general declaration or attached air cargo manifest:

Entry for equipment purchased or repairs made to this aircraft while in a foreign country not required under § 6.7(e) of the Customs Regulations.

In all cases where entry is not required the district director shall be satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the installation of the equipment and making of repairs were as set forth in subparagraphs (1), (2), (3), or (4) of this paragraph.

* * * * *

(R.S. 251, as amended, secs. 624, 644, 46 Stat. 759, 761, as amended, sec. 1109, 72 Stat. 799, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 1644, 49 U.S.C. 1509)

[FR Doc.74-17269 Filed 7-26-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1000—GENERAL

Assembly and Reassembly of Diagnostic X-ray Systems

In a notice of proposed rulemaking published in the FEDERAL REGISTER of December 3, 1973 (38 FR 33313), the Commissioner of Food and Drugs proposed to amend Subpart B of Part 1000 by adding a new § 1000.16 (21 CFR 1000.16), which would set forth the policies of the Food and Drug Administration concerning the assembly and reassembly of diagnostic X-ray systems specified in § 1020.30(a)(1) of the performance standard for diagnostic X-ray systems (21 CFR 1020.30, 1020.31, and 1020.32). Proposed § 1000.16 superseded two earlier proposals, §§ 278.102 and 278.103 (21 CFR 278.102 and 278.103), addressing these subjects which were published in the FEDERAL REGISTER on February 28, 1973 (38 FR 5349).

Proposed § 1000.16 would require that all X-ray components as listed in § 1020.30(a)(1), assembled after August 1, 1974, into an X-ray system which contains or will contain one or more certified components upon completion of the assembly, be certified. This requirement is intended to ensure the radiation safety integrity of new, certified X-ray systems assembled after the effective date of the standard, and prevent the future downgrading of these systems. The proposal would also require that all components reassembled into systems which are resold and relocated after August 1, 1979, be certified, thereby establishing an upgrading mechanism for existing substandard X-ray units.

Interested persons were given until February 1, 1974, to file written comments regarding the proposal. One manufacturer of diagnostic X-ray equipment requested an opportunity to present additional documentation in support of his comment after the closing date. This request was granted and a meeting was held at the Bureau of Radiological Health, Food and Drug Administration, on March 14, 1974. A summary of this meeting, except for information covered by the confidentiality provisions of section 360A(e) of the Radiation Control for Health and Safety Act of 1968, is on file in the office of the Hearing Clerk, Food and Drug Administration.

Fifteen letters commenting on proposed § 1000.16 were received. Of these, twelve letters were from manufacturers and their associations, one from a medical professional organization, one from a State radiation control agency, and one from a member of the medical profession. All of the letters addressed the requirements proposed in paragraph (a) or (c). Paragraph (a) as proposed, would require that X-ray components specified in § 1020.30(a)(1) which are assembled after August 1, 1974, and prior to August 1, 1979, into an X-ray system which contains, or will contain, one or more certified components upon completion of the assembly, be themselves certified. This paragraph would prohibit the assembly of a group of certified and uncertified components into a new or existing system after August 1, 1974, and would prohibit the installation of uncertified components into an existing system which contains one or more certified components prior to the assembly. Paragraph (c) would require that X-ray components specified in § 1020.30(a)(1) which are reassembled after August 1, 1979, into an X-ray system when the system is sold to a purchaser and relocated, be certified.

The principal issues raised by these comments and the Commissioner's conclusions thereon are as follows:

1. One manufacturer expressed concern that under proposed § 1000.16(a), various uncertified components could be stockpiled and legally marketed in the form of complete X-ray systems until August 1, 1979, thus circumventing the intent of the standard.

The Commissioner has concluded that a revision of paragraph (a) on the basis of this comment, is unwarranted. It is correct that complete, uncertified X-ray systems could be manufactured until August 1, 1974. However, specified components and X-ray systems manufactured after that date must meet the standard and be certified. As stated in the FEDERAL REGISTER publication of December 3, 1973 (38 FR 33313), it is necessary that the implementation of the standard and policy on assembly of equipment not result in the removal from service of useful and safe equipment needed in medical care. During the period from August 1, 1974, to August 1, 1979, the public health will be protected through the provisions of 21 CFR Part 1003 and Part 1004 which require a manufacturer to repair, replace, or refund the cost of X-ray equipment manufactured after October 18, 1968, which fails to meet the manufacturer's radiation safety design specifications, or fails to accomplish the intended purpose of the product. In addition, X-ray systems presently in use must meet applicable state and local radiation safety requirements.

2. Eleven manufacturers requested that proposed § 1000.16(a) be modified on the grounds that it would have a serious, adverse impact upon a large quantity of new, uncertified X-ray equipment which has already been sold and shipped, but which cannot be assembled until after August 1, 1974, due to delays in the construction of X-ray rooms or a lack of some components necessary to complete the systems. These manufacturers stated that, in order to comply with paragraph (a), all components which are used in these systems would be required to be uncertified. Their comments indicated that they anticipated difficulties in obtaining the remaining uncertified components necessary to complete these systems, since many require long lead-times as supplied by other firms, and the certification of these products is not under their control. In addition, they asserted that they normally delay producing and shipping components such as X-ray tubes, which are susceptible to damage during handling and storage until the X-ray system is to be assembled. If the assembly occurs after August 1, 1974, only certified components of this type will be available unless they are produced now and stored at the factory. The manufacturers emphasized that these difficulties could lead to additional expense and delays, and that the requirement of paragraph (a) would actually be counterproductive in accomplishing the purposes of the standard, since it would prevent the installation of certified components to complete these systems.

The Commissioner agrees with these comments and has concluded that § 1000.16(a) as proposed should be modified to permit the installation of both certified and uncertified components under the conditions prescribed in paragraph 3 of this preamble.

3. Nine manufacturers suggested that the proposal should be revised to allow the assembly of a mixture of certified and uncertified components into a system, if the components were purchased prior to August 1, 1974. These manufacturers stated that the industry currently accepts an order for X-ray equipment only if a contract has been signed by the purchaser; therefore, the date of this contract could be used in determining the date of purchase.

