions of agency policy.

Publications and Reports Staff: Publishes the agency magazine, "The Rehabilization Record," and prepares other special publications for increasing public and professional understanding of rehabilitation. Prepares annual and other reports of the programs of the Vocational Rehabilitation Administration. Prepares press releases and other public information announcements covering the vocational rehabilitation program. Assists State Vocational rehabilitation agencies in conducting their information programs. Develops and directs the use of visual aids, exhibits and related materials for general educational purposes and on special phases of rehabilitation. Coordinates and cooperates with the Office of Public Information, Office of the Secretary.

Legislative Staff: Develops the Vocational Rehabilitation Administration's legislative programs. Coordinates legislative proposals effecting vocational rehabilitation, collaborates with Federal and voluntary agencies and congressional committees in developing policy and positions on proposed legislation.

3. Assistant Commissioner for Administration: Advises and assists the Commissioner by providing leadership in the development of administrative policies to carry out program objectives; represents VRA in administration within the Department and with other Federal agencies; provides broad leadership in the statistical analysis of VRA programs; directs and coordinates operations of divisions under jurisdiction; collaborates with the Commissioner and Assistant Commissioners in all program plans and policies, including program objectives.

Division of Budget and Fiscal Operations: Develops, prepares and coordinates budget estimates and plans and participates in presentation of these estimates in departmental hearings, and hearings before the Bureau of the Budget and the Congress; advises the Assistant Commissioner for Administration on the apportionment and allotment of funds; directs the administrative control of funds; develops and maintains fiscal controls and cost data to evaluate programmed activities throughout the year; directs all accounting and audit functions and the preparation of financial reports.

Division of Personnel and Management Services: Participates in the development of departmental policies, standards and procedures in the fields of personnel management and management services; directs personnel management operations (including recruitment and placement, classification, training, security, conduct of CSC professional examinations, performance evaluation, staffing, appointment and employee relation activities): directs organization and methods, management planning and improvement, records, space, procurement, printing and distribution, leave and retirement matters and other office services; conducts management surveys to achieve maximum utilization of personnel and the application of efficient methods of operation; provides technical advisory services in all areas of personnel management and general administration to both central and regional office staff. Provides services as Contract Officer for VRA, for all appropriations, including research and training. Provides leadership and coordinates the Department's program for placement of the physically handicapped within the Department.

Division of Statistics and Studies: Plans, conducts, evaluates, and coordinates the statistical analysis of program operations in the States; develops methods for collecting and analyzing statistical data on State program operations and on the research and training programs, for use in developing long-range program plans; furnishes consultative services to State agencies in developing studies and improving State statistical reporting systems; collects, analyzes and publishes nation-wide data on program services; conducts special studies in health, disabilities, employment and other fields related to rehabilitation and cooperates with other agencies in conducting projects in these areas; provides consultation to VRA staff on statistical research problems. Operates a national rehabilitation data service, using automated data equipment, to collect, store, analyze, retrieve, and disseminate information on all VRA programs, as a service to agencies and individuals.

4. Associate Commissioner, Research and Training: Provides national leadership in the development of the research, research fellowships, demonstrations, training, research and training centers, international research and correctional manpower training programs; plans and conducts direct research in both medical and nonmedical areas of the program. Directs divisions under jurisdiction; collaborates with Commissioner and Assistant Commissioners in all program plans and policies, including program objectives.

Division of Research and Demonstrations: Directs and promotes a nation-wide program of research and demonstrations, to solve specific problems in the rehabilitation and adjustment of disabled persons; provides research grants to public and private nonprofit institutions, with the assistance of the National Advisory Council on Vocational Rehabilitation; provides research fellowships to individuals and training of professional staff in research methods and techniques. Develops policies, regulations and procedures covering these operations. Plans, develops and conducts nation-wide research activities in both the medical and nonmedical areas of the program. Directs the evaluation, interpretation and application of direct research findings to the rehabilitation of disabled persons. Maintains relationships with public and private agencies to keep abreast with current developments in related research areas; develops research resources and program priorities to meet urgent program needs.

Division of Research and Training Centers: Carries nation-wide responsibility for the establishment of special centers for research and training in rehabilitation. Coordinates large-scale programs in universities and related settings for research and training identified with the rehabilitation of the chronically ill and disabled. Provides grants for research, training and client services. Formulates policies and procedures covering Research and Training Center operations. Encourages research to meet specific program problems in these centers. Promotes training programs of all types in these centers—professional and technical—for graduate and undergraduate students, working in any of the professions engaged in rehabilitation. Provides funds to support patient and client services for clinical research and/or training in these centers. Maintains relationships with national agencies and professional organizations. Develops research and training priorities to meet specific program goals.

Division of Training: Directs and promotes a nation-wide program of training personnel for rehabilitation services; provides teaching and traineeship grants to public and voluntary nonprofit agencies and educational institutions conducting basic or advanced preparation of personnel in all professional fields related to the rehabilitation of physically or mentally disabled persons; formulates program policies and procedures governing administration of training grants; provides support for continuing education of personnel in all professional fields and staff development programs of State vocational rehabilitation agencies; stimulates the development and exchange of teaching materials; directs the evaluation of the effects of training programs and research into the nature and size of the needs for training; encourages research into methods of improving the preparation of personnel; maintains cooperative relationships with national agencies and professional associations concerned with recruitment, curriculum design, training and continuing education and with public and voluntary agencies for the purpose of keeping abreast of current developments in research and training.

Division of International Rehabilitation Activities: Administers programs for international rehabilitation research and the interchange of research scientists and experts, under authority of the Agricultural Trade Development and Assistance Act of 1954, P.L. 480, section 104(k) and the International Health Research Act of 1960, P.L. 86-610. Works with Department of State and appropriate American Embassies to insure that programs are in agreement with U.S. foreign policy. Develops program policies, standards and procedures covering submission of applications, review and approval of grants to nonprofit institutions in participating foreign countries for research in rehabilitation; provides awards for the interchange between the United States and foreign countries of research scientists and experts; and reviews and evaluates progress reports of project operations. Conducts training programs for nationals of other countries in U.S. methods and techniques for rehabilitating disabled persons. Evaluates policy statements and program proposals of the U.N. Social Commission and related agenices. Collaborates with public and private nonprofit national and international organizations in developing their international rehabilitation activities. Collects and disseminates scientific and technological information in rehabilitation for use abroad.

Division of Grants Management: Formulates fiscal plans, policies and procedures covering grant operations for Research and Demonstrations, Training, Research and Training Centers and International Research, as well as Research Fellowships. Furnishes consultative services to grantees on grants management. Directs the project referral system, which assigns applications to appropriate divisions for review. Directs grant financing activities. Reviews all expenditure reports. Develops audit policies and standards. Maintains liaison with Department in the audit of grants and resolving exceptions. Assists in development of the Annual Federal budget. Furnishes basic operating statistics to appropriate division as needed.

5. Associate Commissioner, Program Services: Provides national leadership in the development of Federal-State programs of vocational rehabilitation; directs divisions under jurisdiction; collaborates with Commissioner and Assistant Commissioners in all program plans and policies, including program objectives.

Division of State Program Administration: Formulates nationwide plans, policies and procedures on the development and improvement of State program services and operations, including statewide planning and rehabilitation of Social Security beneficiaries. Develops policies and standards for the determination of rehabilitation potential. Furnishes consultative services in these areas. Evaluates the effectiveness of State program operations. Directs State agency surveys. Maintains effective relationship with public and private agencies.

Division of Services to the Blind: Administers the Randolph-Sheppard Act Vending Stand Program and the Business Enterprises Program for blind persons; collaborates with Federal agencies and State licensing agencies in the development of additional vending stands and other employment opportunities for the blind; plans and directs advisory and consultative services of professional staff in such areas as guidance, training and placement (industrial, rural, service occupations, and professional); formulates policies, standards and procedures in these areas; initiates short and long-term training programs and directs in-service training programs for State professional personnel in prevocational and adjustment services, and professional occupations; maintains cooperative relationships with national, public, voluntary and professional organizations concerned with the welfare of blind persons; collaborates in the formulation of policies, standards and procedures required in the rehabilitation of the blind in rehabilitation facilities and workshops. Provides consultative services to appropriate State and voluntary organizations.

Division of State Plans, Projects and Grants: Plans, develops and establishes policies and standards covering State Plans for vocational rehabilitation and State grant administration; develops policies, standards and procedures covering the development of expansion and innovation projects and specialized vocational rehabilitation programs in political subdivisions and other related State projects; studies and advises on formulas for allotting funds, State expenditures and the financial management of State programs; allots, controls and certifies grants to State agencies under sections 2 and 3 of the Vocational Rehabilitation Act, as amended, as well as SSA trust funds; directs the administration and fiscal operations of the expansion grant program; directs fiscal operations covering statewide planning, including certification of payments.

