

## RULES AND REGULATIONS

[Docket No. FI-370]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

## § 1914.4 Status of participating communities.

| State          | County    | Location                  | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|----------------|-----------|---------------------------|---------------------------------------------------------------------|------------------------|----------------------|----------------------|
| Arkansas       | Desha     | Dumas, city of            | Sept. 20, 1974. Emergency                                           | May 10, 1974           |                      |                      |
| Minnesota      | Pine      | Hinckley, city of         | do                                                                  | Mar. 29, 1974          |                      |                      |
| Nebraska       | Seward    | Seward, city of           | do                                                                  | June 14, 1974          |                      |                      |
| North Carolina | Surry     | Elkin, town of            | do                                                                  | June 28, 1974          |                      |                      |
| Pennsylvania   | Lancaster | Mt. Joy, township of      | do                                                                  |                        |                      |                      |
| Do             | Dauphin   | West Hanover, township of | do                                                                  |                        |                      |                      |
| South Carolina | Richland  | Unincorporated areas      | do                                                                  |                        |                      |                      |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 17, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc. 74-22301 Filed 9-27-74; 8:45 am]

[Docket No. FI-371]

## PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

## List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect of the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

## § 1915.3 List of communities with special hazard areas.

| State   | County    | Location             | Map No.                            | State map repository                                                                                                                                                                                       | Local map repository                                 | Effective date of identification of areas which have special flood hazards |
|---------|-----------|----------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------|
| Alabama | Covington | River Falls, town of | H 010054 01 through<br>H 010054 07 | Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104.<br>Alabama Insurance Department, Rm. 453, Administrative Bldg., Montgomery, Ala. 36104. | Mayor, City Hall, River Falls, Ala. 36476.           | Sept. 20, 1974.                                                            |
| Do      | Crenshaw  | Dozier, town of      | H 010056 01 through<br>H 010056 02 | do                                                                                                                                                                                                         | Mayor, Dozier, Ala. 36028.                           | Do.                                                                        |
| Do      | do        | Glenwood, town of    | H 010057 01 through<br>H 010057 02 | do                                                                                                                                                                                                         | Mayor, Glenwood, Ala. 36034.                         | Do.                                                                        |
| Do      | Houston   | Avon, town of        | H 010100 01 through<br>H 010100 02 | do                                                                                                                                                                                                         | Mayor, City Hall, Town of Avon, Ashford, Ala. 36312. | Do.                                                                        |
| Do      | Jefferson | Cardiff, town of     | H 010119 01                        | do                                                                                                                                                                                                         | Mayor, City Hall, Cardiff, Ala. 35041.               | Do.                                                                        |
| Do      | Lamar     | Beaverton, town of   | H 010134 01 through<br>H 010134 02 | do                                                                                                                                                                                                         | City Hall, Beaverton, Ala. 35544.                    | Do.                                                                        |
| Do      | Jefferson | Mulga, town of       | H 010229 01 through<br>H 130299 05 | do                                                                                                                                                                                                         | Mayor, City Hall, Mulga, Ala. 35118.                 | Do.                                                                        |
| Georgia | Emmanuel  | Swainsboro, city of  |                                    | Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Rm. 707, Atlanta, Ga. 30334.<br>Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.                 | City Clerk, Swainsboro, Ga. 30401.                   | Do.                                                                        |

| State         | County      | Location                | Map No.                         | State map repository                                                                                                                                                                                       | Local map repository                                                                                   | Effective date of identification of areas which have special flood hazards |
|---------------|-------------|-------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Illinois      | Brown       | Mt. Sterling            | H 170009 01                     | Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532.                                                                                                                                   | Mayor, City Hall, Mt. Sterling, Ill. 62353.                                                            | Do.                                                                        |
| Do.           | do.         | Timewell, village of.   | H 170010 01                     | do.                                                                                                                                                                                                        | Mayor, Timewell, Ill. 62353.                                                                           | Do.                                                                        |
| Do.           | Moultrie    | Sullivan, city of.      | H 170524 01                     | do.                                                                                                                                                                                                        | Mayor, City Hall, Sullivan, Ill. 61937.                                                                | Do.                                                                        |
| Indiana       | Bartholomew | Unincorporated areas.   | H 180006 01 through H 180006 09 | Division of Water, Department of Natural Resources, 908 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.                      | County Planning Commission, Bartholomew County, County Courthouse, Columbus, Ind. 47201.               | Do.                                                                        |
| Do.           | Boone       | Advance, town of.       | H 180012 01                     | do.                                                                                                                                                                                                        | Chairman, Advance Town Board, Town Hall, Advance, Ind. 46102.                                          | Do.                                                                        |
| Do.           | Henry       | Lewisville, town of.    | H 180091 01                     | do.                                                                                                                                                                                                        | Henry County Planning Commission, Town of Lewisville, Henry County Courthouse, New Castle, Ind. 47362. | Do.                                                                        |
| Do.           | Madison     | Edgewood, town of.      | H 180153 01                     | do.                                                                                                                                                                                                        | Town Board, Town of Edgewood, Town Hall, Edgewood, Ind. 46011.                                         | Do.                                                                        |
| Do.           | Morgan      | Morgantown, town of.    | H 180178 01                     | do.                                                                                                                                                                                                        | Chairman, County Commissioners, Town of Morgantown, County Courthouse, Martinsville, Ind. 46151.       | Do.                                                                        |
| Do.           | Putnam      | Russellville, town of.  | H 180218 01                     | do.                                                                                                                                                                                                        | Chairman, Town of Russellville, Town Board, Russellville, Ind. 46175.                                  | Do.                                                                        |
| Do.           | Vermillion  | Fairview Park, town of. | H 180261 01                     | do.                                                                                                                                                                                                        | President, Town of Fairview Park, Fairview Town Board, Rural Route 1, Clinton, Ind. 47842.             | Do.                                                                        |
| Do.           | Wells       | Poneto, town of.        | H 180291 01                     | do.                                                                                                                                                                                                        | County Area Plan Commission, Town of Poneto, Wells County Courthouse, Bluffton, Ind. 46714.            | Do.                                                                        |
| Maine         | Knox        | Rockport, town of.      | H 230077 01 through H 230077 08 | Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.                                                | Town Manager, Municipal Office Bldg., Town of Rockport, Rockport, Maine 04856.                         | Do.                                                                        |
| Do.           | do.         | Union, town of.         | H 230080 01 through H 230080 05 | do.                                                                                                                                                                                                        | First Selectman, Town of Union, Union, Maine 04862.                                                    | Do.                                                                        |
| Do.           | York        | Saco, city of.          | H 230155 01 through H 230155 06 | do.                                                                                                                                                                                                        | Municipal Bldg., City of Saco, Saco, Maine 04072.                                                      | Do.                                                                        |
| Maryland      | Allegany    | Lonaconing, town of.    | H 240005 01                     | Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.                                                        | Mayor, Town Hall, Lonaconing, Md. 21539.                                                               | Do.                                                                        |
| Do.           | Cecil       | Charleston, town of.    | H 240021 01                     | do.                                                                                                                                                                                                        | Charlestown Town Hall, Town of Charlestown, Charlestown, Md. 21914.                                    | Do.                                                                        |
| Do.           | Caroline    | Denton, town of.        | H 240104 01                     | do.                                                                                                                                                                                                        | Mayor, Town Hall, Denton, Md. 21629.                                                                   | Do.                                                                        |
| Massachusetts | Berkshire   | Dalton, town of.        | H 250021 01 through H 250021 08 | Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.          | Chairman, Board of Selectmen, Town Hall, Dalton, Mass. 01226.                                          | Do.                                                                        |
| Do.           | do.         | Otis, town of.          | H 250035 01 through H 250035 12 | do.                                                                                                                                                                                                        | Chairman, Board of Selectmen, Otis, Mass. 01253.                                                       | Do.                                                                        |
| Do.           | Hampshire   | Hatfield, town of.      | H 250164 01 through H 250164 09 | do.                                                                                                                                                                                                        | Chairman, Planning Board, Town Hall, Hatfield, Mass. 01038.                                            | Do.                                                                        |
| Do.           | Middlesex   | Billerica, town of.     | H 250183 01                     | do.                                                                                                                                                                                                        | Town Clerk, Town Hall, Concord Rd., Billerica, Mass. 01821.                                            | Do.                                                                        |
| Do.           | do.         | Boxborough, town of.    | H 250184 01 through H 250184 12 | do.                                                                                                                                                                                                        | Chairman, Board of Selectmen, Town Hall, Boxborough, Mass. 01719.                                      | Do.                                                                        |
| Do.           | do.         | Townsend, town of.      | H 250219 01 through H 250219 13 | do.                                                                                                                                                                                                        | Chairman, Board of Assessors, Town Hall, Townsend, Mass. 01469.                                        | Do.                                                                        |
| Do.           | Norfolk     | Franklin, town of.      | H 250240 01 through H 250240 08 | do.                                                                                                                                                                                                        | Chairman, Board of Selectmen, Town Hall, Franklin, Mass. 02038.                                        | Do.                                                                        |
| Do.           | Worcester   | New Braintree, town of. | H 250320 01 through H 250320 04 | do.                                                                                                                                                                                                        | Chairman, Board of Selectmen, Town Hall, New Braintree, Mass. 01531.                                   | Do.                                                                        |
| Michigan      | Arenac      | Standish, city of.      | H 260016 01                     | Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Homer St., Lansing, Mich. 48913.                                | Mayor, City Hall, Standish, Mich. 48658.                                                               | Do.                                                                        |
| Do.           | Benzie      | Blaine, township of.    | H 260027 01 through H 260027 06 | do.                                                                                                                                                                                                        | Floyd Lentz, Supervisor, Township of Blaine, Frankfort, Mich. 49635.                                   | Do.                                                                        |
| Do.           | Leelanau    | Elmwood, township of.   | H 260113 01                     | do.                                                                                                                                                                                                        | Township Clerk, Elmwood, Mich.                                                                         | Do.                                                                        |
| Do.           | St. Clair   | St. Clair, township of. | H 260205 01 through H 260205 11 | do.                                                                                                                                                                                                        | St. Clair Township Hall, Bartlee Rd., Township of St. Clair, St. Clair, Mich. 48079.                   | Do.                                                                        |
| Minnesota     | Brown       | Comfrey, city of.       | H 270035 01                     | Division of Water, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101. | Mayor, Comfrey, Mich. 56019.                                                                           | Do.                                                                        |
| Do.           | Chisago     | Harris, city of.        | H 270071 01                     | do.                                                                                                                                                                                                        | Mayor, Harris, Minn. 55032.                                                                            | Do.                                                                        |