The Commisioner has determined that this suggested revision presents an effective means of dealing with the potential difficulties cited in comment 2 above, which is consistent with the purpose of the standard and § 1000.16. Therefore, § 1000.16(a) has been modified to permit the assembly of a group of certified and uncertified components into a new or existing X-ray system after August 1, 1974, if an order for all of the components assembled were placed by the purchaser prior to that date. Paragraphs (b), (c), and (d) of proposed § 1000.16 have been redesignated as paragraphs (c), (d), and (e), respectively. To assure compliance, a new paragraph (b) has been added to require that an assembler who installs X-ray equipment consisting of both certified and uncertified components after August 1, 1974, shall submit with his report pursuant to § 1020.30(d), adequate evidence to verify purchase of the equipment prior to August 1, 1974. As specified in §§ 1000.16(e) and 1020.30(d) the certified components installed must be of the type called for by the standard and the assembler may only file a report of noncompatibility as described in § 1020.30(d) if the conditions specified in § 1020.30(d)(2) are satisfied.

4. Two manufacturers suggested that § 1000.16(a) be made effective 1 year after final publication.

The Commissioner has determined that a regulation regarding the assembly of X-ray components must be established concurrent with the effective date of the performance standard in order to clarify how the standard would apply to the assembly of certified components. Also, sufficient evidence has not been submitted to enable a decision regarding a suitable alternative effective date for § 1000.16(a). Therefore, the revision suggested in this comment in rejected.

5. A medical professional organization commenting on proposed § 1000.16(c) questioned the intent of Congress to impose requirements upon existing X-ray equipment. However, this organization expressed agreement with the provision of a 5-year transition period as a solution to the practical problems which could have been created by proposed § 278.103, which allowed no transition period.

The requirements of proposed § 1000.16(c) would not apply to all existing X-ray equipment but only to those X-ray systems which are reassembled after August 1, 1979, pursuant to their relocation and sale to a purchaser.

The Commissioner concludes that such reassembly of existing X-ray equipment constitutes manufacturing within the meaning of the act. A 5-year period will be provided between the effective date of the standard and the effective date of requirements upon the reassembly of X-ray components to permit a gradual upgrading of existing X-ray systems with minimal adverse effect on the availability of used X-ray equipment for facilities unable to afford new equipment.

In their comments regarding proposed § 278.103, representatives of the medical profession stated that X-ray equipment has a normal useful lifetime of 5 to 7 years in high work load facilities, such as those located in metropolitan area hospitals, and that the sale of X-ray units from the facilities constitutes a major source of used X-ray equipment for use in rural areas and private practice.

The Commissioner anticipates that within 5 years most equipment in use in high work load facilities will be certified and therefore an adequate supply of used certified equipment will be available.

6. Two letters expressed agreement with the intent of paragraph (c) to remove obsolete X-ray components from service, but opposed the 5-year period allowed prior to implementation on the grounds that this period of time is too short. One of these letters stated that the Internal Revenue Service currently requires that X-ray equipment be depreciated over 10 years and therefore an allowance of 10 years would be more appropriate. This letter asserted that X-ray equipment installed just prior to August 1, 1974, may have little trade-in value after August 1, 1979, since there is currently no assurance that manufacturers will make certified components available for older machines. It was also predicted that, since X-ray equipment life expectancy and trade-in value are important in determining the rates of the Medicare and Medicaid programs, the proposed requirements upon reassembly could have a significant adverse impact upon the cost of these programs.

The Commissioner recognizes that some owners of uncertified X-ray systems may wish to resell used equipment after August 1, 1979, and that a loss of resale value may occur in some cases. However, it has been determined that the upgrading of uncertified X-ray systems must be achieved within a reasonable time period in order to eliminate some substandard and possibly hazardous used X-ray components.

Pursuant to provisions of § 6.1(b) (21 CFR 6.1(b)), the possible environmental consequences of § 1000.16 have been carefully considered. In accordance with the guidelines of the Council on Environmental Quality (40 CFR 1500.6(a)), concerning the identification of actions which may cumulatively have a significant effect upon the environment, the possible environmental consequences of § 1000.16 have been evaluated in conjunction with those of the performance standard for diagnostic X-ray systems (21 CFR 1020.30). It has been concluded that together these actions will not have a significant effect upon the environment, and, therefore, an environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act is not required.

Data and information supporting the Commissioner's conclusions with respect to this order and a copy of the environmental assessment report are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has determined FDA's policies with respect to the assembly of X-ray components must assure the purchaser of certified X-ray equipment that the performance is in accordance with the provisions of the standard, and that such equipment will not be downgraded by installation of uncertified components. These policies must also assure a reasonable and effective means of upgrading uncertified X-ray systems when they are reassembled for resale. This regulation, therefore, is essential for the effective implementation of the performance standard for diagnostic X-ray equipment (21 CFR 1020.30, 1020.31, and 1020.32).

The Administrative Procedure Act (5 U.S.C. 553(d)) provides that a regulation shall become effective not less than 30 days after publication unless otherwise provided by the agency for good cause shown. The Commissioner has determined that an earlier effective date is necessary for the reasons stated above, and to assure protection of the public health and safety. In view of the previous notice of proposed rulemaking (38 FR 33313) and discussions with representatives of industry and with other interested groups the Commissioner has concluded that ample notice of this order has been provided. This regulation shall become effective on August 1, 1974.

Therefore, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179; 42 U.S.C. 263f) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1000 Subchapter J of Chapter I, Title 21, Code of Federal regulations is amended by adding the following new section:

§ 1000.16 Assembly and reassembly of diagnostic X-ray systems.

The following provisions shall apply to the assembly and reassembly of diagnostic X-ray components specified in § 1020.30(a)(1) of this chapter into diagnostic X-ray systems.

(a) Except as provided in paragraph (b) of this section, specified components which are assembled after August 1, 1974, and prior to August 1, 1979, into those X-ray systems which contain, or will contain upon completion of the assembly, one or more components certified pursuant to § 1020.30(c) of this chapter, shall be only those which have themselves been so certified. For example, after August 1, 1974:

(1) An assembler who installs a new, complete diagnostic X-ray system may not assemble a system consisting of both certified and uncertified components.