Division of Rehabilitation Facilities and Workshops: Directs the administration of the rehabilitation facilities and workshops programs. Develops policies, standards and procedures covering the establishment and operation of rehabilitation facilities, sheltered workshops, half-way houses, special facilities for the deaf, blind, mentally retarded and other disability groups, as provided for in the VR Act as amended, P.L. 83-482, P.L. 88-164, and P.L. 87-395. Provides staff assistance and Secretariat to the National Policy and Performance Council and National Commission on Architectural Barriers. Collaborates with the PHS in the review and approval of projects governing the establishment of rehabilitation facilities. Provides consultative services in above areas. Directs fiscal operations involving certification of grants for construction, workshop improvement, training services and technical assistance of rehabilitation facilities and workshops. Maintains relationships with national, public voluntary and professional organizations concerned with the development and operation of rehabilitation facilities.

Division of Disability Services: Provides national leadership in the development and improvement of vocational rehabilitation services and techniques in such severe disabilities as mental illness, mental retardation, alcoholism, narcotic addiction, heart disease, cancer, stroke, epilepsy, deafness and other communicative disorders, and in selected program areas such as correctional rehabilitation, rehabilitation of the aging disabled and rehabilitation of handicapped youth. Provides technical consultation in these areas. Collaborates in the formulation of nation-wide policies, standards and procedures for program services, identification of training needs in specific disciplines and in the development and implementation of training programs to meet these needs; stimulates project activities designed to provide new knowledge or demonstrate sound rehabilitation practices. Collaborates in the development of policies, standards and services required by the above groups in workshops and rehabilitation facilities. Develops and maintains relationships with professional societies, voluntary groups, and other governmental agencies.

6. Assistant Commissioner, Regional Operations: Represents the regional offices in development and execution of the Vocational Rehabilitation Administration policy and plans, particularly as they affect the field; through regional offices participates in the development of comprehensive evaluation of rehabilitation needs and resources in the States and participates in use of the Vocational Rehabilitation Administration staff to meet resulting defined objectives; coordinates all policy and action requests to the regional offices from all central office units and develops, in collaboration with regional offices, operating plans to carry out assigned agency objectives; supervises regional office operations including evaluation of performance and advises on trends and developments in Federal-State relations.

Regional Assistant Commissioners: Within the framework of the Department of Health, Education, and Welfare regional offices, represent the Vocational Rehabilitation Administration in all areas of program administration; provide leadership in the development of programs of vocational rehabilitation in the States; participate in development of and carry out, within the region, national policies and standards covering program services, innovation grants, expansion grants, statewide planning, rehabilitation facilities and workshops, programs for rehabilitation of Social Security disability beneficiaries and the vending stand program under the Randolph-Sheppard Act; review and evaluate State program operations; review and approve State Plan Amendments; review State budgets; promote establishment of and approve applications for rehabilitation facilities under P.L. 83-482; promote and coordinate training programs within the regions, including those for increasing supply of qualified rehabilitation personnel, State agency in-service training and other identified training needs; promote the development of research and demonstration projects and review and evaluate applications and on-going projects; consult with research and training centers and educational institutions involved in long-term training activities; provide leadership in medical aspects of the vocational rehabilitation program within the region; plan, evaluate and recommend special rehabilitation programs to meet national objectives; maintain working relationships with public and private agencies; keep Regional Director informed of major program developments and problems.

7. Assistant Commissioner, Health and Medical Affairs: Advises the Commissioner on health and medical activities. Identifies needs, and establishes objectives for stimulating action and promoting effective health services and medical care for the disabled. Evaluates and interprets the effectiveness and objective of the medical component of all programs. Maintains liaison with national and international medical groups and with voluntary agencies.

12–C *Delegation of authority*. 1. Order of Succession: In the absence of the Commissioner of Vocational Rehabilitation, the Deputy Commissioner acts for the Commissioner.

2. Except as provided in Part 2 and section 12–D the Commissioner of Vocational Rehabilitation shall exercise the:

Functions vested in the Secretary by the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4), hereinafter referred to as the Act.

Functions of the Secretary as Chairman of the National Advisory Council on Vocational Rehabilitation and the National Advisory Council on Correctional Manpower and Training.

Functions of the Secretary under the proviso of P.L. 88–605 under the heading, Vocational Rehabilitation Administration-Research and Training, relating to the recognition of contributed funds from private sources which are earmarked for the establishment of a particular rehabilitation facility or workshop under a State plan for vocational rehabilitation services.

Functions under section 9 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 759), retained in the Federal Security Administrator by Reorganization Plan No. 19 of 1950, and transferred to the Secretary by Reorganization Plan No. 1 of 1953.

Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1953, to the Secretary from the Office of Education and Commissioner of Education under the Act of June 20, 1936, 49 Stat. 1559 (Randolph-Sheppard Act, 20 U.S.C. ch. 6A).

Functions vested in the Secretary by amendments to the foregoing statutes enacted subsequent to Reorganization Plan No. 1 of 1953. Authority vested in the Secretary under section 637 and 654 (a) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities. Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of a program of international rehabilitation research under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(k)).

Authority vested in the Secretary by section 4 of the International Health Research Act of 1960 (P.L. 86–610, 22 U.S.C. 2102), with respect to international rehabilitation research and research training activities.

Authority vested in the Secretary by Executive Order 11001 to prepare national emergency plans and develop preparedness programs covering rehabilitation of disabled survivors. The Commissioner shall coordinate these activities with the Surgeon General in order that preemergency plans shall be developed in consonance with post-attack organizational plans and structure of the Department for the Emergency Health Service.

Operational responsibilities of the Secretary under the Agreement of Understanding between the Department of Health, Education, and Welfare and the Department of Labor for the Implementation of the Medical Services Provision of the Manpower Development and Training Act of 1962, as amended (section 202(k) of such Act, 42 U.S.C. 2582 (k)).

Authority vested in the Secretary by section 222(d) of the Social Security Act, as amended (42 U.S.C. 422(d)) to make vocational rehabilitation services more readily available to disabled individuals entitled to benefits under sections 223 and 202(d) of such act (subject to ch. 1–966 of this Manual).

12–D *Reservation of Authority*. 1. The authority to appoint members to the National Advisory Council on Vocational Rehabilitation, the National Policy and Performance Council, the National Commission on Architectural Barriers to Rehabilitation of the Handicapped, and the National Advisory Council on Correctional Manpower and Training shall be exercised only by the Secretary.

2. Authority to disapprove a State plan or an amendment to a State plan submitted pursuant to the Act shall be exercised only by the Secretary.

3. Authority to disapprove an application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch. 6A), or to revoke a designation made pursuant to that Act, shall be exercised only by the Secretary.

4. Except as specifically authorized, only the Secretary shall exercise the authority conferred by section 5(c) of the Act.

12–E *Redelegation of authority*. Authority contained in 12–C above may be redelegated by the Commissioner to such officials of the Vocational Rehabilitation Administration as the Commissioner may deem appropriate.

EXHIBIT X12-1—VOCATIONAL REHABILITATION ADMINISTRATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Washington, D.C.	Headquarters	330 Independence Ave. SW	20201

Dated: July 8, 1967.

[SEAL]

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8190; Filed, July 14, 1967; 8:48 a.m.]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

The following statement supersedes all previous material issued in Part 6 (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare.

6–A *Mission*. The Office of Education is responsible for providing professional and financial assistance to strengthen education in accordance with Federal laws and regulations.

6–B *Organization and functions*. The Office of Education is under the supervision and direction of the Commissioner of Education and is comprised of the following organizational components:

Office of the Commissioner: Manages and directs the affairs of the Office of Education with the aid of staff advisors and assistants, internal advisory groups, and special staff. Advises on education matters for the U.S. Government.

Office of the Deputy Commissioner: Under the general direction of the Commissioner of Education has broad delegated responsibility to act for the Commissioner on major aspects of operations. Assumes full responsibility for the duties of the Commissioner during his absence.

Office of the Associate Commissioner for Federal-State Relations: Serves as the principle advisor to the Commissioner on Federal-State relations and provides stimulus for and integration of all Office of Education programs aimed toward improving the leadership services of State educational agencies.

Office of the Associate Commissioner for International Education: Formulates overall policy for all international education programs and activities administered by the Office of Education. Coordinates such programs and activities and serves as the focal point for Office of Education relationships within the Department and with government and private agencies. Acts as secretariat with respect to Office participation in education programs of international organizations and is responsible for the recruitment of American educators for international organizations.

Office of the Associate Commissioner for Field Services: Designs, develops, and coordinates a program of support for Office of Education personnel located at the Department of Health, Education, and Welfare Regional Offices. Through the field staff, provides technical advice and assistance to State and local agencies, public and private institutions and associations which serve the national education effort. Conducts evaluation of program accomplishment in field activities, effecting improvements in consonance with the mission and policies of the Office of Education.

Office of Administration: This Office, which includes the Office of the Assistant Commissioner, plans, directs, and coordinates the administrative, financial, and personnel management programs of the Office of Education and provides a broad variety of management services. Areas of activity include management information, organization and procedures, manpower utilization, records management, budget formulation and execution; fiscal services and accounting operations; business negotiation, execution and administration of all Office contracts and project grant agreements; recruitment, placement, classification, and employee development; procurement of space and equipment, property management and control, mail and messenger services, reproduction, and publications distribution.