| State          | County       | Location             | Map No.                            | State map repository                                                                                                                                                                                                                                                                                                                                                | Local map repository                                                                                          | Effective date of identification of areas which have special flood hazards |
|----------------|--------------|----------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Do.            | Freeborn     | Hollandale, city of  | H 270138 01                        | do.                                                                                                                                                                                                                                                                                                                                                                 | Major, Hollandale, Minn. 56045                                                                                | Do.                                                                        |
| Do.            | Pennington   | St. Hilaire, city of | H 270343 01                        | do.                                                                                                                                                                                                                                                                                                                                                                 | Major, St. Hilaire, Minn. 56725                                                                               | Do.                                                                        |
| Do.            | Polk         | Climax, city of      | H 270363 01                        | do.                                                                                                                                                                                                                                                                                                                                                                 | Major, City Hall, Climax, Minn. 56823                                                                         | Do.                                                                        |
| Do.            | Renville     | Danube, city of      | H 270395 01                        | do.                                                                                                                                                                                                                                                                                                                                                                 | Major, Danube, Minn. 56230                                                                                    | Do.                                                                        |
| Mississippi    | Bolivar      | Beulah, town of      | H 280014 01                        | Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205.<br>Mississippi Insurance Department, 910 Wolkoff Bldg., P.O. Box 79, Jackson, Miss. 39205.<br>Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301.<br>New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301. | Major, Beulah, Miss. 38726                                                                                    | Do.                                                                        |
| New Hampshire  | Grafton      | Lebanon, city of     | H 330061 01 through<br>H 330061 12 | do.                                                                                                                                                                                                                                                                                                                                                                 | City Hall, 51 North Park St., Lebanon, N.H. 03766                                                             | Do.                                                                        |
| Do.            | Hillsborough | Goffstown, town of   | H 330087 01 through<br>H 330087 15 | do.                                                                                                                                                                                                                                                                                                                                                                 | Selectmen, Town of Goffstown, Goffstown, N.H. 03045                                                           | Do.                                                                        |
| Do.            | Rockingham   | Exeter, town of      | H 330130 01 through<br>H 330130 10 | do.                                                                                                                                                                                                                                                                                                                                                                 | Selectmen, Town Office Bldg., Exeter, N.H. 03833                                                              | Do.                                                                        |
| New Jersey     | Gloucester   | Monroe, township of  | H 340208 01 through<br>H 340208 13 | Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625.<br>New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.                                                                                                                                                                                 | Monroe Township Hall, 266 South Main St., Williamstown, N.J. 08994                                            | Do.                                                                        |
| Do.            | Salem        | Salem, city of       | H 340423 01 through<br>H 340423 02 | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, 1 New Market St., Salem, N.J. 08079                                                                    | Do.                                                                        |
| New York       | Albany       | Colonie, town of     | H 360007 01 through<br>H 360007 09 | New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201.<br>New York State Insurance Department, 123 William St., New York, N.Y. 10038.                                                                                                                                 | Mr. William Brizzell, Town Planning and Development, Town of Colonie, Memorial Hall, Newtonville, N.Y. 12128  | Do.                                                                        |
| Do.            | Chenango     | Norwich, town of     | H 360162 01 through<br>H 360162 07 | do.                                                                                                                                                                                                                                                                                                                                                                 | Supervisor, R.D. No. 1, Norwich, N.Y. 13815                                                                   | Do.                                                                        |
| Do.            | Franklin     | Malone, town of      | H 360271 01 through<br>H 360271 10 | do.                                                                                                                                                                                                                                                                                                                                                                 | Town Supervisor, 12 Elm, Malone, N.Y. 12053                                                                   | Do.                                                                        |
| Do.            | Oswego       | West Monroe, town of | H 360664 01 through<br>H 360664 06 | do.                                                                                                                                                                                                                                                                                                                                                                 | Town Supervisor, Town Hall, West Monroe, N.Y. 13167                                                           | Do.                                                                        |
| Do.            | St. Lawrence | Lawrence, town of    | H 360702 01 through<br>H 360702 06 | do.                                                                                                                                                                                                                                                                                                                                                                 | Town Supervisor, Town Clerk's Office, Lawrence, N.Y. 11559                                                    | Do.                                                                        |
| Do.            | Saratoga     | Saratoga Springs     | H 360728 01 through<br>H 360728 13 | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, City Hall, Broadway, Saratoga Springs, N.Y. 12866                                                      | Do.                                                                        |
| Do.            | Seneca       | Fayette, town of     | H 360752 01 through<br>H 360752 08 | do.                                                                                                                                                                                                                                                                                                                                                                 | Town Supervisor, West Williams St., Town of Fayette, Waterloo, N.Y. 13165                                     | Do.                                                                        |
| Do.            | Tompkins     | Lansing, town of     | H 360852 01 through<br>H 360852 08 | do.                                                                                                                                                                                                                                                                                                                                                                 | Town Supervisor, 59 Emmons Rd., R.D. No. 1, Lansing, N.Y. 14882                                               | Do.                                                                        |
| Do.            | Warren       | Hague, town of       | H 360873 01 through<br>H 360873 11 | do.                                                                                                                                                                                                                                                                                                                                                                 | Adirondack Park Agency, P.O. Box 99, Town of Hague, Brook, N.Y. 12977                                         | Do.                                                                        |
| Do.            | do.          | Queensbury, town of  | H 360879 01 through<br>H 360879 09 | do.                                                                                                                                                                                                                                                                                                                                                                 | Supervisor, Town Office Bldg., Bay at Haviland Rd., R.F.D. No. 1, Town of Queensbury, Glens Falls, N.Y. 12801 | Do.                                                                        |
| Do.            | do.          | Warrensburg, town of | H 360882 01 through<br>H 360882 09 | do.                                                                                                                                                                                                                                                                                                                                                                 | Supervisor, Town Hall, Warrensburg, N.Y. 12885                                                                | Do.                                                                        |
| Do.            | Chenango     | Pitcher, town of     | H 361092 01 through<br>H 361092 10 | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, Town Hall, Town of Pitcher, Pitcher, N.Y. 13136                                                        | Do.                                                                        |
| Do.            | Fulton       | Broadalbin, town of  | H 361128 01 through<br>H 361128 10 | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, Town Hall, Broadalbin, N.Y. 12025                                                                      | Do.                                                                        |
| Do.            | Genesee      | Bethany, town of     | H 361138 01 through<br>H 361138 12 | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, Town Hall, Bethany, N.Y.                                                                               | Do.                                                                        |
| Do.            | Scholarie    | Carlisle, town of    | H 361193 01 through<br>H 361193 11 | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, Town Hall, Carlisle, N.Y. 12031                                                                        | Do.                                                                        |
| Do.            | Ulster       | Marbletown, town of  | H 361219 01 through<br>H 361219 15 | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, Town Hall, Marbletown, N.Y.                                                                            | Do.                                                                        |
| North Carolina | Bertie       | Windsor, town of     | H 370019 01                        | North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611.<br>North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.                                                                                                                                                   | Office of Town Clerk, Windsor Municipal Bldg., 128 South King St., Windsor, N.C. 27883                        | Do.                                                                        |
| Do.            | Catawba      | Malden, town of      | H 370056 01                        | do.                                                                                                                                                                                                                                                                                                                                                                 | Mayor, Malden, N.C.                                                                                           | Do.                                                                        |
| Do.            | Union        | Monroe, city of      | H 370236 01 through<br>H 370236 04 | do.                                                                                                                                                                                                                                                                                                                                                                 | City Manager, City of Monroe, Monroe, N.C. 28119                                                              | Do.                                                                        |