(2) An assembler who installs components into an existing diagnostic X-ray system, containing one or more certified components prior to such installation, may only install components which have been certified by the component manufacturer(s), regardless of whether or not certified components themselves are replaced.

(3) An assembler who installs a group of components into an existing diagnostic X-ray system, containing no certified components prior to the assembly, may not install a combination of certified and uncertified components. He may install all uncertified components, or all certified components, into such a system.

(4) Except as required by paragraph (c) of this section, an assembler may reassemble a previously existing (used) system for resale whether or not the system

is comprised of all uncertified or a combination of certified and uncertified components. However, any new components added to an original system comprised of one or more certified components must be certified.

(b) The provisions of paragraph (a) of this section shall not apply to the assembly of specified components provided:

(1) All of the specified components which are assembled into the X-ray system after August 1, 1974, were purchased prior to that date; and

(2) The report filed pursuant to § 1020.30(c) of this chapter and paragraph (e) of this section includes adequate evidence that all of the specified components assembled were purchased prior to August 1, 1974. A copy of a notarized bill of sale, or other notarized contract for purchase clearly establishing the date of purchase of each of the specified components will be considered adequate evidence.

(c) Specified components which are assembled into a diagnostic X-ray system after August 1, 1979, shall be only those which have been certified pursuant to § 1020.30(c) of this chapter. For example, after August 1, 1979:

(1) An assembler who installs a complete diagnostic X-ray system may not install components which have not been certified by the component manufacturer(s).

(2) Only those components which have been certified by the component manufacturer may be installed into an existing diagnostic X-ray system whether or not the system contained certified components prior to the assembly.

(d) Specified components which are reassembled after August 1, 1979, into diagnostic X-ray systems pursuant to the relocation and sale of such systems to a purchaser, shall be only those which have been certified in accordance with § 1020.30(c) of this chapter. For example, after August 1, 1979:

(1) An assembler who reassembles an existing diagnostic X-ray system in a new location, when this reassembly is associated with a change in ownership of the system, may only reassemble those components into the system which are certified.

(2) An assembler who reassembles an existing diagnostic X-ray system in a new location may install uncertified components which were contained in the system prior to disassembly, if the reassembly is not associated with a change of ownership of the system. However, any new components added to the original system must be certified.

(e) Specified components which are certified pursuant to § 1020.30(c) of this chapter shall be assembled, and a report filed, in accordance with § 1020.30(d) of this chapter. For example:

(1) An assembler who installs a complete diagnostic X-ray system after August 1, 1974, which consists of specified components all of which are certified, must assemble components of the type required by § 1020.31 or § 1020.32 of this chapter and must assemble these components in accordance with the manufacturers' instructions. The assembler must also file a report in accordance with § 1020.30(d)(1) of this chapter and may not file a report of noncompatibility as provided for in § 1020.30(d)(2) of this chapter.

(2) An assembler who installs certified components into an existing diagnostic X-ray system may only file a report of noncompatibility if the conditions specified in § 1020.30(d)(2) of this chapter are satisfied.

(3) After August 1, 1979, all specified components which are sold to a purchaser and installed into a diagnostic X-ray system must be certified. Therefore, an assembler must file a report pursuant to § 1020.30(d) (1) or (2) of this chapter upon completion of the assembly of one or more of such components into any diagnostic X-ray system after that date.

Effective date. This order shall become effective on August 1, 1974.

(Sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f.)

Dated: July 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-17220 Filed 7-26-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC OPERATIONS

Subpart E—Highway Safety Improvement Program

Adoption of New Policies and Procedures

The Federal Highway Administrator is adding a new Subpart E to Part 655, Subchapter G, Chapter I of title 23, CFR. The purpose of the new subpart is to prescribe the policies and procedures that the Federal Highway Administration will follow in administering the highway safety improvement program, including the programs authorized by 23 U.S.C. 152, 153, 405 and section 203 of the Highway Safety Act of 1973, for the detection, through accident analysis, of specific locations, elements or sections of all highways that are hazardous or potentially hazardous and for implementing corrective measures for the identified hazards.

In consideration of the foregoing, 23 CFR Chapter I is amended by adding a new Subpart E in Part 655 of Subchapter G, reading as set forth below.

Since this amendment involves the administration of a program of public grants-in-aid, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

This amendment is issued under the authority of 23 U.S.C. 105(f), 152, 153, 315, and 405, section 203 of the Highway Safety Act of 1973, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on July 22, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart E—Highway Safety Improvement Program

Sec.
655.501 Purpose.
655.502 Definitions.
655.503 Policy.
655.504 Program elements.
655.505 Program procedures.
655.506 Project procedures.
655.507 Funding.
655.508 Evaluation and reporting.

AUTHORITY: The provisions of this Subpart E are issued under 23 U.S.C. 105(f), 152, 153, 315, and 405, section 203 of the Highway Safety Act of 1973 and delegation of authority at 49 CFR 1.48.

§ 655.501 Purpose.

The rules in this subpart prescribe the policies, procedures and guidelines for the development of a program for the detection, through accident analysis, of specific locations, elements or sections of all highways that are hazardous or potentially hazardous and for implementing corrective measures for the identified hazards.

§ 655.502 Definitions.

(a) "Highway" means any public road under the jurisdiction of and maintained by a public authority and open to public travel.

(b) "Roadside obstacle" means any fixed object alongside a highway (generally within 30 feet of traveled way) that may be a hazard to vehicles or pedestrians.

(c) "High hazard location" means any location which has a greater than average accident experience and any location with like characteristics to a location having greater than average accident experience.

§ 655.503 Policy.

Each State shall develop and implement on a continuing basis a highway safety improvement program including logical and comprehensive procedures for the selection, scheduling, construction and evaluation of highway safety improvement projects, on all highways, with the specific objective of reducing the number and severity of accidents.

§ 655.504 Program elements.

Each State highway safety improvement program shall include the following elements covering all highways:

(a) A process for the identification of safety needs, including:

(1) A reference system to determine accurately the location of individual accidents.