Office of Information: This Office, which includes the Office of the Assistant Commissioner, plans and coordinates the public information activities of the Office of Education and is the central liaison with news media and the general and educational publics. It assists with informational presentations of Office programs; produces "American Education" as a periodical recognizing the interrelated character of the levels of education and the fact that education is the public's business; provides editorial, format, graphic arts, makeup, and other professional public information services for Office publications; and represents the Commissioner of Education on matters relating to printing and publishing.

Office of Legislation: This Office, which includes the Office of the Assistant Commissioner, plans and prepares new legislation necessary to carry out the functions of and the objectives proposed for the Office of Education; coordinates the preparation of Congressional and other reports on bills relating to education; provides the Office with information regarding the content, status and progress of legislation affecting education, and coordinates suggestions for new legislation received from within the Office. Responsible for handling and conducting Congressional relations functions of the Office.

Office of Program Planning and Evaluation: This Office, which includes the Office of the Assistant Commissioner and the following two divisions, provides planning and programing for the Office of Education mission; provides guidance and coordination for planning and programing of Bureau and Staff Office missions; evaluates Office mission accomplishment; provides guidance and coordination for Bureau and Staff Office evaluations; and makes economic and other special analyses for the Joint Economic Advisors, the Office of Education Plicy Group, etc.

Division of Program Planning: Makes economic and other special analyses to shed light on educational issues necessary for planning of educational policy.

Division of Program Evaluation: Provides planning and programing support for Office missions; administers programing phases of Bureau of Budget Planning, Programing, Budgeting Systems within the Office of Education; assists in developing 5-year projections of financial and program data, and coordinates and advises on evaluation activities of the Bureau and other Staff Offices comprising the Office of Education.

Office of Equal Educational Opportunities: This Office, which includes the Office of the Assistant Commissioner, administers compliance functions in connection with the requirement that all recipients of Office of Education program funds assure the Office that such funds will be used without discrimination on the grounds of race, color, or national origin; administers grants to school districts for inservice desegregation-related training of school personnel or for the employment of desegregation specialists and arranges with institutions of higher education for the operation of institutes designed to help elementary and secondary school personnel deal with desegregation problems.

Office of Programs for the Disadvantaged: This Office, which includes the Office of the Assistant Commissioner, coordinates and provides leadership for and program data on Federal Educational programs for the disadvantaged. Works with the various components of the Office of Education in their development of program policies and procedures. Maintains close liaison among Office of Education, Office of Economic Opportunity, and other Federal agencies involved in related programs.

Office of Construction Service: This Office, which includes the Office of the Assistant Commissioner, and the following two divisions, is responsible for all phases of professional architectural/engineering service required in conjunction with the administration of Office of Education programs for construction including project development in preparation for construction, project monitoring during construction, project completion and contracting for equipment. Provides Office of Education leadership in the planning and analysis for facility development which include campus planning and facility design and equipment.

Division of Construction Support: Responsible for development of engineering policies and procedures applicable to Office of Education supported construction activity; architectural/engineering review of construction proposals; consultative services concerning contracting procedures in the preconstruction phase, inspection and completion approval of construction activity, and for certification of construction progress as a basis for payment.

Division of Facility Development: Responsible for development of educational facilities and related community planning guides; provision of consultative services to local, State, and regional planning groups; establishment of a clearinghouse of educational facilities, literature and workshop activity, and for evaluation of facilities research and initiation of new research in the facilities field.

National Center for Educational Statistics: The Center, which includes the Office of the Assistant Commissioner and the following four divisions, is responsible for developing the statistical program for the Office of Education; coordinating information gathering activities and for providing assistance in application and use of automatic data processing systems and services.

Division of Data Sources and Standards: Maintains communications with sources of educational statistics and provides leadership in development of standard terminology and reporting procedures; aids States, local school districts, and institutions of higher education in development of data processing and reporting systems, provides grants to State departments of education to improve and strengthen their educational information and statistical services.

Division of Data Processing and Data Analysis: Provides technical assistance in survey and other research activities conducted by the Office of Education. Services include questionnaire design, computer programing, provision of data processing assistance and services to internal elements of the office, and other data processing activities, and review of manuscripts for statistical accuracy.

Division of Statistical Analysis: Performs analytical statistical studies and disseminates statistics on education. Devises sampling plans for Office of Education surveys and performs validity and methodological studies to improve techniques for collecting and analyzing statistical information. Furnishes reference, estimate, and projection services for all aspects of educational statistical information.

Division of Operations Analysis: Responsible for developing and maintaining a quantitative analytical model of the educational enterprise by integrating statistical information into a comprehensive structure, the principal function of which is to aid in appraising probable outcomes of significant policy or operational changes in American education. Analyzes the role of education in the life of the Nation insofar as this can be done in quantitative terms.

Bureau of Elementary and Secondary Education: Responsible for administration of a program of grants to State educational agencies, as well as other State agencies having education responsibilities, grants to local educational agencies, and institutions of higher education, and the monitoring of concomitant programs. It includes the Office of the Associate Commissioner, and the following six divisions:

Division of Plans and Supplementary Centers: Administers a program of grants to local educational agencies to establish innovative and exemplary supplementary centers and services; provides grants to State agencies pursuant to approved State plans for the acquisition of equipment, for minor remodeling and for improvement of instruction in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English or reading and the arts and humanities; for establishment, maintenance and improvement of guidance, counseling and testing programs; for acquisition of textbooks, school library resources, and other instructional materials. Contracts with State educational agencies or institutions of higher education for projects supporting science clubs.

Division of Compensatory Education: Administers a program providing payments to State agencies for the education of educationally deprived children, and for educational programs and projects to aid handicapped, neglected and delinquent, migrant and Indian children.

Division of Educational Personnel Training: Administers a program providing grants to institutions of higher education to provide training programs to visiting foreign educators and prospective educators from underdeveloped countries; provides grants to institutions of higher education in counseling and guidance, and for improving the qualifications of teachers and supervisors in various disciplines. Arranges for interchange assignments of American and foreign teachers, and recruits American teachers for one-way assignment overseas.

Division of State Agency Cooperation: Makes grants to States pursuant to approved applications setting forth programs designed to strengthen the leadership resources of State education agencies. Also provides for the exchange of State and Federal personnel.

Teacher Corps: Administers a program concerned with strengthening the educational opportunities available to children in areas having concentrations of low-income families and the encouragement of colleges and universities to broaden their programs of teacher preparation by attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas and attracting and training inexperienced teacher-interns who will be made available for teaching and inservice training to local educational agencies in teams led by an experienced teacher.

Division of School Assistance in Federally Affected Areas: Provides grants to local educational agencies for construction, maintenance and operation of schools in areas affected by Federal activities and by disasters, and for the operation of special educational programs for Cuban refugees.

Bureau of Adult, Vocational, and Library Programs: The Bureau of Adult, Vocational, and Library Programs, which includes the Office of the Associate Commissioner, and the following four divisions, administers programs of grants to States for vocational and technical education, education programs for adults, development of public library services and construction of public library facilities and for acquisition of library resources by institutions of higher education and for training in librarianship. Administers grants for educational television broadcasting facilities and contracts with States for the conduct of adult education programs in civil defense and radiological monitoring.

Division of Vocational and Technical Education: Administers programs of grants to States for vocational and technical education and training, construction of area vocational education school facilities and ancillary services as well as work-study programs. Provides assistance in the administration of the Future Farmers of America and Future Homemakers of America.

Division of Library Services and Educational Facilities: Administers programs of grants to States for the improvement and development of public library services, for construction of public library facilities, for fostering interlibrary cooperation and for library services for State institutions and for the physically handicapped. Administers grant programs for acquisition of library materials by institutions of higher education and for training in librarianship. Also administers a grant program for educational television broadcasting facilities.

Division of Adult Education Programs: Contracts with States for the conduct of adult education programs in Civil Defense and Radiological Monitoring; administers programs of grants to States for Adult Education Programs and to State agencies for community service and continuing education programs.

Division of Manpower Development and Training: Administers program of occupational and basic educational training through State educational agencies; in public or private institutions pursuant to agreements with the States, or provides the training by agreement or contract with public or private training or educational facilities to the unemployed and underemployed who cannot be reasonably expected to secure full-time employment without such training.

Provides supplementary programs of training for unemployed and underemployed persons residing in areas designated under the Area Redevelopment Act and arranges for education and training of persons in correctional institutions who are in need thereof to obtain employment upon release. Cooperates in providing work experience and training programs for needy persons who require work experience or special family and supportive services, as well as training, in order to assist them to secure and hold regular employment in a competitive labor market.

Bureau of Higher Education: The Bureau of Higher Education, which includes the Office of the Associate Commissioner, and the following four divisions, administers a wide variety of support and assistance functions directed toward higher education.

Division of Student Financial Aid: Provides support in the establishment of student loan funds at institutions of higher education for making low interest loans to students and administers programs of insured loans to college and vocational students. Administers programs of grants for the operation of work-study programs for the part-time employment of needy college students and educational opportunity grants for exceptionally needy students.

Division of Graduate Programs: Administers a program of grants to institutions of higher education for construction of academic facilities to improve graduate schools and cooperative graduate centers. Administers a program of grants to institutions for fellowship grants to prospective elementary and secondary school and college teachers and for strengthening teacher education programs.

