

because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Administrator, Bureau of Security
and Consular Affairs.

MARCH 3, 1969.

[F.R. Doc. 69-2789; Filed, Mar. 6, 1969;
8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Medical Attendance and Dependents' Medical Care

1. Section 577.3 is revised to read as follows:

§ 577.3 Medical care from civilian sources.

(a) *For whom authorized.* Subject to the restrictions referred to in paragraph 71, AR 40-3, personnel listed below will be provided medical care when available from civilian sources at the expense of Army funds. Care by civilian sources is authorized when it cannot be provided by medical treatment facilities of the Armed Forces or by other Federal medical treatment facilities, except as indicated in that portion of subparagraph (13) of this paragraph which pertains to hospitalization for persons interned by the Army.

Note: Except as provided in subparagraph (12) of this paragraph, members are not provided civilian medical care under the provisions of this section. Such members are authorized civilian medical care under the provisions of §§ 577.60—577.71.

(1) Members of the Army and Reserve components included in paragraphs 7 and 8, AR 40-3, subject to the restrictions contained therein. Such care will not be authorized for persons who are absent without authority.

(2) Members of, and designated applicants for enrollment in, the Army Senior Reserve Officers' Training Corps subject to the restrictions outlined in paragraph 10a, AR 40-3.

(3) Applicants for enlistment or reenlistment in the Armed Forces, including applicants for enlistment in the Reserve components thereof, limited to the following:

(i) Necessary medical and mental examinations.

(ii) Hospitalization to determine medical fitness for military service.

(iii) Emergency medical care for acute illnesses and injuries suffered while awaiting or undergoing processing at recruiting main stations or at Armed Forces Examining and Entrance Stations.

(4) Registrants under the Universal Military Training and Service Act limited to the types of care referred to in

subparagraph (3) (i) and (ii) of this paragraph.

(5) Civilian seamen in the service of vessels operated by the Department of the Army.

(6) Civilian employees of the Army limited to those occupational health services authorized in AR 40-5.

(7) Individuals who suffered personal injury or contracted disease in line of duty at a time when they were members of the Citizens Military Training Corps.

(8) U.S. nationals confined in foreign penal institutions.

(9) Applicants for appointment in the Regular Army, and Reserve components including those members of the Reserve components applying for active duty who require hospitalization to determine medical fitness for appointment, subject to the restrictions contained in paragraph 20, AR 40-3.

(10) Foreign nationals who are members of the Army of one of the NATO nations listed in paragraph 25a(1), AR 40-3, and who, in connection with their official duties, are stationed in or passing through the United States. (This provision is applicable to authorized civilian medical care obtained on and after July 1, 1963.)

(11) For conditions under which dependents of individuals listed in subparagraph (10) of this paragraph are provided civilian medical care, see AR 40-125.

(12) Retired Army members on the Temporary Disability Retired List who require periodic medical examinations, to include hospitalization when necessary in connection therewith, retroactive to January 14, 1963. (The provisions of §§ 577.60—577.71 are not applicable to examinations authorized by this subparagraph.)

(13) Prisoners of war, retained personnel, persons interned by the Army, and other persons in military custody or confinement. (Persons interned by the Army will be provided hospitalization at medical treatment facilities of the Armed Forces only in the absence of adequate civilian facilities pursuant in paragraph 42, AR 633-51.)

(14) Labor Service personnel in France.

(b) *Exclusion of hospitals which practice discrimination.* (1) The Department of Defense has determined that certain civilian hospitals practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin and has declared these hospitals ineligible to receive payment from the Government for inpatient or outpatient care furnished Department of Defense beneficiaries on and after the effective date of ineligibility. The list of ineligible civilian hospitals, together with the effective date of ineligibility, is published as § 577.71. Payment cannot be made for inpatient or outpatient care provided by these hospitals on and after the effective date of ineligibility except in unusual circumstances when approved by the Department of Defense. This applies regardless of whether the hospital seeks payment or the patient pays the

hospital and requests reimbursement. Payment to physicians and other professional or paramedical personnel who bill independently of the hospital will not be refused solely because their services were provided in an ineligible hospital.

(2) Before payment is denied for care obtained by an Army beneficiary in an ineligible hospital, the approving authority will review the case to determine whether unusual circumstances exist which may justify payment of the bill. Examples of unusual circumstances which may justify payment are a bona fide emergency, absence of an eligible hospital within reasonable distance, and admission of a patient to an ineligible hospital for short-term inpatient care prior to the effective date of ineligibility and treatment continues beyond that date. If it is found that unusual circumstances exist, the bill with a statement of the circumstances will be forwarded to The Surgeon General, Attention: MEDDD-OP, for review and forwarding to the Department of Defense for decision.