| State        | County         | Location                      | Map No.                            | State map repository                                                                                                                                               | Local map repository                                                                                     | Effective date of identification of areas which have special flood hazards |
|--------------|----------------|-------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Pennsylvania | Clinton        | Noyes, township of.           | H 420331 01 through<br>H 420331 07 | Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120. | Township Hall, Township of Noyes, Drury's Run, Renovo, Pa. 17764.                                        | Do.                                                                        |
| Do.          | Cumberland     | East Pennsboro, township of.  | H 420359 01 through<br>H 420359 05 | do                                                                                                                                                                 | East Pennsboro Township Bldg., 243 Columbia Rd., Township of East Pennsboro, Enola, Pa. 17025.           | Do.                                                                        |
| Do.          | Bradford       | Albany, township of.          | H 421047 01 through<br>H 421047 10 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Albany, Albany, Pa.                                          | Do.                                                                        |
| Do.          | Berks          | Bethel, township of.          | H 421052 01 through<br>H 421052 12 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Bethel, Bethel, Pa.                                          | Do.                                                                        |
| Do.          | Allegheny      | East Deer, township of.       | H 421061 01                        | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of East Deer, East Deer, Pa.                                    | Do.                                                                        |
| Do.          | Berks          | Greenwich, township of.       | H 421067 01 through<br>H 421067 09 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Greenwich, Greenwich, Pa.                                    | Do.                                                                        |
| Do.          | Bradford       | Leroy, township of.           | H 421076 01 through<br>H 421076 04 | do                                                                                                                                                                 | Leroy Township Supervisor, Township of Leroy, Leroy, Pa.                                                 | Do.                                                                        |
| Do.          | Allegheny      | McCandless, township of.      | H 421081 01 through<br>H 421081 06 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of McCandless, McCandless, Pa.                                  | Do.                                                                        |
| Do.          | do             | North Fayette, township of.   | H 421085 01 through<br>H 421085 08 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of North Fayette, North Fayette, Pa.                            | Do.                                                                        |
| Do.          | do             | O'Hara, township of.          | H 421088 01 through<br>H 421088 05 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of O'Hara, O'Hara, Pa.                                          | Do.                                                                        |
| Do.          | do             | Ohio, township of.            | H 421089 01 through<br>H 421089 14 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Ohio, Ohio, Pa.                                              | Do.                                                                        |
| Do.          | Berks          | Perry, township of.           | H 421093 01 through<br>H 421093 03 | do                                                                                                                                                                 | Township Clerk, Township of Perry, Perry, Pa.                                                            | Do.                                                                        |
| Do.          | Allegheny      | Robinson, township of.        | H 421097 01 through<br>H 421097 03 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Robinson, Robinson, Pa.                                      | Do.                                                                        |
| Do.          | Bradford       | Smithfield, township of.      | H 421104 01 through<br>H 421104 05 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Smithfield, Smithfield, Pa.                                  | Do.                                                                        |
| Do.          | Berks          | Upper Bern, township of.      | H 421118 01 through<br>H 421118 03 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Upper Bern, Upper Bern, Pa.                                  | Do.                                                                        |
| Do.          | Bradford       | Wyalusing, township of.       | H 421126 01 through<br>H 421126 04 | do                                                                                                                                                                 | Wyalusing Borough Council, Wyalusing, Pa. 18853.                                                         | Do.                                                                        |
| Do.          | Cameron        | Lumber, township of.          | H 421129 01 through<br>H 421129 07 | do                                                                                                                                                                 | Township Bldg., Township of Lumber, Star Route, Emporium, Pa. 16834.                                     | Do.                                                                        |
| Do.          | do             | Gibson, township of.          | H 421130 01 through<br>H 421130 07 | do                                                                                                                                                                 | Township of Gibson, Township Secretary, R.D. No. 1, Driftwood, Pa. 15832.                                | Do.                                                                        |
| Do.          | Montgomery     | West Pottsgrove, township of. | H 421133 01 through<br>H 421133 05 | do                                                                                                                                                                 | Office of the Township Secretary, Township of West Pottsgrove, 101 Lemon St., Stowe, Pa. 19464.          | Do.                                                                        |
| Do.          | Chester        | West Pikeland, township of.   | H 421151 01 through<br>H 421151 03 | do                                                                                                                                                                 | Mrs. Marguerite S. Grady, Secretary, 25 Fox Lane, Township of West Pikeland, Chester Springs, Pa. 19425. | Do.                                                                        |
| Do.          | Northumberland | Shamokin, township of.        | H 421159 01 through<br>H 421159 10 | do                                                                                                                                                                 | Mrs. Henrietta Williams, Township of Shamokin, Box 58, R.D. No. 1, Paxinos, Pa. 17860.                   | Do.                                                                        |
| Do.          | Tioga          | Middlebury, township of.      | H 421179 01 through<br>H 421179 29 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Middlebury, Middlebury, Pa.                                  | Do.                                                                        |
| Do.          | do             | Oseola, township of.          | H 421182 01 through<br>H 421182 11 | do                                                                                                                                                                 | Chairman, Oseola Township Supervisors, Oseola, Pa. 16942.                                                | Do.                                                                        |
| Do.          | Clearfield     | Decatur, township of.         | H 421189 01 through<br>H 421189 07 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Decatur, Decatur, Pa.                                        | Do.                                                                        |
| Do.          | Washington     | Canton, township of.          | H 421201 01 through<br>H 421201 05 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Canton, Canton, Pa.                                          | Do.                                                                        |
| Do.          | Lancaster      | Ephrata, township of.         | H 421208 01 through<br>H 421208 08 | do                                                                                                                                                                 | Ephrata Township Office, 114 East Main St., Township of Ephrata, Ephrata, Pa. 17522.                     | Do.                                                                        |
| Do.          | Susquehanna    | Great Bend, township of.      | H 421212 01 through<br>H 421212 03 | do                                                                                                                                                                 | Chairman, Board of Supervisors, 18 Main St., Township of Great Bend, Hallstead, Pa. 18822.               | Do.                                                                        |
| Do.          | Armstrong      | South Bend, township of.      | H 421214 01 through<br>H 421214 06 | do                                                                                                                                                                 | Township Supervisor Secretary, Star Route, Township of South Bend, Spring Church, Pa. 15686.             | Do.                                                                        |
| Do.          | Jefferson      | Winslow, township of.         | H 421215 01 through<br>H 421215 04 | do                                                                                                                                                                 | Township Secretary, Township of Winslow, R.D. No. 1, Reynolds-ville, Pa. 15851.                          | Do.                                                                        |
| Do.          | Butler         | Cranberry, township of.       | H 421217 01 through<br>H 421217 03 | do                                                                                                                                                                 | Cranberry Township Building Officer, 181 Byron Circle, Township of Cranberry, Zellenople, Pa. 16063.     | Do.                                                                        |
| Do.          | Bradford       | Ulster, township of.          | H 421218 01 through<br>H 421218 03 | do                                                                                                                                                                 | Ulster Township Supervisor, Township of Ulster, Ulster, Pa. 18850.                                       | Do.                                                                        |
| Do.          | Butler         | Parker, township of.          | H 421219 01 through<br>H 421219 03 | do                                                                                                                                                                 | Chairman, Township Supervisor, Township of Parker, Butler Pa. 16001.                                     | Do.                                                                        |
| Do.          | Allegheny      | Marshall, township of.        | H 421292 01 through<br>H 421292 05 | do                                                                                                                                                                 | Chairman, Board of Supervisors, Township of Marshall, Marshall, Pa.                                      | Do.                                                                        |