(2) A traffic records system which correlates accident experience with highway data, with the ultimate objective of identifying highway causative factors of accidents and accident severity.

(3) A procedure for identifying and reporting hazardous locations, elements,

and sections of highways based on a review of:

(i) Accident experience at specific locations.

(ii) Accidents related to specific elements of the roadway environment.

(iii) Sites with like characteristics to locations having a greater than average accident experienece.

(4) An engineering survey, systematically maintained, of all railroad-highway crossings to identify those crossings which may require separation, relocation, or warning devices.

(5) An engineering survey, systematically maintained, of all highways to identify roadside obstacles which may constitute a hazard to vehicles or pedestrians.

(6) The identification of locations with low skid resistance.

(7) The identification of locations with hazardous conditions associated with narrow bridges.

(b) A process for the systematic correction of identified safety needs including:

(1) The establishment of, and assignment of priorities to, a schedule of safety improvements.

(2) The implementation of the systematic correction of identified hazards.

(c) An evaluation of the program, including:

(1) A process to determine the effects the improvements have in reducing accidents and accident severity.

(2) An annual evaluation and report of the State's overall safety improvement program and the State's progress in implementing the individual programs established by the Highway Safety Act of 1973.

§ 655.505 Program procedures.

(a) *Establishment of priorities*—(1) *Railroad-highway grade crossings (section 203 of the Highway Safety Act of 1973)*. (i) Section 203(a) of the Highway Safety Act of 1973 requires as a minimum that each State's schedule of improvements shall provide signs at all crossings. As a first priority, each State, in cooperation with the involved railroad and any other agency having jurisdiction, shall identify those grade crossings at which there are either no signs or nonstandard signs and institute an improvement program to provide signing and pavement marking in compliance with the Manual on Uniform Traffic Control Devices[1] at all grade crossings.

(ii) At least one-half of the funds authorized under section 203 of the Highway Safety Act of 1973 are to be used for crossing warning devices (crossbuck warning signs, advance warning signs, pavement markings, illumination, flashing light signals with or without automatic gates). The remainder may be used for any type of work for the elimination of hazards of railroad-highway grade crossings.

(iii) The priority schedule of crossing improvements should be based on:

(A) The ranking of crossings using the State's current hazard index.

(B) An onsite inspection.

(C) Accident history.

(2) *High-hazard locations (23 U.S.C. 152)*. Using the accident data and information developed under § 655.504(a) (3), (6) and (7), project priorities for high-hazard locations shall be established, giving primary consideration to the anticipated reduction in number of accidents and accident severity, the cost of corrective measures and the feasibility of implementing the improvements.

(3) *Elimination of roadside obstacles (23 U.S.C. 153)*. Priorities for the elimination of roadside obstacles should be determined, utilizing the survey data developed under § 655.504(a)(5) and the State's accident information relative to fixed objects.

(4) *Federal-aid safer roads demonstration program (23 U.S.C. 405)*. Each State, in conjunction with local officials where appropriate, shall assign priorities, based on the potential for reduction in accidents and accident severity, to projects identified for the Federal-aid safer roads demonstration program for all highways not on the Federal-aid system. The identified projects shall be based on the listing that was required of each State not later than June 30, 1974, in compliance with 23 U.S.C. 405(b).

(b) *Project selection*. (1) Highway improvement projects for each of the following types of improvements may be approved by the Division Engineer only after the State has prepared, on the basis of its surveys and priority rankings, a schedule or list of projects to be implemented for that particular type of improvement:

(i) *Railroad-highway grade crossing improvements*. Projects for railroad-highway grade crossing improvements shall be selected from the priority listing developed in accordance with paragraph (a)(1) of this section. First priority shall be given to those grade crossings at which there are no warning signs or non-standards signs.

(ii) *High-hazard locations*. Projects for the improvement of identified high-hazard locations on the Federal-aid system shall be selected from a priority listing developed by the procedures set forth in § 655.504(a) (3), (6), and (7), § 655.504 (b), and paragraph (a)(2) of this section.

(iii) *The elimination of roadside obstacles*. Projects for the removal, relocation, remodeling, or shielding of roadside hazards shall be selected from the priority listings developed in accordance with § 655.504(b) and paragraph (a)(3) of this section.

(iv) *Federal-aid safer roads demonstration projects*. The State shall utilize the engineering survey data developed as a result of the requirements of § 655.504(a) and paragraph (a) of this section along with high-priority safety projects identified by local governmental authorities in the selection or designation of projects for the Secretary's approval.

(2) If the priority lists have not been completed but are underway the implementation of high priority safety projects should not be delayed until all of the survey requirements are satisfied.

§ 655.506 Project procedures.

(a) Safety projects shall be implemented under normal Federal-aid program project procedures as established by the Federal-Aid Highway Program Manual[2] unless otherwise provided herein or otherwise approved by the Administrator.

(b) Safety projects are made up of miscellaneous kinds of work that are generally considered minor items on regular highway construction projects. Therefore, in accordance with the policy prescribed in 23 U.S.C. 101(e), the Division Engineer may authorize certain timesaving procedures for specific projects or for a program of projects. Such procedures should be utilized to the extent feasible and may include:

(1) *Use of State forces*. The Federal Highway Administrator finds it to be in the public interest for a State or local government to use its own forces for highway safety improvement projects, if the State so requests.

(2) *The Clearinghouse requirement*. Certain types of projects are of such a nature or magnitude that they will have no effect on decisions or public works activities of concern to clearinghouse agencies established under Office of Management and Budget Circular A-95 (Federal-Aid Highway Program Manual, Volume 4, Chapter 1, section 2). The Division Engineer should work with the State to identify such types of projects and have the State develop agreements with appropriate areawide clearinghouses for the exemption of these projects from notification and review requirements or arrange for rapid screening.

(3) *Urban transportation planning review*. The Division Engineer may determine that the urban transportation planning review requirements (Federal-Aid Highway Program Manual, Volume 4, Chapter 4, section 2) are not applicable if the project or projects will not result in an alteration of land use or traffic flow patterns that would require a significant change in planning completed or underway.