Division of College Facilities: Administers a program of grants to institutions of higher education primarily for the construction of undergraduate academic facilities; provides loans to institutions of higher education for the construction of undergraduate and graduate academic facilities; makes grants to land-grant colleges and universities; makes grants to colleges and universities for improvement of higher education instruction through the acquisition of instructional equipment, and equipment for closed-circuit television.

Division of College Support: Administers programs to assist in raising the quality of developing institutions, through grants and teaching fellowships, and administers a program of grants and contracts with institutions of higher education for the operation of workshops and institutes to train faculty members in the use of educational media equipment.

Bureau of Research: The Bureau of Research, which includes the Office of the Associate Commissioner, and the following five divisions, promotes the improvement of education through administration of support for systematic educational research and related activities conducted outside the Office.

Division of Adult and Vocational Research: Promotes the improvement of adult, technical, and vocational education by support of a broad spectrum of research and development activities designed to help present and prospective members of the labor force acquire the basic knowledge, skills, and personal characteristics necessary to ensure continuing and satisfying work careers. Included are experimental and pilot programs designed to meet the special vocational needs of the disadvantaged. Supports institutes and seminars to prepare teachers for new and changing occupations and to upgrade competencies of teachers already engaged in adult and vocational programs.

Division of Elementary and Secondary Research: Promotes the improvement of education through support of a variety of projects and programs in all phases of preschool, elementary, and secondary education. Activities include basic and applied research, demonstrations, curriculum improvement projects, and research related to education of particular groups.

Division of Higher Education Research: Promotes educational improvement through support of a variety of research and development activities related to all facets of higher education, from junior college through graduate school. Besides curriculum improvement and a variety of basic and applied research, activities also include comparative studies of education in foreign countries, improvement of instruction in foreign languages, and the development and use of new educational media.

Division of Research Training and Dissemination: Administers programs which provide training in educational research, and supports a variety of dissemination activities such as the Educational Research Information Center and its satellite clearinghouses and dissemination activities related to new educational media.

Division of Laboratories and Research Development: Administers support for research and development centers, generally located at major universities, where specific educational problems receive intensive and continuous attention; and for the network of educational laboratories where regional groups are concerned with systematic educational improvements of immediate or emerging concern. Administers support for construction and equipment of educational research facilities.

Bureau of Education for the Handicapped: The Bureau of Education for the Handicapped, which includes the Office of the Associate Commissioner, and the following three divisions, assists States, colleges and universities, and other institutions and agencies in meeting the educational needs of the Nation's handicapped children and youth who require special services. Administers programs of support for training for teachers and other professional personnel, grants for research, financial aid to help States initiate, expand, and improve their resources in the field of the education of the handicapped, and for operation of the Captioned Films for the Deaf Program.

Division of Research: Responsible for development and expansion of leadership activities and resources to provide improved direction and education for handicapped children. Determines new avenues for exploration in a constant search for better educational approaches for the handicapped.

Division of Training Programs: Responsible for implementing programs concerned primarily with training educational personnel to work with the handicapped. Provides leadership to various education agencies or other groups designed to stimulate the implementation and improvement of relevant training programs.

Division of Educational Services: Coordinates the implementation of Office of Education programs designed to provide direct or indirect services to the handicapped by providing leadership to educational agencies and other groups designed to stimulate the implementation and improvement of educational services to handicapped persons. Operates the Captioned Films for the Deaf Program.

6-C *Delegations of authority.* Except as provided in Part 2 (Office of the Secretary) and Section 6-D of this Manual (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

1. Order of Succession: During the absence or disability of the Commissioner of Education or in the event of a vacancy in that office, the first official listed below who is available shall act as Commissioner.

a. Deputy Commissioner;

b. Associate Commissioner for Federal-State Relations;

c. Other Associate Commissioners in order of the seniority of their appointments as Associate Commissioner or, in the event of concurrent appointments, in order of the seniority of their appointments to the Office of Education;

d. Assistant Commissioner for Administration.

2. Reorganization Plan Number 1, 53 Stat. 1424, July 1, 1939, and Reorganization Plan Number 1, 67 Stat. 631, April 11, 1953; derived from the Acts of March 2, 1867, 14 Stat. 434, and July 20, 1868, 15 Stat. 92 (Establishment of Federal agency) (20 U.S.C. 1).

3. Morrill Acts (establishment of and assistance to land-grant colleges and universities); except that authority to certify funds is reserved to the Secretary (Act of July 2, 1862, 12 Stat. 503, and Act of August 30, 1890, 26 Stat. 417, as amended, 7 U.S.C. 301-329).

4. Joint Resolution No. 8, 52d Cong., approved April 12, 1892 (availability of library facilities) (27 Stat. 395, as amended, 20 U.S.C. 91).

5. Act of May 28, 1896 (publications and international education studies) (29 Stat. 171, 20 U.S.C. 3).

6. Smith-Hughes Act (vocational education) (P.L. 64-347 approved February 23, 1917, 39 Stat. 929, as amended, 20 U.S.C. 11-15, 16-28).

7. Section 8 of the Act of March 2, 1867 (inspection of Howard University) (P.L. 70-634 approved December 13, 1928, 45 Stat. 1021, as amended, 20 U.S.C. 123).

8. Section 4 of Public Law 70-831 approved February 27, 1929 (membership on D.C. Commission on Licensure) (45 Stat. 1327, as amended, 2 D.C. Code 103).

9. Extension of the Smith-Hughes Act to Puerto Rico (vocational education) (P.L. 71-791 approved March 3, 1931, 46 Stat. 1489, 20 U.S.C. 30).

10. George-Barden Act (vocational education); except the function of the Secretary in section 206(b) relating to the fixing of compensation for advisory committee members (P.L. 74-673 approved June 8, 1936, 49 Stat. 1488, as amended, 20 U.S.C. 15i-m, o-q, aa-jj, aaa-ggg).

11. Public Law 74-741 approved June 22, 1936 (studies of and reports on library services) (49 Stat. 1797, as extended).

12. Extension of the George-Barden Act to the Virgin Islands (vocational education) (P.L. 81-462 approved March 18, 1950, 64 Stat. 27, 20 U.S.C. 31-33).

13. Agreement with Housing and Home Finance Agency under Title IV of the Housing Act of 1950 (college housing loans) (P.L. 81-475 approved April 20, 1950, 64 Stat. 79, as amended, 12 U.S.C. 1749a(c)(2)).

14. Section 18 of Public Law 81-740 approved August 30, 1950 (Future Farmers of America) (64 Stat. 567, 36 U.S.C. 288).

15. Public Law 81-815 approved September 23, 1950 (assistance to federally affected areas and disaster relief areas for construction of schools) (64 Stat. 967, as amended, 20 U.S.C. 631-647).

16. Public Law 81-874 approved September 30, 1950 (assistance to federally affected areas and disaster relief areas for operation and maintenance of schools and assistance to local educational agencies for meeting the special educational needs of educationally deprived children); except the functions of the Secretary in section 203(d) relating to determinations with respect to payments under the program of aid to families with dependent children and with respect to the numbers of institutionalized neglected or delinquent children and children being supported in foster homes with public funds, and in section 212(b) relating to assistance to the National Advisory Council on the Education of Disadvantaged Children (64 Stat. 1100, as amended, 20 U.S.C. 236-244).

17. Immigration and Nationality Act (approval of schools for aliens under student visas) (P.L. 82-414 approved June 27, 1952, 66 Stat. 166, as amended, 8 U.S.C. 1101(a)(15)(F)).

18. Veterans Readjustment Assistance Act of 1952 (approval of accrediting agencies and membership on advisory committee to Administrator of Veterans Affairs) (P.L. 82-550 approved July 16, 1952, 66 Stat. 672, as amended, 38 U.S.C. 1644, 1653, 1662-1664, 1667).

19. Executive Order 10521 of March 17, 1954 (consultation with National Science Foundation on study of effects on educational institutions of Federal contracts and grants for scientific research and development).

20. Cooperative Research Act (P.L. 83-531 approved July 26, 1954, 68 Stat. 533, as amended, 20 U.S.C. 331-332(b)).

21. Public Law 83-532 approved July 26, 1954 (membership on National Advisory Committee on Education) (68 Stat. 533, 20 U.S.C. 333-337).

22. Library Services and Construction Act (P.L. 84-597 approved June 19, 1956, 70 Stat. 293, as amended, 20 U.S.C. 351-358).

23. Extension of the George-Barden Act to Guam (vocational education) (P.L. 84-896 approved August 1, 1956, 70 Stat. 909, 20 U.S.C. 34).

24. National Defense Education Act of 1958, including functions of the Secretary under section 1001(d) to study Federal programs in higher education, after initial contact has been made by the Secretary with the heads of departments and agencies concerned; except the functions of the Secretary in section 601 relating to arrangements for

language and area centers and relating to stipend payments; in sections 761 (a) and (d) relating to the approval of members of the Advisory Committee on New Educational Media and the fixing of compensation therefor, and in section 1002(a) relating to the establishment of advisory committee and the fixing of compensation therefor (P.L. 85-864 approved September 2, 1958, 72 Stat. 1581, as amended, 20 U.S.C. 401-592, 601-602).