2. In § 577.60, a new subparagraph (4) is added to paragraph (c), to read as follows:

§ 577.60 General.

(c) *Administration.* * * *

(4) *Benefits not authorized in civilian facilities found to practice discrimination.* (i) Except as provided in subdivision (iii) of this subparagraph, payment cannot be made for inpatient or outpatient care provided in and billed by civilian facilities found by the Department of Defense to practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin and reimbursement cannot be made to an eligible patient who pays for care in such a facility and submits a claim for reimbursement. This policy is applicable in the States of the United States, the District of Columbia, Puerto Rico, Virgin Island, American Samoa, Guam, Wake Island, Canal Zone, and the territories and possessions of the United States. This restriction on payment applies to bills submitted by ineligible facilities for all care otherwise authorized by §§ 577.60—577.71, including benefits authorized under the Handicapped Program (§ 577.67). However, payment of attending physician and other professional or paramedical personnel who bill independently of the facility will not be refused solely because their services were provided at a facility appearing on the list.

(ii) A list of facilities determined by the Department of Defense to be ineligible, together with the effective dates of ineligibility, is maintained in § 577.71.

(iii) In unusual circumstances, the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate, may authorize payment for care obtained in an ineligible facility. When a claim is received for care obtained in an ineligible facility, it will be carefully reviewed to determine whether unusual circumstances existed which

might justify recommending payment. Examples of unusual circumstances include, but are not limited to the following:

(a) Emergency care.
(b) Care rendered in an ineligible facility because of the absence of an eligible facility within a reasonable distance (see § 577.63(b)(1)(vi)).

(c) Extended care for chronic conditions, nervous, mental, or emotional disorders, and for treatment under the Handicapped Program when a plan for management of the condition had been approved prior to the effective date of ineligibility of the facility and when the attending physician determines that a change in the treatment facility would be detrimental to the patient.

(d) Short-term care which was initiated prior to the effective date of ineligibility and continued beyond the ineligibility date.

(iv) Claims in connection with care provided in facilities on the ineligible list which indicate that unusual circumstances existed must be approved for payment by the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate. When unusual circumstances appear to justify the payment of such claims, the Executive Director, OCHAMPUS, or, as appropriate, the oversea commander, will forward the claim, together with his recommendation, to the Surgeon General concerned for review and forwarding to the appropriate Secretary for decision. Such claims must include a statement indicating the unusual circumstances.

3. In § 577.63(b), the introductory text of subparagraph (1) and subdivision (i) are revised to read as follows:

§ 577.63 Source of health benefits for dependents and retired members.

(b) *Administration of limitation on civilian inpatient care*—(1) *In the United States and Puerto Rico*. A DD Form 1251 (Nonavailability Statement—Dependents Medical Care Program) normally will be furnished spouses and children of active duty members residing with their sponsor in the United States or Puerto Rico when needed inpatient care cannot be provided them in a uniformed services facility within reasonable distance of their residence. Each DD Form 1251 issued will be annotated under "Remarks" as follows: "Any nonemergency medical care obtained through the use of this statement must be in hospitals which do not discriminate in their admission and treatment practices on the basis of race, color, or national origin." The form (four part set) will be signed by the issuing officer. Three copies will be furnished the patient: One to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

(4) The issuing authority will explain to the patient that the DD Form 1251 is for immediate use and must be presented to the civilian sources of care if the dependent chooses to seek civilian inpa-

tient care under the program. He will also explain to the patient that, except in unusual circumstances, payment will not be made by the Government for care provided in and billed by a civilian facility which is on the ineligible list and will not reimburse a patient who pays for care in such a facility and subsequently submits a claim for reimbursement. (See §§ 577.60(c)(4) and 577.71).

4. In § 577.64, a new subparagraph (4) is added to paragraph (g), as follows:

§ 577.64 Health benefits at facilities of the uniformed services.

(g) *Care beyond the capabilities of the medical facility.*

(4) The Government may not pay for care under subparagraphs (2) and (3) of this paragraph if provided at and billed by facilities which have been found by the Department of Defense to practice discrimination in the admission and/or treatment of patients. (See §§ 577.60(c)(4) and 577.71.)

5. In § 577.65, paragraph (a)(2) and the introductory text of paragraph (b) are revised to read as follows:

§ 577.65 Civilian health benefits for dependents and retired members.

(a) *Eligibility for civilian health benefits.*

(2) Individuals will be cautioned that, unless unusual circumstances exist (see § 577.60(c)(4)), the Government will not pay for either inpatient or outpatient care provided in and billed by a facility which appears on the ineligible list (§ 577.71). Also, when seeking civilian health benefits, the eligible person should ascertain that the source of care will participate in the Civilian Health and Medical Program of the Uniformed Services. If the source of care does participate in the program, the patient is not responsible for payment of any amount for authorized benefits except as specified in paragraph (1) of this section.