(4) *Environmental statement requirement*. Under the provisions of Federal-Aid Highway Program Manual, Volume 7, Chapter 7, section 2 (Environmental Impact and Related Statements), it may be determined that the project is of such a nature that an environmental impact statement is not required.

(5) *Public hearing requirement*. The Division Engineer may determine that the provisions of PPM 20-8 (Federal-Aid Highway Program Manual, Volume 7, Chapter 7, section 5 and part of section 6) (pertaining to public hearings

[1] The Manual on Uniform Traffic Control Devices is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of $3.50 per copy.

[2] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7 App. D.

and location/design approval) which require public hearings and notification thereof are not applicable if the abbreviated procedures in paragraphs (b) (2), (3), and (4) of this section are all utilized. If the State has an approved Action Plan containing public hearing procedures which was developed pursuant to Federal-Aid Highway Program Manual, Volume 7, Chapter 7, section 7 (Process Guidelines) the hearing procedures of the State's Action Plan will apply.

(6) *Miscellaneous timesaving procedures.* In addition to the procedures outlined in paragraph (b) (1) through (5) of this section, in order to minimize paperwork and prevent unnecessary delays, whenever feasible the Division Engineer should encourage the utilization of other time-saving procedures such as use of abbreviated plans, grouping of improvements as a single project, combining project action, and simplified inspection procedures.

(c) It a State is without legal authority to construct or maintain a project under 23 U.S.C. 405 the State shall enter into a formal agreement for such construction or maintenance with the appropriate officials of the political subdivision.

§ 655.507 Funding.

(a) Safety improvement projects on the Federal-aid highway system for all categories of improvements set forth in this part are eligible for funds apportioned under 23 U.S.C. 104(b) at the normal pro-rata share. Specific categories of safety improvements on the Federal-aid highway systems other than Interstate are eligible for funds authorized by 23 U.S.C. 152 and 153 and by section 203 of the Highway Safety Act of 1973. Specific categories of safety improvements on any highway not on a Federal-aid system are eligible for funds authorized by 23 U.S.C. 405. The Federal share of a project funded from an authorization under 23 U.S.C. 152, 153, or 405 or section 203 of the Highway Safety Act of 1973 shall be 90 percent of its cost.

(b) The normal 90 percent Federal share for section 203 projects may be increased in exceptional cases. This increase may be approved solely where State funds are available which, under State law, may be spent only when the local government produces matching funds and the production of the matching funds would result in an undue hardship for the local government.

(c) The railroad share of costs of railroad-highway grade crossing improvement projects funded under 23 U.S.C. 405 and section 203 of the Highway Safety Act of 1973 will be determined in accordance with Federal-Aid Highway Program Manual, Volume 6.

§ 655.508 Evaluation and reporting.

(a) *Submission of annual report.* Each State must make an annual report (OMB 04-R2450) to the Federal Highway Administrator evaluating its overall highway safety improvement program and reporting on the progress it has made in implementing each of the programs established by the Highway Safety Act of 1973 covered by this part and the effectiveness of the improvements made. The report must be submitted to the Federal Highway Administration Division Engineer by August 31 of each year.

(b) *Contents of annual report.* (1) The State's annual report must include an evaluation of its overall highway safety improvement program on a fiscal year basis including projects funded under programs established by the Highway Safety Act of 1973, safety improvement projects utilizing funds apportioned under 23 U.S.C. 104(b), and projects utilizing solely State and local funds.

(2) In addition to the information required by paragraph (b)(1) of this section, the State's annual report must include the following information for each of the programs established under 23 U.S.C. 152, 153, 405, and section 203 of the Highway Safety Act of 1973:

(i) An assessment of the cost of, and the safety benefits derived from, the various means and methods used to mitigate or eliminate identified hazards.

(ii) A comparison of accident data during a period of time before the improvements with accident data pertaining to a similar period after the improvements.

(iii) The basic cost data for each type of corrective measure and the number of each type of improvement undertaken during the year.

(3) In addition to the information required by paragraph (b)(1) and (2) of this section, the State's annual report must include the information indicated for the following programs established by the Highway Safety Act of 1973:

(i) *Section 203 of the Highway Safety Act of 1973.* (A) Status of the railroad-highway crossing survey and the method or methods proposed to keep the survey current.

(B) The method employed in establishing project priorities.

(C) Problems encountered in advancing projects and recommendations for corrective action.

(ii) *23 U.S.C. 152.* (A) Criteria utilized for identifying a high-hazard location.

(B) Number of high-hazard locations identified during the year using the criteria referred to in paragraph (b)(3)(ii)(A) of this section.

(C) Method employed in establishing project priorities.

(iii) *23 U.S.C. 153. (A) The survey* quantity of each identified obstacle.

(B) Method employed in establishing project priorities.

(C) Proposed schedule for elimination of obstacles.

(D) Method or means proposed to keep the survey of roadside obstacles current.

(E) Number of improvements made for each of the kinds of identified obstacles.

(iv) *23 U.S.C. 405.* (A) The June 30, 1974, listing of projects identified for the Federal-Aid Safer Roads Demonstration Program and the estimated cost of the needed safety improvements.

(B) The distribution of the projects of the June 30, 1974, listing by road systems (collector road, local road) and governmental jurisdiction (county, city, township, etc.).

(C) Criteria utilized for the assignment of priorities to provide for the most effective improvements in highway safety.

(4) Once basic program items such as procedures, methods and priority criteria have been included in an annual report, subsequent reports need only discuss additions or changes to such basic program items.

[FR Doc.74-17187 Filed 7-26-74;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 750—HIGHWAY BEAUTIFICATION

Subpart D—Outdoor Advertising (Acquisition of Rights of Sign and Sign Site Owners)

Regulations of the Federal Highway Administration pertaining to Highway Beautification in 23 CFR Chapter I are hereby amended by deleting the material designated as Subpart D "Outdoor Advertising/Acquisition of Advertising Signs, Displays, Devices and Related Property Interests" and inserting in its place and stead revised Subpart D, entitled "Outdoor Advertising (acquisition of right of sign site owners)".