25. Public Law 85-874 approved September 2, 1958 (membership on Board of Trustees of the John F. Kennedy Center for the Performing Arts) (72 Stat. 1698, as amended).

26. Public Law 85-875 approved September 2, 1958 (science clubs) (72 Stat. 1700, 20 U.S.C. 2 note).

27. Public Law 85-905 approved September 2, 1958 (captioned films for the deaf) 72 Stat. 1742, as amended, 42 U.S.C. 2491-2495).

28. Public Law 85-926 approved September 6, 1958 (handicapped children) (72 Stat. 1777, as amended, 20 U.S.C. 611-618).

29. Executive Order 11001 of February 16, 1962, section 55, and those portions of sections 6, 7, 9, 10, and 12 which pertain to education (preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions).

30. Manpower Development and Training Act of 1962; except the responsibility for overall policy direction of the program and for coordination of program policy with those of related programs within the Department and with other departments and agencies, and authority to submit reports to Congress required by section 233 are reserved to the Secretary (P.L. 87-415 approved March 15, 1962, 76 Stat. 23, as amended, 42 U.S.C. 2571-2620).

31. Part IV of Title III of the Communications Act of 1934 (grants for construction of educational television broadcasting facilities); except that authority to establish policies for administration of the grants program, to give final approval or approval subject to specified conditions to project grants, to effect liaison with other Federal departments and agencies on matters involving policy and program coordination is reserved to the Secretary (P.L. 87-477 approved May 1, 1962, 76 Stat. 64, 47 U.S.C. 390-397).

32. Migration and Refugee Assistance Act of 1962 (Cuban refugee educational assistance); programs as assigned by the Commissioner of Welfare (P.L. 87-510 approved June 28, 1962, 76 Stat. 121, as amended, 22 U.S.C. 2601-2605).

33. Extension to American Samoa of the George-Barden Act (vocational education) and of scientific, technical, and other assistance under any program administered by the Commissioner of Education except financial assistance under a grant-in-aid program (P.L. 87-688 approved September 25, 1962, 76 Stat. 586, 48 U.S.C. 1666-1667).

34. Section 721(b) and 725(a) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1963 (approval of bodies for accrediting schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing and public health and membership on National Advisory Council on Education for Health Professions) (P.L. 88-129 approved September 24, 1963, 77 Stat. 165, as amended, 42 U.S.C. 293a(b)(1)).

35. Section 302 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (research and demonstration projects in education of handicapped children); except the function of the Secretary in subsection (d) relating to the fixing of compensation for committee or panel members (P.L. 88-164 approved October 31, 1963, 77 Stat. 295, as amended, 20 U.S.C. 618).

36. Higher Education Facilities Act of 1963; except the functions of the Secretary in sections 203 (a) and (c) and section 402(c) relating to the approval of advisory committee members and the fixing of compensation therefor (P.L. 88-204 approved December 16, 1963, 77 Stat. 363, as amended, 20 U.S.C. 701-757).

37. Vocational Education Act of 1963; except the functions of the Secretary in sections 9 (a) and (c) relating to approval of advisory committee members and the fixing of compensation therefor and in section 12 relating to periodic review of vocational education programs and laws (P.L. 88-210 approved December 18, 1963, 77 Stat. 403, 20 U.S.C. 35-35n).

38. Executive Order 11155 of May 23, 1964 (Presidential Scholars).

39. Title IV and, with respect to programs administered by the Commissioner of Education, Title VI of the Civil Rights Act of 1964 (desegregation of public education and nondiscrimination in federally assisted programs) except that no termination of or refusal to grant or to continue Federal financial assistance under section 602 shall be made without the approval of the Secretary (P.L. 88-352 approved July 2, 1964, 78 Stat. 246, 42 U.S.C. 2000c-c9, d-84).

40. Extension to the Trust Territory of the Pacific Islands of any program or of assistance under any program administered by the Commissioner of Education; except financial assistance under a grant-in-aid program (P.L. 88-487 approved August 22, 1964, 78 Stat. 601, 48 U.S.C. 1681).

41. Sections 841(a) and 843(f) of the Public Health Service Act as added by the Nurse Training Act of 1964 (membership on National Advisory Council on Nurse Training and approval of bodies for accrediting schools of nursing (P.L. 88-581 approved September 4, 1964, 78 Stat. 917 as amended, 42 U.S.C. 298).

42. Executive Order 11183 of October 6, 1964 (membership on and assistance to President's Commission on White House Fellowships).

43. Executive Order 11185 of October 16, 1954 (coordination of Federal education programs) as amended by Executive Order 11260 of December 15, 1965; except the functions of the Secretary thereunder.

44. Part C, Title I of the Economic Opportunity Act of 1964 (P.L. 88-452 approved August 20, 1964, 78 Stat. 513, as amended, 42 U.S.C. 2751).

45. Executive Order 11197 of February 5, 1965 (membership on President's Council on Equal Opportunity); except the functions of the Secretary thereunder.

46. Section 211 and, with respect to programs administered by the Commissioner of Education, section 214 of the Appalachian Regional Development Act of 1965 (vocational education facilities and supplements to certain grant-in-aid programs) (P.L. 89-4 approved March 9, 1965, 79 Stat. 16, 17, 40 App. A, U.S.C. 211, 214).

47. Elementary and Secondary Education Act of 1965, as amended; except the functions of the Secretary in sections 306 (a) and (c) relating to the approval of members of the Advisory Committee on Supplementary Educational Centers and Services and the fixing of compensation therefor, in section 510 relating to periodic review of the program and laws for strengthening State departments of education, and in section 702 relating to the establishment of advisory councils and the fixing of compensation therefor (P.L. 89-10 approved April 11, 1965, 79 Stat. 27; 20 U.S.C. 821-867, 871-886).

48. Sections 3(b) and 6 of the National Technical Institute for the Deaf Act (accrediting agencies and membership on National Advisory Board on Establishment of the National Technical Institute for the Deaf); except the functions of the Secretary thereunder (P.L. 89-36 approved June 8, 1965, 79 Stat. 125, 20 U.S.C. 682(b), 685).

49. Sections 9, 12, and 13 of the National Foundation on the Arts and the Humanities Act of 1965 (membership on the Federal Council on the Arts and the Humanities, and grants and loans for improving instruction in the humanities and the arts) (P.L. 89-209 approved September 29, 1965, 79 Stat. 851, 20 U.S.C. 958, 961, 962).

50. National Vocational Student Loan Insurance Act of 1965 (student loan insurance) except the functions of the Secretary prescribed by section 15 (P.L. 89-287 approved October 22, 1965, 79 Stat. 1037, 20 U.S.C. 981-996).

51. Higher Education Act of 1965 (community service programs, college library assistance and library training and research, strengthening developing institutions, student assistance, teacher programs, financial assistance for the improvement of undergraduate instruction) except the functions of the Secretary prescribed by sections 109, 205, 303, and 433 (P.L. 89-329 approved November 8, 1965, 79 Stat. 1219, 20 U.S.C. 1001-1144).

52. Adult Education Act of 1966 (adult education) (Title III of P.L. 89-750 approved November 3, 1966, 80 Stat. 1216, 20 U.S.C. 1201-1213).

53. The agreements made with the Department of State in connection with educational aspects of international educational exchange and international technical cooperation programs under:

a. Agricultural Trade Development and Assistance Act of 1954 (P.L. 83-480 approved July 10, 1954, 68 Stat. 454, as amended, 7 U.S.C. Ch. 41).

b. Act for International Development of 1961 (P.L. 87-195 approved September 4, 1961, 75 Stat. 424, as amended, 22 U.S.C. Ch. 32).

c. Mutual Educational and Cultural Exchange Act of 1961 (P.L. 87-256 approved September 21, 1961, 75 Stat. 527, as amended, 22 U.S.C. Ch. 33).

6-D *Reservation of authority*. No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without the Commissioner's prior consultation and discussion with the Secretary.

6-E *Redelegations of authority*. Authority contained in section 6-C, except the making of regulations, may, to the extent permitted by law, be delegated or redelegated by the Commissioner of Education to such officials of the Office of Education as he may deem appropriate.

EXHIBIT X6-1—OFFICE OF EDUCATION PERMANENT OFFICES

	Type of office	Address	ZIP Code
Washington, D.C.	Headquarters Office	400 Maryland Ave.	20202

Dated: July 8, 1967.

[SEAL]

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8187; Filed, July 14, 1967; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

CARGO UNITIZATION

Use of Methods

The Assistant Secretary of Defense (Installations and Logistics) approved the following:

REFERENCES

(a) DoD Instruction 4100.14, "Uniform Preservation, Packaging, Packing and Marking of Items of Military Supply," Nov. 8, 1963.

(b) DoD Instruction 7510.4, "Uniform Policy for Charging Accessorial and/or Administrative Costs Incident to Issues, Sales, and Transfers of Materials, Supplies and Equipment," April 7, 1967.

I. *Purpose and applicability*. This Instruction provides guidance and establishes policies to be followed by the Military Departments and DoD agencies (hereinafter referred to as "DoD components") on the use of various methods of unitizing military supplies for all modes of shipment worldwide, including supplies destined for foreign government consignees under the Military Assistance Program and other international logistics programs.