(b) *Civilian health benefits authorized dependents and retired members.* Authorized civilian health benefits include but are not limited to, the following provided the benefits are not furnished in a civilian facility which has been found by the Department of Defense to practice discrimination:

6. In § 577.67, the introductory text of paragraph (d) is revised to read as follows:

§ 577.67 Handicapped program.

(d) *Services authorized.* The following services are authorized with respect to the dependent's handicapping condition provided the services are not furnished in and billed by a civilian facility which has been found by the Department of Defense to practice discrimination in the admission and/or treatment of patients on the basis of race, color or national origin (see § 577.60(c)(4)).

7. In § 577.70, the caption is amended, introductory text is added, and the list is changed for States indicated:

§ 577.70 Fiscal agents.

For civilian health benefits obtained within the United States, Puerto Rico, Canada, and Mexico, the following fiscal agents are responsible for issuance of outpatient deductible certificates, payment of claims for benefits provided by civilian sources of care (other than hospitals), and payment of claims for reimbursement of Government's share of reasonable charges for inpatient and outpatient care:

ARKANSAS

Arkansas Blue Cross and Blue Shield, Inc., 601 Gaines Street, Little Rock, Ark. 72203.

CONNECTICUT

*Connecticut General Life Insurance Co., Hartford, Conn. 06115.

FLORIDA

Blue Shield of Florida, Inc., 532 Riverside Avenue, Jacksonville, Fla. 32201 or Post Office Box 2170, Jacksonville, Fla. 32203.

LOUISIANA

*Continental Service Life & Health Insurance Co., Post Office Box 3397, Baton Rouge, La. 70821.

MASSACHUSETTS

Massachusetts Medical Service and Massachusetts Blue Cross, Inc., 133 Federal Street, Boston, Mass. 02106.

MINNESOTA

*Minnesota Medical Service, Inc., 2344 Nicollet Avenue, Minneapolis, Minn. 55404.

NEBRASKA

Nebraska Medical Service, CHAMPUS Department, Main Post Office Station, Post Office Box 3248, Omaha, Nebr. 68103, or 518 Kilpatrick Building, Omaha, Nebr. 68102.

NEW MEXICO

Surgical Service, Inc. of New Mexico, 12800 Indian School Road NE., Albuquerque, N. Mex. 87112.

NEW YORK

United Medical Service, Inc., 2 Park Avenue, New York, N.Y. 10016.

NORTH CAROLINA

North Carolina Blue Cross & Blue Shield, Inc., Chapel Hill, N.C. 27514.

NORTH DAKOTA

North Dakota Physicians Service, 301 Eighth Street South, Fargo, N. Dak. 58102.

VIRGINIA

(Excludes Arlington and Fairfax Counties, and the city of Alexandria which are served by the fiscal agent for the District of Columbia.)
Virginia Medical Service Association, 2015 Staples Mill Road or Post Office Box 656, Richmond, Va. 23205.

WISCONSIN

Wisconsin Physicians' Service, 330 East Lakeside Street, Madison, Wis. 53705, or Post Office Box 1109, Post Office Box 1787.

8. A new § 577.71 is added, to read as follows:

§ 577.71 Civilian facilities which have been identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients.

Hospital	Effective date of ineligibility	Effective date eligibility restored
Choctaw County General Hospital, Butler, Ala.	Oct. 16, 1968	
Fifth Avenue General Hospital, Huntsville, Ala.	do	
St. Francis Hospital, Monroe, La.	do	Nov. 4, 1968
Greenwood Leflore Hospital, Greenwood, Miss.	do	
Covington County Hospital, Collins, Miss.	do	
East Bolivar County Hospital, Cleveland, Miss.	do	Oct. 25, 1968
Taney Hospital, Sumter, S.C.	do	
Hampton General Hospital, Varnville, S.C.	Nov. 10, 1968	

[C 17, AR 40-3 and C 1, AR 40-121]

(Sec. 3012, 70A Stat. 157, secs. 1071-1085, 72 Stat. 1445-1450; 10 U.S.C. 1071-1085, 2013)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent
Branch, Management Division, TAGO.

[P.R. Doc. 69-2739; Filed, Mar. 6, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Waterways Tributary to Atlantic Ocean and Gulf of Mexico

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.160 governing the use, administration, and navigation of all waterways tributary to the Atlantic Ocean south of Chesapeake Bay and to the Gulf of Mexico east and south of St. Marks, Fla., is hereby amended revising paragraph (d) to revoke the bridge regulations in subparagraphs (1)-(3) and to include a reference to the regulations of the U.S. Coast Guard applicable to the operation of bridges, effective upon publication in the FEDERAL REGISTER, since the promulgation of regulations to govern the operation of bridges is now the responsibility of the Department of Transportation (U.S. Coast Guard), as follows:

§ 207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.