Among other changes, the revised regulation discontinues publication of national sign cost and depreciation schedules, revises Federal participation policies pertaining to the removal of blank or painted out signs, partially completed signs, and signs damaged by vandals. It authorizes increased payments under the Nominal Value Plan and changes FHWA documentation requirements.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits or contracts pursuant to 5 U.S.C. 553(a)(2). The regulations will become effective on the date of issuance set forth below.

Sec.
750.301 Purpose.
750.302 Policy.
750.303 Definitions.
750.304 State policies and procedures.
750.305 Federal participation.
750.306 Documentation for Federal participation.
750.307 FHWA project approval.
750.308 Reports.

AUTHORITY: 23 U.S.C. 131 and 315; 23 CFR 1.32 and 1.48(b).

§ 750.301 Purpose.

To prescribe the Federal Highway Administration (FHWA) policies relating to Federal participation in the costs of acquiring the property interests necessary for removal of nonconforming advertising signs, displays and devices on the Federal-aid Primary and Interstate Systems, including toll sections on such systems, regardless of whether Federal funds participated in the construction thereof. This regulation should not be construed to authorize any additional rights in eminent domain not already existing under State law or under 23 U.S.C. 131(g).

(a) Just compensation shall be paid for the sign and site owner's rights and interests in or pertaining to the following outdoor advertising signs, displays and devices:

(1) Those lawfully in existence on October 22, 1965;

(2) Those lawfully on any highway made a part of the Interstate or Primary System on or after October 22, 1965, and before January 1, 1968; and

(3) Signs lawfully erected on or after January 1, 1968 in accordance with 23 U.S.C. 131 (Highway Beautification Act).

(b) Federal reimbursement will be made on the basis of 75 percent of the acquisition, removal and incidental costs legally incurred or obligated by the State.

(c) Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651, et seq.) applies except where complete conformity would defeat the purposes set forth in 42 U.S.C. 4651, would impede the expeditious implementation of the sign removal program or would increase administrative costs out of proportion to the cost of the interests being acquired or extinguished.

(d) Projects for the removal of outdoor advertising signs including hardship acquisitions should be programed and authorized in accordance with normal program procedures for right-of-way projects.

§ 750.303 Definitions.

(a) *Sign.* An outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate or Primary Systems, whether the same be permanent or portable installation.

(b) *Lease* (license, permit, agreement, contract or easement). An agreement, oral or in writing, by which possession or use of land or interests therein is given by the owner or other person to another person for a specified purpose.

(c) *Leasehold value.* The leasehold value is the present worth of the difference between the contractual rent and the current market rent at the time of the appraisal.

(d) *Illegal sign.* One which was erected and/or maintained in violation of State law.

(e) *Nonconforming sign.* One which was lawfully erected, but which does not comply with the provisions of State law or State regulations passed at a later date or which later fails to comply with State law or State regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.

(f) *1966 Inventory.* The record of the survey of advertising signs and junkyards compiled by the State highway department.

(g) *Abandoned sign.* One in which no one has an interest, or as defined by State law.

§ 750.304 State policies and procedures.

The State's written policies and operating procedures for implementing its sign removal program under State law and complying with 23 U.S.C. 131 and its proposed time schedule for sign removal and procedure for reporting its accomplishments shall be submitted to the FHWA for approval within 90 days of the date of this regulation. This statement should be supported by the State's regulations implementing its program. Revisions to the State's policies and procedures shall be submitted to the FHWA for approval. The statement should contain provisions for the review of its policies and procedure to meet changing conditions, adoption of improved procedures, and for internal review to assure compliance. The statement shall include as a minimum the following:

(a) *Project priorities.* The following order of priorities is recommended.

(1) Illegal and abandoned signs.

(2) Hardship situations.

(3) Nominal value signs.

(4) Signs in areas which have been designated as scenic under authority of State law.

(5) Product advertising on:

(i) Rural Interstate highway.

(ii) Rural primary highway.

(iii) Urban areas.

(6) Nontourist-oriented directional advertising.

(7) Tourist oriented directional advertising.

(b) *Programing.* (1) A sign removal project may consist of any group of proposed sign removals. The signs may be those belonging to one company on those located along a single route, all of the signs in a single county or other locality, hardship situations, individually or grouped, such as those involving vandalized signs, or all of a sign owner's signs in a given State or area, or any similar grouping.

(2) A project for sign removal on other than a Federal-aid primary route basis e.g., a countywide project or a project involving only signs owned by one company, should be identified as CAF-000B( ), continuing the numbering sequence which began with the sign inventory project in 1966.

(3) Where it would not interfere with the State's operations, the State should program sign removal projects to minimize disruption of business.

(c) *Valuation and review methods.* (1) *Schedules—formulas.* Schedules, formulas or other methods to simplify valuation of signs and sites are recommended for the purpose of minimizing administrative and legal expenses necessarily involved in determining just compensation by individual appraisals and litigation. They do not purport to be a basis for the determination of just compensation under eminent domain.

(2) *Appraisals.* Where appropriate, the State may use its approved appraisal report forms including those for abbreviated or short form appraisals. Where a sign or site owner does not accept the amount computed under an approved schedule, formula, or other simplified method, an appraisal shall be utilized.

(3) *Leaseholds.* When outdoor advertising signs and sign sites involve a leasehold value, the State's procedures should provide for determining value in the same manner as any other real estate leasehold that has value to the lessee.

(4) *Severance Damages.* The State has the responsibility of justifying the recognition of severance damages pursuant to 23 CFR 710.24, and the law of the State before Federal participation will be allowed. Generally, Federal participation will not be allowed in the payment of severance damages to remaining signs, or other property of a sign company alleged to be due to the taking of certain of the company's signs. Unity of use of the separate properties, as required by applicable principles of eminent domain law, must be shown to exist before participation in severence damages will be allowed. Moreover, the value of the remaining signs or other real property must be diminished by virtue of the taking of such signs. Payments for severance damages to economic plants or loss of business profits are not compensable. Severance damage cases must be submitted to the FHWA for prior concurrence, together with complete legal and appraisal justification for payment of these damages. To assist the FHWA in its evaluation, the following data will accompany any submission regarding severance:

(i) One copy of each appraisal in which this was analyzed. One copy of the State's review appraiser analysis and determination of market value.