II. *Scope*. This Instruction applies to all DoD components world-wide and includes but is not limited to the unitization methods (defined in Section IV below) identified as SEACON, CONEX (other than controlled humidity CONEX), Palletized Unit Loads, and Consolidation Containers.

III. *Objective of cargo unitization*. The fundamental objective of cargo unitization is to increase the speed, security, accuracy, flexibility and economy of packaging, packing, supply, storage and transportation operations by reducing miscellaneous small package shipments to homogeneous unit loads of optimum size for the direct application of mechanical handling equipment.

IV. *Definitions*. A. A Unitized Load is the assembly, into a single load, of more than one package of one or more different line items of supply in such a manner that the load can be moved in an unbroken state from source to distribution point or user as far forward in the supply system as practical. It is concerned with containerization, palletization and transportability of supplies with compatible properties normally handled by materials handling equipment.

B. CONEX (used synonymously with cargo transporter) is a reusable corrugated steel shipping container designed for world-wide surface movement and security of suitable military supplies and equipment. It is identified in the Federal Supply Catalog as FSN 8115-564-2908 for Type I (135 cubic feet bale capacity), and FSN 8115-271-7000 for Type II (295 cubic feet bale capacity).

C. SEACON is a reusable steel container (similar to CONEX) designed for use by the Department of the Navy for the movement and security of suitable military supplies and equipment. SEACON's come in three sizes: Small (150 cubic feet bale capacity), medium (200 cubic feet bale capacity) and large (295 cubic feet bale capacity). Federal Stock Numbers have not been assigned to SEACON's.

D. Palletized Unit Load is a quantity of any item or items, packaged or unpackaged, which are arranged on a pallet and securely strapped or fastened thereto so that the whole is handled as a unit.

E. Consolidation Container is a container designed to be handled with normal materials handling equipment and used to consolidate more than one line item into a single shipping container to one destination.

F. High Cost Cargo is that cargo placed within a CONEX container that has an average value of $1 or more per net pound of weight.

G. Classified Cargo is that cargo which has a security classification of confidential or higher or that cargo for which cover or concealment is mandatory.

V. *Policy*—A. General: Maximum use will be made of unitized loads where such use will result in an overall economy to the Department of Defense as compared with other methods of shipment. Where practicable and economical the requirement for shipment by palletized and unit loads will be made a part of procurement actions for supplies and services.

B. *SEACON or CONEX*: The use of SEACON and CONEX containers will be limited to:

1. Overseas shipments of high cost cargo and classified cargo of those types of supplies which, when packed in the container, normally occupy at least 80 percent of the bale or cubic capacity of the container.

2. Commodities suitable for shipment in such containers to those geographical areas where DoD components specify the existence of an unacceptably high degree of loss or damage. For those geographical areas, and when packaging and packing level requirements permit, SEACON and CONEX containers will be filled at the overseas port of discharge for further movement to inland destinations when economically advantageous.

3. Surface shipment of military mail by ship to certain geographical areas where experience indicates the existence of an unacceptably high degree of loss, if approved by the Military Service responsible for the ocean transportation charges.

C. When it is impracticable to fill containers in the overseas port as provided for in paragraph V-B-2 above, supplies and material authorized for shipment in SEACON and CONEX will be loaded into the containers at the most economical point in the pipeline system considering all applicable costs involved.

D. Limitations as to use as stated in paragraph V-B above do not apply to:

1. Retrograde cargo movements if approved by the DoD component responsible for the ocean transportation charges.

2. Cargo movements during periods of emergency.

3. Strategic Army Corps (STRAC) requirements.

4. Use of containers by military units for shipment of Tables of Organization and Equipment material and accompanying supplies, including basic loads.

5. Unitized loads of ammunition and explosive materials prescribed for "transfer-at-sea."

6. Troop exercises.

7. Movements incident to special operations or missions.

E. Palletized Unit Loads: 1. Palletized unit loads will be used to the greatest extent possible for shipment of supplies and materials when all of the items are destined for a single CONUS or overseas destination. However, care must be exercised to insure that individual packs have compatible properties (if dangerous material is involved), and are of a size and shape to fit compactly on a pallet.

2. Palletized unit loads containing Level C or Level B packs may be sheathed with a suitable material when the load is to be shipped to an overseas destination. Palletized unit loads containing Level A packs for overseas destinations or palletized unit loads destined for CONUS installations regardless of level of pack will not be sheathed except as may be required for reasons other than packaging protection.

3. Pallets to be used for palletized unit loads in surface shipment will be the standard 40 inches by 48 inches, four-way entry, hard wood, wing type, manufactured in accordance with applicable military specifications. Palletized unit loads, although other than the aforementioned standard 40- by 48-inch pallet, may be utilized for shipments to posts, camps, stations, and bases in CONUS until such time as the DoD depot systems are purged.

4. Pallets to be used in palletized unit loads for air shipment will be the standard 463L Materials Handling Support System pallets, e.g., the 108'' by 88'' master pallet or the 54'' by 88'' half-pallet. Palletized unit loads for air shipment on other than 463L pallets will be unitized in multiples not to exceed the dimensions of 104'' by 84'' width and length, 48'' in height and 7,600 pounds gross weight, except for ammunition which will be unitized in multiples not to exceed the dimensions of 104'' by 84'' width and length, 52'' in height and 8,000 pounds gross weight.

F. Consolidation Containers: 1. Consolidation containers will be used for shipment of supplies and material when it is not feasible to utilize a palletized unit load, or to reduce the overall cost of the shipment. All the items, packages and packs in a consolidation container must be for a single CONUS or overseas destination. Shippers will select containers which are designed to provide protection against the type of hazards to be encountered during shipment from origin to destination. Containers utilized will be of minimum tare, cube and cost which will provide this protection.

2. Consolidation containers manufactured from materials that will result in adequate protection of supplies at the lowest overall cost to the Government in accordance with reference (a) shall be used.

VI. *Costs for unitization*. A. The costs incurred for unitization, including the cost of labor, materials, pallets and containers for palletized unit loads and consolidation container shipments, and the cost of labor and materials for SEACON and CONEX shipments, but not including the cost of the SEACON and CONEX containers themselves, will be treated as packing, handling, and crating costs and will be financed as provided in reference (b).

B. The procurement cost of SEACON and CONEX containers will be considered as an equipment cost, and will be financed by the DoD components having the equipment requirement. No intra-DoD charges will be made for use of these containers.

C. In all cases when requested by a receiving DoD component, unit loads will be shipped by the shipping DoD component unless the shipping DoD component determines that there is no cost advantage to the Department of Defense as a whole. Cost determination will include appropriate factors, among others, for the cost of ocean transportation and stevedoring generated by the tare and cube resulting from containers and palletized unit loads. In those instances where the receiving DoD component does not accept the no cost advantage determination or if military necessity factors are considered of overriding importance, it will so advise the Assistant Secretary of Defense (Installations and Logistics).

VII. *Implementation*. DoD components will implement this Instruction and forward two copies of their implementation to the Assistant Secretary of Defense (Installations and Logistics) for approval prior to publication, within 90 days from the date of this Instruction. Such implementation shall contain the specific geographical areas referred to in paragraph V-B of this Instruction together with a statement of broad commodity categories, other than classified material, to be placed in SEACONs or CONEXs for each geographical area. Following the publication of these implementations, other geographical areas or additional commodity categories may be added by any DoD component provided the ASD (I&L) is advised of such changes within 30 days from the date of the change.

VIII. *Effective date*. This Instruction is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-8184; Filed, July 14, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 1379]

OREGON

Notice of Proposed Classification of Public Lands

1. Pursuant to the provisions of the act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the following described public lands in Lake County, Oreg., for disposal through exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g):

WILLAMETTE MERIDIAN

T. 24 S., R. 18 E.,
Sec. 31, lot 3, NE¼SW¼;
Sec. 32, E½NW¼.
T. 25 S., R. 18 E.,
Sec. 11, E½NE¼, NE¼SE¼, and fractional S½SE¼.
T. 27 S., R. 18 E.,
Sec. 13, SW¼ and W½SE¼;
Sec. 22, N½NE¼ and NE¼NW¼.
T. 27 S., R. 19 E.,
Sec. 7, lot 3, E½SW¼;
Sec. 15, NE¼;
Sec. 18, NW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 28, E½SW¼;
Sec. 29, SE¼SE¼ and SW¼SW¼;
Sec. 30, SW¼NE¼, SE¼NW¼, E½SW¼, S½SE¼, and NW¼SE¼;
Sec. 31, NE¼;
Sec. 32, W½W½, SE¼SW¼, and E½E½;
Sec. 33, W½W½ and SE¼SW¼;
Sec. 34, E½.
T. 28 S., R. 15 E.,
Sec. 11, NW¼SE¼;
Sec. 12, NW¼SW¼ and SW¼SE¼;
Sec. 14, NW¼NE¼ and S½NW¼.
T. 28 S., R. 16 E.,
Sec. 18, E½, lots 1, 2, E½NW¼, and NE¼SE¼;
Sec. 19, N½NE¼ and SE¼NE¼.
T. 28 S., R. 19 E.,
Sec. 3, SE¼SE¼.