(d) Bridges. (For regulations governing the operation of bridges, see §§ 117.1, 117.240 and 117.245 of this title.)

[Regs. Feb. 18, 1969, 1507-32 (Waters tributary to Atlantic Ocean and Gulf of Mexico)—ENGW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent
Branch, Management Division, TAGO.

[P.R. Doc. 69-2740; Filed, Mar. 6, 1969; 8:46 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Norman Dam and Lake Thunderbird, Little River, Okla.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of the flood control storage above elevation 1039 in Lake Thunderbird on Little River, Okla., and the operation of Norman Dam for flood control purposes.

§ 208.34 Norman Dam and Lake Thunderbird, Little River, Okla.

The Bureau of Reclamation, or its designated agent, shall operate Norman Dam and Lake Thunderbird in the interest of flood control as follows:

(a) Flood control storage in Lake Thunderbird between elevation 1039 (top of the conservation pool) and elevation 1049.4 (top of flood control pool) initially amounts to 76,600 acre-feet. Whenever the reservoir level is within this elevation range the flood control discharge facilities at Norman Dam shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. In order to accomplish this purpose, flood control releases shall be limited to amounts which, when combined with local inflows below the dam, will not produce flows in excess of bankfull on the Little River downstream of the reservoir. Controlling bankfull stages and corresponding flows, as presently estimated, are as follows: A 7.5-foot stage (1,800 c.f.s.) on the U.S.G.S. gage on Little River near Tecumseh, Okla., river mile 77.2 and a 17-foot stage (6,500 c.f.s.) on the U.S.G.S. gage on Little River near Sasakwa, Okla., river mile 24.1.

(b) When the reservoir level in Lake Thunderbird exceeds elevation 1049.4 (top of flood control pool), releases shall

be made at the maximum rate possible through the river outlet works and the uncontrolled spillway and continued until the pool recedes to elevation 1049.4 when releases shall be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation or its designated agent in immediate charge of operation of the Norman Dam shall furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, a report, on forms provided by the District Engineer showing the pool elevation; the number of river outlet works gates in operation with their respective openings and releases; uncontrolled spillway release; municipal pumping rate; storage; tail water elevation; reservoir inflow; available evaporation data; and precipitation in inches. Normally, a reading at 8 a.m., noon, 4 p.m. and midnight, shall be shown for each day. Whenever the reservoir level rises to elevation 1039 and releases for flood regulation are necessary or appear imminent, the representative of the Bureau of Reclamation or its designated agent, shall report at once to the District Engineer by telephone or telegraph and, unless otherwise instructed, shall report once daily thereafter in that manner until the reservoir level recedes to elevation 1039. These latter reports shall reach the District Engineer by 9 a.m. each day.

(d) The regulations of this section, insofar as they govern use of flood control storage capacity above elevation 1039.0, are subject to temporary modification in time of flood by the District Engineer if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation and its designated agent in immediate charge of operations of the Norman Dam by any available means of communication, and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, and his designated agent, with a copy to the representative in charge of the Norman Dam.

(e) Flood control operation shall not restrict pumping necessary for municipal and industrial uses and releases necessary for downstream users.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the dam and reservoir from major damage or inconsistent with the safe routing of the inflow design flood (spillway design flood).

(g) The discharge characteristics of the river outlet works (capable of discharging approximately 5,400 c.f.s. with the reservoir level at elevation 1039.0) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-5793 as revised by the "as built drawings").

(h) All elevations stated in this section are at Norman Dam and are referred to the datum in use at that location.

[Regs., Jan. 31, 1969, ENGOW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent
Branch, Management Division,
TAGO.

[F.R. Doc. 69-2741; Filed, Mar. 6, 1969;
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Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers,
Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

Okatibbee Reservoir, Miss., and
Holt Lock and Dam, Ala.

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and

will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 (76 Stat. 1195) as follows:

1. The Okatibbee Reservoir, Miss., is added to those listed in § 311.1, as follows:

§ 311.1 Areas covered.

Mississippi
Okatibbee Reservoir, Okatibbee Creek.

2. The Holt Lock and Dam, Ala., is added to the list in § 326.1(c), as follows:

§ 326.1 Areas covered.

(c) Alabama
Holt Lock and Dam, Warrior River.

[Regs., Dec. 17, 1968, ENGOW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent
Branch, Management
Division, TAGO.

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