| State          | County         | Location                     | Map No.                    | State map repository                                                                                                                                                                    | Local map repository                                                                             | Effective date of identification of areas which have special flood hazards |
|----------------|----------------|------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Do.            | do.            | West Deer, township of.      | H 421299 01<br>H 421299 11 | do.                                                                                                                                                                                     | Township Manager, R.D. No. 1, Box 131, Township of West Deer, Cheswick, Pa. 15024.               | Do.                                                                        |
| Do.            | Erie           | North East, township of.     | H 421368 01<br>H 421368 06 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of North East, North East, Pa. 16428.                   | Do.                                                                        |
| Do.            | Bradford       | Rome, township of.           | H 421404 01<br>H 421404 02 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of Rome, Rome, Pa. 18837.                               | Do.                                                                        |
| Do.            | do.            | Standing Stone, township of. | H 421406 01<br>H 421406 02 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of Standing Stone, Standing Stone, Pa.                  | Do.                                                                        |
| Do.            | Butler         | Buffalo, township of.        | H 421416 01<br>H 421416 02 | do.                                                                                                                                                                                     | Buffalo Township, Building Office, 211 Primrose Dr., Township of Buffalo, Sarver, Pa. 16055.     | Do.                                                                        |
| Do.            | Lancaster      | Colerain, township of.       | H 421765 01<br>H 421765 10 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, R.D. No. 1, Township of Colerain, Kirkwood, Pa. 17536.           | Do.                                                                        |
| Do.            | do.            | East Drumore, township of.   | H 421769 01<br>H 421769 07 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, R.D. No. 2, Township of East Drumore, Quarryville, Pa. 17566.    | Do.                                                                        |
| Do.            | do.            | East Earl, township of.      | H 421770 01<br>H 421770 09 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, R.D. No. 2, East Earl, Pa. 17519.                                | Do.                                                                        |
| Do.            | do.            | Little Britain, township of. | H 421775 01<br>H 421775 10 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, R.D. No. 2, Township of Little Britain, Nottingham, Pa. 19362.   | Do.                                                                        |
| Do.            | do.            | Salisbury, township of.      | H 421783 01<br>H 421783 13 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, R.D. No. 2, Township of Salisbury, Honeybrook, Pa. 19344.        | Do.                                                                        |
| Do.            | do.            | Warwick, township of.        | H 421786 01<br>H 421786 07 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, 401 West Woods Dr., Township of Warwick, Lititz, Pa. 17543.      | Do.                                                                        |
| Do.            | Mercer         | Hickory, township of.        | H 421862 01<br>H 421862 05 | do.                                                                                                                                                                                     | Township Manager, Municipal Bldg., Box 1046, Township of Hickory, Sharon, Pa. 16146.             | Do.                                                                        |
| Do.            | do.            | Sandy Creek, township of.    | H 421873 01<br>H 421873 06 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of Sandy Creek, Sandy Creek, Pa.                        | Do.                                                                        |
| Do.            | Northumberland | Coal, township of.           | H 421936 01<br>H 421936 08 | do.                                                                                                                                                                                     | Daniel Venn, Vice President, Coal Township Commissioner, 921 West Wood St., Shamokin, Pa. 17872. | Do.                                                                        |
| Do.            | do.            | Jordan, township of.         | H 421939 01<br>H 421939 05 | do.                                                                                                                                                                                     | Jordan Township Supervisor, R.D., Township of Jordan, Herndon, Pa. 17830.                        | Do.                                                                        |
| Do.            | do.            | Lower Mahanoy, township of.  | H 421941 01<br>H 421941 10 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of Lower Mahanoy, Lower Mahanoy, Pa.                    | Do.                                                                        |
| Do.            | do.            | Upper Mahanoy, township of.  | H 421944 01<br>H 421944 08 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of Upper Mahanoy, Upper Mahanoy, Pa.                    | Do.                                                                        |
| Do.            | do.            | West Cameron, township of.   | H 421946 01<br>H 421946 03 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of West Cameron, West Cameron, Pa.                      | Do.                                                                        |
| Do.            | do.            | Zerbe, township of.          | H 421947 01<br>H 421947 03 | do.                                                                                                                                                                                     | Township Clerk, Township of Zerbe, Zerbe, Pa.                                                    | Do.                                                                        |
| Do.            | Susquehanna    | Harford, township of.        | H 422081 01<br>H 422081 03 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of Harford, Harford, Pa. 18823.                         | Do.                                                                        |
| Do.            | do.            | Rush, township of.           | H 422090 01<br>H 422090 05 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, Township of Rush, R.D. No. 4, Montrose, Pa. 18801.               | Do.                                                                        |
| Do.            | Tioga          | Westfield, borough of.       | H 422093 01<br>H 422093 02 | do.                                                                                                                                                                                     | President, Westfield Borough Council, Borough of Westfield, Westfield, Pa. 16960.                | Do.                                                                        |
| Do.            | Westmoreland   | Cook, township of.           | H 422186 01<br>H 422186 06 | do.                                                                                                                                                                                     | Chairman, Township of Cook, Board of Supervisors, Stahlstown, Pa. 15687.                         | Do.                                                                        |
| Do.            | do.            | St. Clair, township of.      | H 422191 01<br>H 422191 03 | do.                                                                                                                                                                                     | Chairman, Board of Supervisors, R.D. No. 1, Township of St. Clair, New Florence, Pa. 15944.      | Do.                                                                        |
| South Carolina | Orangeburg     | Rowesville, town of.         | H 450165 01                | South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbot Dr., Cayce, S.C. 29033.<br>South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.   | James L. Boone, Mayor, P.O. Box 146, Rowesville, S.C. 29133.                                     | Do.                                                                        |
| Vermont        | Washington     | Marshfield, village of.      | H 500113 01                | Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602.<br>Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602. | Chairman, Board of Selectmen, Marshfield, Vt. 05608.                                             | Do.                                                                        |
| Do.            | Essex          | Brighton, town of.           | H 500205 01<br>H 500205 06 | do.                                                                                                                                                                                     | Mayor, Town of Brighton, Brighton, Vt.                                                           | Do.                                                                        |
| Do.            | do.            | Concord, town of.            | H 500207 01<br>H 500207 05 | do.                                                                                                                                                                                     | Mayor, Concord, Vt. 05824.                                                                       | Do.                                                                        |
| Do.            | Orleans        | Lowell, town of.             | H 500254 01<br>H 500254 07 | do.                                                                                                                                                                                     | Mayor, Lowell, Vt. 05847.                                                                        | Do.                                                                        |
| Wisconsin      | Iowa           | Dodgeville, city of.         | H 550177 01                | Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701.<br>Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.                                      | Mayor, City Hall, Dodgeville, Wis. 53533.                                                        | Do.                                                                        |