The areas described aggregate 3,438.13 acres.

2. Classification of the above-described lands by a classification order will segregate the lands from all forms of disposal under the public land laws, including the mining laws, except as to application under section 8 of the Taylor Grazing Act (38 Stat. 1272), as amended.

3. Publication of this proposed classification order will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing disposal of their mineral and vegetative resources, other than under the mining laws.

4. For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Department of the Interior, 357 North L Street, Post Office Box 429, Lakeview, Oreg. 97630.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

After having considered comments received as a result of this publication and hearing if such is deemed necessary to be held, the authorized officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

For the State Director.

H. MAX BRUCE,
District Manager.

[F.R. Doc. 67-8156; Filed, July 14, 1967; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 6, 1967.

The Bureau of Indian Affairs has filed an application, Anchorage Serial No. 064482, for the withdrawal of the lands described below from all forms of appropriation. The applicant agency desires the land as a site for school buildings and adjunct facilities at Akhiok, Alaska.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations, 43 CFR 2311.1-3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

VILLAGE OF AKHIOK, KODIAK ISLAND, ALASKA

Beginning at Corner No. 4 of U.S. Survey No. 1118, thence S. 88°50′ E. 1.03 chains to the true point of beginning; thence S. 43°26′ E. 0.77 chains to a point; thence S. 88°50′ E. approximately 1.80 chains to a point; thence N. 38°28′ E. approximately 3.75 chains to a point; thence N. 51°32′ W. 4.03 chains to a point; thence S. 38°28′ W. approximately 3.88 chains to Corner No. 3 of U.S. Survey No. 1118; thence N. 83°16′ E. 3.925 chains to Corner No. 2 of U.S. Survey No. 1118; thence S. 20°02′ E. 2.24 chains to Corner No. 1 of U.S. Survey No. 1118; thence N. 88°50′ W. approximately 2.06 chains to the true point of beginning.

Containing approximately 1.2 acres.

LYLE F. JONES,
Acting State Director.

[F.R. Doc. 67-8157; Filed, July 14, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS AND MINNESOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and Minnesota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Atchison.	Meade.
Clark.	Mitchell.
Cloud.	Morton.
Doniphan.	Ness.
Edwards.	Pawnee.
Ellis.	Rawlins.
Finney.	Rooks.
Ford.	Rush.
Gove.	Russell.
Graham.	Scott.
Grant.	Seward.
Gray.	Sheridan.
Greeley.	Stanton.
Hamilton.	Stevens.
Haskell.	Thomas.
Hodgeman.	Trego.
Kearny.	Wallace.
Lane.	Wichita.
Logan.	

MINNESOTA

Sherburne.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of July, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8172; Filed, July 14, 1967; 8:47 a.m.]

OKLAHOMA

Designation of Counties Within the Great Plains Area Where Conservation Program Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following counties in the following State are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

OKLAHOMA

Jefferson.	Stephens.

Done at Washington, D.C., this 11th day of July, 1967.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 67-8173; Filed, July 14, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-387]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND TRUNKLINE GAS CO.

Notice of Application

JULY 7, 1967.

Take notice that on June 30, 1967, Central Illinois Public Service Co. (Applicant), 432 Maine Street, Quincy, Ill. 62301, filed in Docket No. CP67-387 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the unincorporated community of Cook Mills, Coles County, Ill., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in the unincorporated community of Cook Mills and a lateral line extending 500 feet westward from a point of interconnection with Respondent's transmission line to a point of interconnection with the above-proposed distribution system. Applicant also proposes that Respondent construct and operate a sales metering and regulating station at the proposed point of interconnection. Applicant estimates its third year peak daily and peak annual natural gas requirements at 119 Mcf and 12,163 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately $35,935, said cost to be financed from internal funds.

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 August 4, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8150; Filed, July 14, 1967; 8:45 a.m.]

[Docket No. CP67-386]

INDIANA NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JULY 7, 1967.

Take notice that on June 29, 1967, Indiana Natural Gas Corp. (Applicant), Paoli, Ind. 47454, filed in Docket No. CP67-386 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the communities of Dubois and Haysville, and adjacent areas, Dubois County, all in the State of Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate municipal natural gas distribution systems in the communities of Dubois and Haysville and to construct and operate lateral transmission facilities from a point of interconnection with Respondent's main transmission line to the respective communities, serving adjacent areas along said laterals. Applicant also proposes that Respondent construct and operate a sales meter station adjacent to its main line to render the service proposed above. Applicant estimates its third year peak daily and peak annual natural gas requirements at 609 Mcf and 52,095 Mcf, respectively.

Applicant estimates the total cost of the facilities proposed herein at approximately $182,304, said cost to be financed with company funds.

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 August 4, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8151; Filed, July 14, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

GRADUATE FELLOWSHIP PROGRAM OF CORPS OF ENGINEERS

Notice of Exclusions From Special Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined, upon request from the Department of the Army, that all positions of participants in the Graduate Fellowship Program of the Corps of Engineers in series and grades for which special rate ranges under 5 U.S.C. 5303 are authorized are to be excluded from coverage of such special salary rates. Salaries for positions of Graduate Fellowship Program participants who are hired as temporary employees under Schedule A, civil service regulation, § 312.3102(p), will be the appropriate statutory rates of the General Schedule.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8200; Filed, July 14, 1967; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is reqtiired in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8165; Filed, July 14, 1967; 8:46 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

JULY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Cos., Inc., and all other securities of Pakco Cos., Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8166; Filed, July 14, 1967; 8:46 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

JULY 11, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8167; Filed, July 14, 1967; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JULY 11, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pusuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 12, 1967, through July 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8168; Filed, July 14, 1967; 8:46 a.m.]

SMITHSONIAN INSTITUTION

STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

The following statement is effective following publication in the FEDERAL REGISTER.

SECTION 1. *Authority and purpose.*

(a) The Smithsonian Institution is legally an establishment having as its members the President of the United States, the Vice President, the Chief Justice, and members of the President's Cabinet. It is governed by a Board of Regents discussed in section 2 below, and has as its chief executive officer and director of its activities the Secretary of the Smithsonian discussed in section 3 below. The Smithsonian Institution administers a number of programs funded in part by direct Federal appropriations. The Institution itself is a private, nonprofit corporation. It receives and administers contracts and grants and accepts gifts and bequests from both private and public sources. These activities are administered in its capacity as a private organization. The Smithsonian's functions are dual, being both private and governmental.

(b) The Smithsonian Institution in administering programs for which it receives direct Federal appropriations may be considered an "authority of the Government of the United States" and therefore an "agency" for purposes of the Administrative Procedure Act (see 5 U.S.C. section 551(1) (1964 Ed., Supp.

II, 1966)). To the extent that the Institution acts as an agency within the meaning of that Act and in compliance with the public information section thereof (5 U.S.C. section 552 (1964 Ed., Supp. II, 1966)) this document provides a statement for the guidance of the public on the organization of the Smithsonian Institution; the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests; and the general course and method by which the Institution's functions are channeled and determined. Supplemental information on the organization and functions of the Smithsonian Institution is published annually by the Office of the Federal Register in the U.S. Government Organization Manual.

SEC. 2 *Board of Regents.*

The Smithsonian Institution was established by the Act of August 10, 1846 (9 Stat. 102; 20 U.S.C. section 41 (1964 Ed.)) for the "increase and diffusion of knowledge among men." The Board of Regents is the governing body of the Smithsonian Institution. It consists of the Vice President of the United States, the Chief Justice, three members each of the U.S. Senate and House of Representatives; and six citizens of the U.S. appointed by joint resolution of the Congress, two of whom shall be residents of the District of Columbia, and of the other four no two shall be from the same State. The Regents elect one of their number as chancellor who is presiding officer of the Board and the chancellor of the Institution. The Board also elects three of its members as an executive committee.

SEC. 3. *Office of the Secretary of the Smithsonian Institution.*

(a) *Secretary of the Smithsonian.* The Regents elect a suitable person as Secretary of the Smithsonian Institution, who shall also be the Secretary of the Board of Regents. The Secretary is the principal administrative officer of the Smithsonian Institution (20 U.S.C. section 46 (1964 Ed.)). The Secretary serves, ex officio, as a member of various boards and other organizations:

National Air and Space Museum Advisory Board.
National Armed Forces Museum Advisory Board.
National Gallery of Art Board of Trustees.
John F. Kennedy Center for the Performing Arts Board of Trustees.
Smithsonian Art Commission.
National Portrait Gallery Commission.
Joseph H. Hirshhorn Museum and Sculpture Garden Board of Trustees.
Temporary Commission on Pennsylvania Avenue.
National Visitor and Student Center Study Commission.
Federal Council on the Arts and the Humanities of the National Foundation on the Arts and the Humanities.
American Revolution Bicentennial Commission.

(b) *Assistant Secretary.* The Assistant Secretary acts as Secretary in case of the absence of the Secretary. The Assistant Secretary advises and assists the Secretary in matters involving organization; budget; legislation; fiscal policy and operations; personnel; property; construction; buildings maintenance and protection; management improvement; and participates in major program determinations.