(ii) A plan or map showing the location of each sign.

(iii) An opinion by the State highway department's chief legal officer that severance is appropriate in accordance with State law together with a legal opinion that, in the instant case, the damages constitute severance as opposed to consequential damage as a matter of law. The opinion shall include a determination, and the basis therefor, that the specific taking of some of an outdoor advertiser's signs constitutes a distinct economic unit, and that unity of use of the separate properties in conformity with applicable principles of eminent domain law had been satisfactorily established. A legal memorandum must be furnished citing and discussing cases and other authorities supporting the State's position.

(5) *Review of value estimates.* All estimates of value shall be reviewed by a person other than the one who made the estimate. Appraisal reports shall be reviewed and approved prior to initiation of negotiations. All other estimates shall be reviewed before the agreement becomes final.

(d) *Nominal value plan.* (1) This plan may provide for the removal costs of eligible nominal value signs and for payments up to $250 for each nonconforming sign, and up to $100 for each nonconforming sign site.

(2) The State's procedures may provide for negotiations for sign sites and

No. 146—Pt. I——3

sign removals to be accomplished simultaneously without prior review.

(3) Releases or agreements executed by the sign and/or site owner should include the identification of the sign, statement of ownership, price to be paid, interest acquired, and removal rights.

(4) It is not expected that salvage value will be a consideration in most acquisitions; however, the State's procedures may provide that the sign may be turned over to the sign owner, site owner, contractor, or individual as all or a part of the consideration for its removal, without any project credits.

(5) Programing and authorizations will be in accord with § 750.308 of this regulation. A detailed estimate of value of each individual sign is not necessary. The project may be programed and authorized as one project.

(e) *Sign removal.* The State's procedural statement should include provision for:

(1) Owner retention.

(2) Salvage value.

(3) State removal.

§ 750.305 Federal participation.

(a) Federal funds may participate in:

(1) Payments made to a sign owner for his right, title and interest in a sign, and where applicable, his leasehold value in a sign site, and to a site owner for his right and interest in a site, which is his right to erect and maintain the existing nonconforming sign on such site.

(2) The cost of relocating a sign to the extent of the cost to acquire the sign, less salvage value if any.

(3) A duplicate payment for the site owner's interest of $2,500 or less because of a bona fide error in ownership, provided the State has followed its title search procedures as set forth in its policy and procedure submission.

(4) The cost of removal of signs, partially completed sign structures, supporting poles, abandoned signs and those which are illegal under State law within the controlled areas, provided such costs are incurred in accordance with State law. Removal may be by State personnel on a force account basis or by contract. Documentation for Federal participation in such removal projects should be in accord with the State's normal force account and contractural reimbursement procedures. The State should maintain a record of the number of signs removed. These data should be retained in project records and reported on the periodic report required under § 750.308 of this regulation.

(5) Signs materially damaged by vandals. Federal funds shall be limited to the Federal pro-rata share of the fair market value of the sign immediately before the vandalism occurred minus the estimated cost of repairing and reerecting the sign. If the State chooses, it may use its FHWA approved nominal value plan procedure to acquire these signs.

(6) The cost of acquiring and removing completed sign structures which have been blank or painted out beyond the period of time established by the State for normal maintenance and change of message, provided the sign owner can establish that his nonconforming use was not abandoned or discontinued, and provided such costs are incurred in accordance with State law, or regulation. The evidence considered by the State as acceptable for establishing or showing that the nonconforming use has not been abandoned or voluntarily discontinued shall be set forth in the State's policy and procedures.

(7) In the event a sign was omitted in the 1966 inventory, and the State supports a determination that the sign was in existence prior to October 22, 1965, the costs are eligible for Federal participation.

(b) Federal funds may not participate in:

(1) Cost of title certificates, title insurance, title opinion or similar evidence or proof of title in connection with the acquisition of a landowner's right to erect and maintain a sign or signs when the amount of payment to the landowner for his interest is $2,500 or less, unless required by State law. However, Federal funds may participate in the costs of securing some lesser evidence or proof of title such as searches and investigations by State highway department personnel to the extent necessary to determine ownership, affidavit of ownership by the owner, bill of sale, etc. The State's procedure for determining evidence of title should be set forth in the State's policy and procedure submission.

(2) Payments to a sign owner where the sign was erected without permission of the property owner unless the sign owner can establish his legal right to erect and maintain the sign. However, such signs may be removed by State personnel on a force account basis or by contract with Federal participation except where the sign owner reimburses the State for removal.

(3) Acquisition costs paid for abandoned or illegal signs, potential sign sites, or signs which were built during a period of time which makes them ineligible for compensation under 23 U.S.C. 131, or for rights in sites on which signs have been abandoned or illegally erected by a sign owner.

(4) The acquisition cost of supporting poles or partially completed sign structures in nonconforming areas which do not have advertising or informative content thereon unless the owner can show to the State's satisfaction he has not abandoned the structure. When the State has determined the sign structure has not been abandoned, Federal funds will participate in the acquisition of the structure, provided the cost are incurred in accordance with State law.

§ 750.306 Documentation for Federal participation.

The following information concerning each sign must be available in the State's files to be eligible for Federal participation.

(a) *Paryment to sign owner.* (1) A photograph of the sign in place. Exceptions may be made in cases where in one transaction the State has acquired a number of a company's nominal value signs similar in size, condition and shape. In such cases, only a sample of representative photographs need be provided to document the type and condition of the signs.

(2) Evidence showing the sign was nonconforming as of the date of taking.

(3) Value documentation and proof of obligation of funds.

(4) Satisfactory indication of ownership of the sign and compensable interest therein (e.g., lease or other agreement with the property owner, or an affidavit, certification, or other such evidence of ownership).

(5) Evidence that the sign falls within one of the three categories shown in § 750.302 of this regulation. The specific category should be identified.

(6) Evidence that the right, title, or interest pertaining to the sign has passed to the State, or that the sign has been removed.

(b) *Payment to the site owner.* (1) Evidence that an agreement has been reached between the State and owner.

(2) Value documentation and proof of obligation of funds.

(3) Satisfactory indication of ownership or compensable interest.