| State | County    | Location                | Map No.      | State map repository | Local map repository                                            | Effective date of identification of areas which have special flood hazards |
|-------|-----------|-------------------------|--------------|----------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------|
| Do.   | do.       | Hollandale, Village of. | H 550178 01. | do.                  | Village President, Village Hall, Hollandale, Wis. 53544.        | Do.                                                                        |
| Do.   | do.       | Ridgeway, village of.   | H 550181 01. | do.                  | Village President, Village Hall, Ridgeway, Wis. 53582.          | Do.                                                                        |
| Do.   | Marathon. | Unity, city of.         | H 550257 01. | do.                  | Village President, Unity, Wis. 54488.                           | Do.                                                                        |
| Do.   | Rusk.     | Tony, village of.       | H 550377 01. | do.                  | President, Village of Tony, Village Board, Hawkins, Wis. 54530. | Do.                                                                        |
| Do.   | Taylor.   | Lublin, village of.     | H 550434 01. | do.                  | President, Village Board, Lublin, Wis. 54447.                   | Do.                                                                        |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 23, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 17, 1974.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.74-22302 Filed 9-27-74; 8:45 am]

**Title 28—Judicial Administration**  
**CHAPTER 1—DEPARTMENT OF JUSTICE**  
**PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS**

Effective Date; North Central Region Parole Board

The rules for the Northeast Region of the United States Board of Parole, published at 39 FR 20028 et seq. (June 5, 1974), and made effective to the Western and South Central Regions on July 1, 1974, 39 FR 23261 (June 27, 1974), and to the Southeast Region on September 3, 1974, 39 FR 31882 (September 3, 1974) will become effective in the Board's North Central Region on September 30, 1974.

The North Central Region is comprised of the following states:

Minnesota, Wisconsin, Michigan, Iowa, Missouri, Kansas, Nebraska, Illinois, Indiana, and Ohio.

These rules are adopted under the authority of 28 CFR, Part O, Subpart V, and 18 U.S.C. 4201-4210 and 5001-5037.

Dated: September 25, 1974.

MAURICE H. SIGLER,  
Chairman, U.S. Board of Parole.

[FR Doc.74-22677 Filed 9-27-74; 8:45 am]

**Title 32—National Defense**  
**CHAPTER XIV—RENEGOTIATION BOARD**  
**SUBCHAPTER B—THE RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT**  
**PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION**

Common Carriers by Water

Section 1453.3(d)(2), Fiscal years ending on or after December 31, 1953 is amended by deleting in paragraph (i) thereof, the words "January 1, 1973", and inserting in lieu thereof the words "January 1, 1974".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated September 25, 1974.