(c) *Assistant Secretary (Science).* The Assistant Secretary (Science) advises the Secretary in planning, coordinating, and reviewing the scientific research, education, exhibition, and public service programs of the Smithsonian in anthropology, astrophysics, biology, earth sciences, ecology, and oceanography.

(d) *Assistant Secretary (History and Art).* This position has been established to advise and assist the Secretary in planning, coordinating and reviewing the research, education, exhibition, and public service programs of the Institution in the fields of history and art.

(e) *Assistants to the Secretary.* Other assistants to the Secretary include an Executive Assistant to the Secretary and two Assistants to the Secretary, for Planning and Development, respectively.

SEC. 4 *Staff, offices, and supporting activities.*

Other offices and divisions assist the Secretary in the planning, management, and executive direction of the Smithsonian's varied activities, which are discussed below:

(a) *Office of the General Counsel.* The General Counsel is the legal officer of the Smithsonian Institution. His office serves as legal staff to the Institution, involving work in legislation; property; the use of public and private funds; insurance; taxes; contracts; settlement of tort and contract claims; copyrights and patents; and all other matters involving legal counsel. The General Counsel also advises the Secretary on major policy matters as requested.

(b) *Office of International Activities.* This office establishes cooperative research programs with institutions of higher learning in other countries and fosters the international exchange of persons and programs in the sciences and humanities. It administers the Smithsonian's museum and related research programs in foreign countries.

(c) *Office of Education and Training.* This office develops and coordinates programs of education and cooperative research, drawing upon the Institution's resources in scientists and scholars, collections, libraries, and laboratories.

(d) *Office of Public Affairs.* This activity promotes public understanding of the Smithsonian's programs; responds to public inquiries; assists representatives of the mass communications media in learning of Smithsonian activities; broadens the impact of the Institution's educational resources through the use of radio and television; assists museum visitors by means of orientation materials; plans, coordinates, and directs special events; and cooperates in other public service and educational programs.

(e) *Division of Performing Arts.* This division plans and presents performances and artistic programs which illuminate the Institution's collections of objects and interpret America's heritage.

(f) *National Armed Forces Museum Advisory Board.* This board advises the Board of Regents by developing plans for commemorating and displaying the contributions which the Armed Forces of the United States have made to American society and culture in time of war and peace.

(g) *Smithsonian Institution Libraries.* The libraries maintain collections of books and other publications supporting the research programs of the Institution and its museum, art gallery, and zoological park activities. Included are works covering geology, botany, zoology, anthropology, aeronautics, astrophysics, industries, American history and technology, art, museology, and related fields.

(h) *Smithsonian Institution Press.* This publishing activity edits, designs, arranges for printing, and distributes the scholarly and popular publications of the Smithsonian Institution.

(i) *Buildings Management Department.* This department maintains, operates, and repairs the buildings, grounds, and facilities of the Smithsonian Institution; assists in the construction of exhibit halls and cases; aids the research and curatorial functions by fabricating special devices; and protects the buildings, collections, and visiting public.

(j) *Administrative and Technical Divisions.* A number of divisions serve and support the substantive bureaus and activities of the Smithsonian Institution. These include Programing and Budget, Personnel, Fiscal, Contracts, Information Systems, Supply, Photographic Services, Organization and Methods, and Travel Services.

SEC. 5. *Bureaus and other activities of the Smithsonian Institution.*

The substantive work of the Smithsonian Institution includes the following major program activities. Except as otherwise noted, each of these organization units is headed by a director and is located in Washington, D.C.

(a) *U.S. National Museum.* This activity assists the Secretary by providing program planning, review and evaluation of the Smithsonian's programs of exhibition and public service, training in museum techniques, advice and assistance to museums and community institutions, and museum research and scholarship. In addition, it provides executive direction to the Office of Exhibits, the Conservation Analytical Laboratory, the Office of the Registrar, and the Traveling Exhibition Service.

(b) *Museum of Natural History.* This museum serves as an international center for the natural sciences, maintaining the largest reference collection of scientific specimens in the nation, as well as comprehensive programs of original research and exhibition on man, plants, animals, rocks and minerals, and fossils. Its resources provide the basis for cooperative studies and educational activities among Federal agencies, universities, and other scientific institutions.

(c) *Smithsonian Astrophysical Observatory.* The Observatory, located in Cambridge, Mass., performs research in eight principal areas: radio astronomy;

gamma-ray astronomy; meteorites and cosmic dust; theoretical astrophysics; optical observatory and observation; flight experiments; planetary and lunar science; and meteors and comets. Inquiries of an astrophysical nature should be directed to the Smithsonian Astrophysical Observatory, 60 Garden Street, Cambridge, Mass.

(d) *Radiation Biology Laboratory.* This Laboratory carries out broad programs involving all aspects of the absorption and utilization of solar radiation by living organisms. It maintains a Carbon-14 Laboratory for the study and dating of archeological specimens.

(e) *National Zoological Park.* The Zoo maintains a collection of over 800 species of mammals, birds, and reptiles for the advancement of science and the instruction and recreation of the people. Investigations are conducted in animal behavior, ecology, nutrition, reproductive physiology, pathology, clinical veterinary medicine, and the conservation of wild populations, especially endangered species.

(f) *Smithsonian Tropical Research Institute.* This research activity, located in the Canal Zone, Panama, conducts research and education programs in tropical biology and ecology, behavior, and other studies in tropical climates, using the research facilities and resources of Barro Colorado Island, Fort Amador, Galeta Island, and elsewhere in tropical America. Mail inquiries should be directed to the Smithsonian Tropical Research Institute, Post Office Box 2072, Balboa, C.Z.

(g) *Museum of History and Technology.* This museum accomplishes research, exhibition, education, and public service programs in all aspects of American civil and military history and the history of science, technology, and arts and manufactures.

(h) *National Collection of Fine Arts.* This art gallery fosters public appreciation of art and encourages creative expression by exhibiting works of past and contemporary origin; conducts an international art program of circulating exhibitions; and conducts a variety of research and educational programs.

(i) *National Air and Space Museum.* This museum, through its programs of research, publication, collection, and exhibition, provides for historical study and public education in the development of aviation and space flight.

(j) *Freer Gallery of Art.* This gallery conducts research, publication, and exhibit programs to contribute to a better understanding and appreciation of the artistic achievements of Near and Far Eastern civilizations.

(k) *National Portrait Gallery.* This gallery administers programs for the exhibition and study of the likenesses of those persons who have made significant contributions to the history, development, and culture of the United States.

(l) *Joseph H. Hirshhorn Museum and Sculpture Garden.* This projected museum and sculpture garden will serve as the permanent home of the art collections of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation donated for the benefit of the people of the United States, for exhibition and study.

(m) *National Gallery of Art.* Under its own Board of Trustees and separately administered by its Director and staff, the gallery assembles and maintains a national collection of paintings, sculpture, and the graphic arts representative of the best in the artistic heritage of America and Europe.

(n) *John F. Kennedy Center for the Performing Arts.* Under its own Board of Trustees and separately administered by its Chairman and staff, this projected Center will present events in the performing arts; develop activities for public participation, education, and recreation; provide facilities for civic activities; and provide a suitable memorial for the late President John F. Kennedy.

(o) *International Exchange Service.* This activity carries out an exchange of governmental and private scientific, cultural and technical publications between the United States and over 100 foreign countries.

(p) *Science Information Exchange.* The Exchange maintains a national registry of current research in the life, social, physical, and engineering sciences.

SEC. 6 *Public information, submittals, and requests.*

(a) *Requests for information.* Except for requests for research reports of the Science Information Exchange discussed at 32 F.R. 9682, requests for information or other matters may be made to the units described above by correspondence addressed to the head of such unit, in care of the Smithsonian Institution, Washington, D.C. 20560. Correspondence to those Smithsonian activities located outside of the Washington, D.C., area should be to the addresses noted in their descriptive sections above. In cases where the public is not informed as to which unit is primarily concerned with a particular matter, correspondence or telephone inquiries may be directed to the Office of Public Affairs, Smithsonian Institution, Washington, D.C. 20560.

(b) *Procedure for obtaining records.* Consistent with the instructions found in the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act (Government Printing Office, June 1967), copies of public records may be obtained by requests in writing to the director of the Smithsonian unit primarily concerned with the particular record, or to the Office of Public Affairs, Smithsonian Institution, Washington, D.C. 20560, if the requestor is not informed as to which Smithsonian unit is primarily concerned with the record sought. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the words "public records" as used in this section.

Dated: July 11, 1967.

JAMES BRADLEY,
Acting Secretary.

[F.R. Doc. 67-8191; Filed, July 14, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 12, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 69751. By order of June 30, 1967, the Transfer Board approved the transfer to Don Machinery Movers, Inc., Chicago, Ill., of certificate of registration No. MC-120133 (Sub-No. 1) issued November 6, 1963, evidencing a right to engage in interstate or foreign commerce as a motor carrier within the State of Illinois as originally issued to H. Mandelbaum, doing business as H. Mandelbaum Machinery Movers, Chicago, Ill., Eugene L. Cohn, One North LaSalle St., Chicago Ill. 60602, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8206; Filed, July 14, 1967; 8:48 a.m.]

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