§ 750.307 FHWA project approval.

Authorization to proceed with acquisitions on a sign removal project shall not be issued until such time as the State has submitted to FHWA the following:

(a) A general description of the project.

(b) The total number of signs to be acquired.

(c) The total estimated cost of the sign removal project, including a breakdown of incidental, acquisition and removal costs.

§ 750.308 Reports.

Periodic reports on site acquisitions and actual sign removals shall be submitted on FHWA Form 1424 and as prescribed.

Issued on: July 22, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-17186 Filed 7-26-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 242-5]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethoate

A petition (PP 4F1462) was filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodities corn fodder and forage at 1 part per million and corn grain at 0.1 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. The established tolerances are adequate to cover residues in eggs, meat, milk, or poultry, and § 180.6(a)(2) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.204 is amended by revising the paragraph "1 part per million * * * and by adding the new paragraph "0.1 part per million (negligible residue) * * *", as follows:

§ 180.204 Dimethoate including its oxygen analog; tolerances for residues.

* * * * *

1 part per million in or on corn fodder and forage, grapes, and melons.

* * * * *

0.1 part per million (negligible residue) in or on corn grain.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 28, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto 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 issue 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 July 29, 1974.

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

Dated: July 24, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-17270 Filed 7-26-74;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

COMMUNITY ACTION PROGRAMS

Miscellaneous Amendments

Background. The following regulations pertaining to the legal services programs are revoked pursuant to the order of Judge Jones in Local 2677, AFGE v. Phillips 358 F. Supp. 60 (1973) that such "rules, regulations, guidelines, instructions, and other communications * * * are unauthorized by law, illegal, and in excess of statutory authority * * *":

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

In 45 CFR Part 1061, "Subpart—Legal Services Program," Sec. 1061.4-1, "Policy" is revoked.

In 45 CFR Part 1061, "Subpart— Goals of Legal Services Program," Sec. 1061.5-1, "Applicability," Sec. 1061.5-2, "References," Sec. 1061.5-3, "Purpose," Sec. 1061.5-4, "Background," Sec. 1061.5-5, "Definitions," and Sec. 1061.5-6, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Group Representation," Sec. 1061.6-1, "Applicability," Sec. 1061.6-2, "References," Sec. 1061.6-3, "Purpose," Sec. 1061.6-4, "Definitions," and Sec. 1061-5, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Maintenance of Attorneys Logs and Record of Authorized Leave," Sec. 1061.7-1, "Applicability," Sec. 1061.7-2, "Purpose," Sec. 1061.7-3, "Policy," and Sec. 1061.7-4, "Forms supply," are revoked.

In 45 CFR Part 1061, "Subpart—Qualifications of Legal Services Attorneys," Sec. 1061.8-1, "Applicability," Sec. 1061.8-2, "Purpose," and Sec. 1061.8-3 "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Economic Development," Sec. 1061.9-1, "Applicability," Sec. 1061.9-2, "References," Sec. 1061.9-3, "Purpose," Sec. 1061.9-4, "Definitions," and Sec. 1061.9-5, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Educational and Public Relations Activities," Sec. 1061.10-1, "Applicability," Sec. 1061.10-2, "References," Sec. 1061.10-3, "Purpose," and Sec. 1061.10-4, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Attorney Performance Appraisal," Sec. 1061.11-1, "Applicability," Sec. 1061.11-2, "Purpose," Sec. 1061.11-3, "Board of directors review," Sec. 1061.11-4, "Attorney personnel file," Sec. 1061.11-5, "National Office file copy," Sec. 1061.11-6, "Attorney evaluation schedule," Sec. 1061.11-7, "Attorney appraisal," and Sec. 1061.11-8, "Supply of forms," are revoked.

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

In 45 CFR Part 1068, "Subpart—Allowability of Costs for Organization Dues, Membership Fees, and Donations," Sec. 1068.7-1, "Purpose," Sec. 1068.7-2, "Applicability of this subpart," Sec. 1068.7-3 "Policy," and Sec. 1068.7-4, "Form of request for authorization," are revoked.

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

In 45 CFR Part 1069, "Subpart—Travel Regulations for CAP Grantees and Delegate Agencies," Sec. 1069.3-5, "Restrictions on charging out-of-the-community travel costs to grant funds," and Sec. 1069.3-6, "Approval of travel outside the continental United States," are revoked.

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS

In 45 CFR Part 1070, "Subpart—Use of OEO Grant Funds for the Purpose of Program or Other Involvement in All Communications Media," Sec. 1070.4-1, "Purpose," Sec. 1070.4-2, "Applicability," Sec. 1070.4-3, "Background," Sec. 1070.4-4, "Definitions," and Sec. 1070.4-5 "Policy," are revoked.

This revocation is effective August 1, 1974.

ALVIN J. ARNETT,
Director.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

[FR Doc.74-17231 Filed 7-26-74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-54; Notice No. 74-14]

PART 390—MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Application to Motor Carrier Operations in Hawaii; Revocation of Exemptions

The Director of the Bureau of Motor Carrier Safety is revoking the administrative exemptions which currently make the Federal Motor Carrier Safety Regulations inapplicable to operations of commercial motor carriers engaged in interstate or foreign commerce within the State of Hawaii. The effect of this action is to require once again that Hawaiian motor carriers (except private carriers of passengers) must, when transporting passengers or property in interstate or foreign commerce, conduct their operations in conformity with the rules in Parts 390-397 of Subchapter B in title 49, Code of Federal Regulations.

The Director initiated this proceeding on March 4, 1974, when he issued a Notice of Proposed Rulemaking, inviting interested persons to comment on a proposal to make Hawaiian motor carriers subject to the regulations (39 FR 9545). In that Notice, the Director also announced that public hearings would be held to permit interested persons to express their views orally on the proposal. Public hearings were held in Honolulu, Hawaii on May 1 and 2, 1974. At the hearings, the Director heard the views of, and received written statements from, the Joint Council of Teamsters and Hotel Workers of Hawaii (Teamsters) and the Hawaii Trucking Association (HTA). White Motor Corp. (White) filed a written comment but did not participate in the hearings. The