W. S. WHITEHEAD,  
Chairman.

[FR Doc.74-22644 Filed 9-27-74; 8:45 am]

**Title 41—Public Contracts and Property Management**

**CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS**

[FPR Amdt. 133]

**PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY**

**PART 1-7—CONTRACT CLAUSES**

**Use of Excess Aluminum**

This amendment of the Federal Procurement Regulations cancels Subpart 1-5.10, Use of Excess Aluminum. A Government Use Program applicable to the General Services Administration was initiated by FPR Temporary Regulation No. 3, February 21, 1966 (31 FR 3271, March 1, 1966), for the purpose of disposing of national stockpile aluminum pig and ingot. On June 15, 1966, FPR Amendment No. 21 was issued which added Subpart 1-5.10. The new subpart codified the provisions of FPR Temporary Regulation No. 3 and made the provisions applicable to all civilian executive agencies. The objectives of the disposal program have been met, and excess aluminum is no longer available for Government use. It is therefore appropriate to cancel the policy and procedures relating to the use of excess aluminum as set forth in Subpart 1-5.10 and to delete references to the subpart in other affected sections.

The table of contents for Part 1-5 is amended to delete the entries for Subpart 1-5.10 and to provide that Subpart 1-5.10 is reserved, as follows:

Subpart 1-5.10 [Reserved]

**Subpart 1-5.10—[Reserved]**

Subpart 1-5.10 is revised to delete the caption and the text of the subpart and to provide that the subpart is reserved.

The table of contents for Part 1-7 is amended to delete the entries for §§ 1-7.103-15 and 1-7.203-16 and to provide that the section are reserved, as follows:

Sec.  
1-7.103-15 [Reserved]  
1-7.203-16 [Reserved]

**Subpart 1-7.1—Fixed-Price Supply Contracts**

§ 1-7.103-15 [Reserved]

Section 1-7.103-15 is revised to delete the caption and text and to provide that the section is reserved.

**Subpart 1-7.2—Cost-Reimbursement Type Supply Contracts**

§ 1-7.203-16 [Reserved]

Section 1-7.203-16 is revised to delete the caption and text and to provide that the section is reserved.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

**Effective date.** This amendment is effective October 28, 1974, but may be observed earlier.

Dated: September 23, 1974.

DWIGHT A. INK,  
Acting Administrator  
of General Services.

[FR Doc.74-22648 Filed 9-27-74; 8:45 am]

**CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS**  
**SUBCHAPTER E—SUPPLY AND PROCUREMENT**  
[FPMR Amdt. E-151]

**PART 101-26—PROCUREMENT SOURCES AND PROGRAMS**

**Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts**  
**Federal Supply Schedules**

This regulation furnishes guidance to Federal agencies concerning limitations for procurement from Federal Supply Schedules.

1. Section 101-26.401(a) is revised to read as follows:

## § 101-26.401 Applicability.

(a) The general principles and methods prescribed in this Subpart 101-26.4 apply to all such procurements. Consequently, prior to initiating procurement directly from commercial sources, agencies shall determine whether the required commodities and services or similar commodities and services serving the required functional purpose are available from a Federal Supply Schedule.

2. Section 101-26.401-2 is revised to read as follows:

## § 101-26.401-2 Primary source of supply concept.

Each Federal Supply Schedule contains a statement identifying specific agencies in designated geographic areas required to use the established contracts as "primary sources of supply." Agencies so identified shall, except as provided in § 101-26.401-4, use the Schedule on a mandatory basis and the established contracts shall be primary sources of supply for the items involved.

3. Section 101-26.401-3 is revised to read as follows:

## § 101-26.401-3 Similar items.

(a) In lieu of procuring similar items from any other source, agencies required to use a Federal Supply Schedule shall procure available items from a competitive contract (single award) listed in that Schedule as a primary source, and will procure from a multiple-award Schedule only as a secondary source. Agencies shall not request Federal Supply Schedule contractors to furnish items under the contract having characteristics exceeding those specifically covered by the contract. The above is not applicable to procurement effected under the exceptions to mandatory use criteria as set forth in § 101-26.401-4.

(b) When an agency determines that items available from Federal Supply Schedule contracts will not serve the required functional end-use purpose of the item to be procured, and that a similar item is available from another source which will meet its minimum requirements, a request to waive the requirement to use the Federal Supply Schedule contract shall be submitted to GSA for consideration in accordance with § 101-26.100-2.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. (486(c)))

**Effective date.** This regulation is effective September 30, 1974.

Dated: September 16, 1974.

DWIGHT A. INK,  
Acting Administrator  
of General Services.

[FR Doc. 74-22648 Filed 9-27-74; 8:45 am]

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-995]

## PART 0—COMMISSION ORGANIZATION

## PART 76—CABLE TELEVISION SERVICE

## Authority Delegations

In the matter of amendment of Part 0 and Part 76, Subpart B, of the Commission's rules and regulations concerning delegation of authority to the Chief, Cable Television Bureau and procedures in the Cable Television Service Relating to requests for special temporary authority.

1. In the Cable Television Report and Order, 36 FCC 2d 143 (1972), the Commission established special relief provisions (§ 76.7) to permit flexibility in dealing with cable matters presenting unusual circumstances. In recent months we have received a number of requests by cable systems seeking temporary authority to carry on operations not previously authorized. Up to the present time, these requests have been handled as petitions for special relief. However, this experience has shown that more guidance to the public is required on the appropriate scope of such requests for temporary authority, and that valid requests often warrant more expeditious treatment than is available through regular processing procedures. Consequently, we think it desirable to establish special rules, akin to those already applicable to the broadcast and cable television relay services, to govern the scope and processing of requests for special temporary authority in the cable television service.

2. We are, therefore, adding a new rule (§ 76.29) which delineates the procedures to be followed by cable television systems seeking special temporary authority to operate. This rule also specifies the maximum duration of time for which the Commission may grant such authority. In addition, we are amending § 0.289 of the rules in order to delegate authority to the Chief of the Cable Television Bureau to act on requests for special temporary authority when such requests are either unopposed or present extraordinary circumstances requiring immediate action by the Commission.

3. We anticipate that special temporary authority will be granted only to operating cable systems, and not to new systems seeking to commence operations prior to the grant of a certificate of compliance. Any temporary operations which may be authorized pursuant to these provisions shall cease on or prior to the date specified by the order granting such authority, unless, prior to the expiration of that order, further authorization for such operations is granted. We will not permit our normal certification procedures to be circumvented by the

filing of requests for special temporary authority. Petitions for special relief requesting expedited action may still be filed in conjunction with any application for full operating authority.

4. The amendments to our Rules, contained in the attached Appendix, relate to Commission organization, procedure, or practice. Therefore, the prior notice and effective date requirements of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. And, since the amendments are essential elements of our over-all regulatory program for cable television systems, delay in their implementation would be contrary to the public interest.

Authority for the rule amendments adopted herein is contained in sections 2, 4 (i) and (j), 5(d), 301, 303, 307 and 309 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*, That effective October 2, 1974, Parts 0 and 76 of the Commission's rules and regulations are amended as set forth below.

(Secs. 2, 4, 5, 301, 303, 307, 309; 48 Stat., as amended 1064, 1066, 1068, 1081, 1082, 1083, 1085; 47 U.S.C. 152, 154, 155, 301, 303, 307, 309)

Adopted: September 19, 1974.

Released: September 25, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 0.289, a new paragraph (c) (13) is added, and paragraph (d) is revised, as follows:

## § 0.289 Authority delegated.

(c) \* \* \*

(13) To act on requests for special temporary authority in the Cable Television Service when such requests are either unopposed or present extraordinary circumstances requiring immediate Commission action.

(d) The Chief of the Cable Television Bureau, in coordination with the Broadcast Bureau, is delegated authority to act on requests for temporary authority for special operations in the Cable Television Relay Service.

2. A new § 76.29 is added, as follows:

## § 76.29 Special temporary authority.

(a) In circumstances requiring the temporary use of cable television facilities for operations not authorized pursuant to a valid certificate of compliance, a cable television system may request special temporary authority to operate. The Commission may grant special temporary authority, upon a finding that the public interest would be served

thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed ninety (90) days.

(b) Requests for special temporary authority may be submitted informally, by letter, and shall contain the following:

(1) Name and address of the applicant cable system.

(2) Community in which the system is located.

(3) Type of operation to be conducted.

(4) Date of commencement of proposed operations.

(5) Duration of time for which temporary authority is required.

(6) All pertinent facts and considerations relied on to demonstrate the need for special temporary authority and to support a determination that a grant of such authority would serve the public interest.

(7) A certificate of service on parties required to be served pursuant to § 76.13(a) (6) and on any other party who may be directly affected by a grant of the authority requested.

(c) A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(d) A grant of special temporary authority may be rescinded by the Commission at any time upon a finding of facts which warrant such action.

[FR Doc.74-22622 Filed 9-27-74;8:45 am]

[FCC 74-974]

# PART 73—RADIO BROADCAST SERVICES

## Memorandum Opinion and Order Regarding Policy Statement

In the matter of waivers of the prime time access rule, § 73.658(k) of the Commission's rules, for the 1974-75 broadcast year.

1. The Commission, on July 18, 1974 issued a Public Notice (FCC 74-785), inviting interested parties to comment on the policy to be followed with respect to certain kinds of waivers of the prime-time access rule, § 73.658(k) of the Commission rules, for the 1974-75 broadcast year. Consideration of this matter was prompted by the decision of the U.S. Court of Appeals (C.A. 2) on June 18, 1974, staying until September 1975 the effectiveness of changes in the rule we had adopted effective this September.<sup>1</sup> Some of these changes were designed in part to eliminate the need for consideration of various kinds of waiver; since

these may not now be put into effect, it is appropriate to consider what policy to follow, for this coming year, with respect to them.

2. The July 18 Public Notice invited comment on two types of waivers of the rule, and listed the requests which were then pending in each category. The two types are: (1) continuation of the "one-time" waiver to permit carriage of network news and public affairs programs, not part of a regular series, without counting toward the permissible three hours of network or off-network programs each evening; and (2) waiver of the "off-network" restriction, § 73.658(k) (3), to permit carriage of certain "off-network" programs, similarly without counting toward the permissible three hours. The pending requests listed were by CBS Inc. for continuation of the "one-time" network news and public affairs waiver; by three stations for continuation of the "off-network" waiver previously granted them with respect to the National Geographic program (KATU, Portland, Oreg., KOMO-TV, Seattle, Wash., and WCPO-TV, Cincinnati, Ohio); and by the producers or distributors of three other off-network or partly off-network groups of programs: the Wild Kingdom and Animal World series (both of which are partly off-network and have previously received waiver) and a 26-episode Mr. Magoo animated series, all formerly on NBC. We also note three other "off-network" waiver requests received by the end of July: from Four Star International (July 19) with respect to four children's "special" programs formerly on CBS (Pinocchio, The Emperor's New Clothes, Aladdin and Jack and the Beanstalk) from Time-Life Films for the 13-week America series formerly on NBC; and another station request concerning National Geographic (WTVN-TV, Columbus, Ohio, which has not previously received a waiver).<sup>2</sup>

3. Comments in response to the Public Notice were filed July 24, 1974 by the National Association of Independent Television Producers and Distributors (NAITPD), which also commented upon the matter of waivers in a letter to the Chairman dated July 3, and Westing-

<sup>1</sup>In listing the requests, it was stated in the Public Notice that as to the "one-time" network news and public affairs waiver, and the National Geographic waiver, consideration would not be limited to those networks or stations who had made the requests; but otherwise consideration would be confined to those programs specifically listed plus others mentioned in initial comments in response to the Public Notice. It was stated that: "The Commission is definitely of the view that no 'off-network' waivers should be considered (where a substantial amount of programming is involved) which are not before us by late July."

Another waiver requested listed was that by the licensee of Station WBRE-TV, Wilkes-Barre, Pa. This, which was based largely on asserted circumstances unique to the Wilkes-Barre/Scranton, Pa. market, has since been denied in another action (WBRE-TV, Inc., FCC 74-857, released August 5, 1974).

house Broadcasting Company, Inc., American Broadcasting Companies, Inc. (ABC) CBS Inc. (CBS), National Broadcasting Company, Inc. (NBC), Bill Burrud Productions, Inc. (Burrud, producer of Animal World) and Fisher's Blend Station, Inc. (KATU and KOMO-TV). Reply comments were filed July 30 or 31, by NAITPD, National Citizens Committee for Broadcasting (NCCB), CBS, NBC, Burrud, Mutual of Omaha Insurance Co. (Mutual, distributor of Wild Kingdom), and UPA Productions of America (UPA) distributor of the Mr. Magoo programs mentioned. Generally, NAITPD, Westinghouse and NCCB oppose all waiver requests of the two types involved here. The networks support the "one time" news-public affairs waiver for the networks; ABC generally express some opposition to off-network waivers, beyond truly exceptional cases of need. Burrud, Mutual, UPA and Fisher's Blend argue in support of their respective requests. We also consider herein, of course, the material in the requests mentioned.

4. The following discussion deals with the two types of waiver and specific requests mentioned. Briefly, near the end hereof, we deal with other kinds of waivers mentioned in the comments.

## ARGUMENTS OF THE PARTIES

5. *Significance of the Court's June 18 decision.* NAITPD urges that the above-mentioned decision of the U.S. Court of Appeals (C.A. 2), NAITPD v. FCC, requires denial of the kinds of waivers involved here, as well as others which we have already considered in recent weeks and denied partly on this basis (WBRE-TV, Inc., supra; Avco Broadcasting Corporation et al., FCC 74-800). The argument is that a substantial part of the changes which we adopted last January, but whose effectiveness the Court has stayed, were designed to achieve the same kind of results as the past waiver policies though by another approach; and therefore, since we may not put the rule changes themselves into effect at this time, we may not grant waivers having the same result either—" \* \* \* the Court has enjoined alteration of the Access Rule, an alteration no less real when achieved by waiver than through effectuation of the Evening Programming Requirements Rule." The parties favoring waivers disagree; their position is essentially that the Court was simply ordering maintenance of the status quo, which includes—or at least does not exclude—grant of waivers at least in the same areas where they have been granted previously. NBC claims that NAITPD is essentially urging that the Commission cannot either go back to its public-interest conclusions under the old rule or forward to its public-interest conclusions under the new rule, and that this argument should be rejected.

6. In our view, NAITPD's arguments are without merit. As noted above, the Court has directed us to retain the prime time access rule, as adopted in 1970, in effect for another year. In the recent decisions mentioned above, we

<sup>1</sup>National Association of Independent Television Producers and Distributors et al. v. FCC (C.A. 2, June 18, 1974), reversing in part our Report and Order in Docket 19622 adopted January 23, 1974 (FCC 74-80, 44 FCC 2d 1081). For more of the background of this matter, see the "Further Notice Inviting Comments" in Docket 19622 (FCC 74-756), inviting comments on various matters mentioned in the Court's Opinion.

have recognized the inappropriateness of taking actions, by way of waiver in new areas, which might have the appearance of circumventing that mandate and thus, *protanto*, putting the new changes into effect this fall (in those cases, permitting "stripped" off-network programming from 7 to 7:30 p.m. e.s.t.). But, in our judgment, the requirement imposed by the Court in this respect goes no further. The Court's opinion did not mention waivers at all, and we cannot conclude that there was intended any judicial disapproval of the policies which have been followed so far under the 1970 rule. As an administrative agency we must retain some flexibility in the administration of our rules. If we conclude that the public interest would be served by waiver, within the general confines of previous actions and policies—which, for reasons discussed below, for the most part we do—we consider ourselves free to act accordingly.

7. *Arguments supporting waiver.* As to waiver policy generally, it is urged by some of the networks and other parties seeking waiver, as mentioned above, that the previous waiver policies should be continued, because the conclusions which justified them before are still valid, and, by adding flexibility to an otherwise rather rigid rule whose literal application leads to impractical results in some cases, these kinds of waivers serve the public interest and the interest of the viewing public which the Court held to be of high importance. It is also asserted that these policies are familiar to the industry and the Commission, and no new ones to achieve the same public-interest results could be devised at this late date for 1974-75. CBS claims that there has been reliance on these policies (as such or as embodied in the rule changes), for example in its scheduling of pro football telecasts, and hardship would result if they are not continued.

8. In urging continuation of the "one-time" network news and public affairs waiver which has applied since the rule went into effect in 1971,<sup>2</sup> the networks urge that the justification advanced earlier applies now as well, and that the Commission has recognized the merit of this concept not only by the earlier grants of waiver but by putting the principle into the rule changes which were adopted but have been stayed. It is claimed that the waiver clearly serves the public interest by facilitating the presentation of material increasing public knowledge and information about matters of public interest and concern, and provides needed flexibility for the untrammelled exercise by the networks of this important journalistic function. The networks assert that they use "their own time"—network prime time, or late evening time—to a large extent for such presentations; but there is still a "real and considerable need" for the viewer, since network evening schedules are not easily rearranged, particularly where longer programs are involved and on the

short notice often involved with material of this kind. It is said that the absence of waiver—excluding such material from the access period or requiring a later "give-back" of access time the same evening on short notice—would "inhibit artificially" the presentation of such material and would curtail it, and would "reduce the flexibility needed for the full and vigorous exercise of First Amendment-favored exploration of news and ideas." It is also claimed that there has been no network abuse of this waiver; CBS assertedly has used it only three times since January 1972 and not at all in 1974, and in practice none of the networks has approached the 25 occasions a year mentioned as a possible maximum when the waiver was first sought. It is asserted that with the few instances of use of the waiver, and those occurring pretty much at random, there is no significant impact on the demand for first-run syndicated material which the rule is designed to promote. Moreover, it is asserted, there is little or no material of this sort available from non-network sources, so there is no inhibition on the sale or development of a particular type of programming; rather, withdrawal of the waiver would simply reduce the supply of such material to stations.<sup>3</sup>

9. With respect to the Public Notice's suggestion that there might be a numerical limit on such activities, e.g., once a month or three times a quarter, the networks oppose this as limiting flexibility unduly and unnecessary in the absence of any abuse. CBS claims that this would be a basic change in the character of the waiver, from a recognition that journalistic judgments should be made without artificial government-imposed restraints, to one of governmental intrusion into an area which the Commission should eschew.

10. With respect to the requested "off-network" waivers, most of the petitioners urge the particular merit and other circumstances of their programs, either set forth in the petition or by reference to an earlier showing, claimed still to apply. The points asserted include popularity (ratings), educational or social value as shown by letters from educators and environmental groups, awards and testimonials, etc.<sup>4</sup> and the desirability of the pro-

gram for early evening children's or "family" viewing (and of presenting the program at this hour of large audience). The Wild Kingdom and Animal World proponents urge, again, the "independent" character of their programs when on the network, and they also assert that the cost and complexity of "outdoor" program production efforts precludes more than a relatively small number of new episodes each year. It is claimed that waiver is thus still necessary, even though fewer off-network episodes will be needed in future years. These producers also urge the need for waiver to avoid disruption of their activities as a result of the Court's decision, which eliminated their potential, under the changed rule, for selling the programs for use in the first half-hour of prime time or as "documentary" programs in one 7:30 half hour each week. In a letter replying to NAITPD's comments, UPA asserts that the object of the rule is to further meritorious programming, clearly including the Mr. Magoo material.

11. *Arguments against network news-public affairs and "off-network" waivers.* The three parties opposing waivers—NAITPD, Westinghouse, and NCCB—advance a variety of arguments against them, both generally and as to the two particular areas involved here.<sup>5</sup> These are in summary as follows:

(a) With the Commission's January decision looking toward an end of waivers, and the Court's subsequent stay, this is not a matter of maintaining the status quo, and there is not and should not be a "vested interest" in obtaining a waiver simply because one was granted before. NAITPD, in fact, claims that as to the "off-network" waiver policy we are bound by the conclusion in that decision that this process has been "undesirable" (see 44 FCC 2d 1081, 1134-35). It is asserted that therefore we should take this opportunity to make a "fresh start", abandoning past precedents and policies which have led to such undesirable results and which, particularly in the "off-network" area, have been criticized by most parties commenting.

(b) The waiver policies, as they have evolved in practice under the rule, constitute a de facto modification of it without appropriate rule-making proceedings rather than the "limited safety valve" which waivers are designed to afford. This is urged particularly as to the "one-time" network news and public affairs waiver, which originally was adopted on the basis of special temporary circumstances (the transitional character of the first year under the rule, and need for pre-election coverage in a Presidential election year) but which has since be-

<sup>2</sup> CBS also mentions another point: absence of waiver would raise a series of difficult questions as to the scope of the "on the spot coverage" or coverage of "fast breaking events" exemptions contained in the rule, with respect to coverage planned in advance, use of previously filmed material, etc.

<sup>3</sup> UPA attaches 7 documents in support of its request for the Adventures of Mr. Magoo series—a USIA document describing it as of educational character, a letter from a New York City educator seeking it for school use, a McGraw-Hill release describing the series as important in bringing history and literary classics to life for students, letters of praise from a church group and NAFBRAT, a letter to area English teachers from WAVY-TV, Norfolk about the series, which it ran at 7 p.m. in 1971, and a letter of praise and inquiry from a Connecticut librarian. It should be noted that some of these documents concern classroom or other film, rather than broadcast, use. Some 16 similar documents were submitted concerning the two individual Mr. Magoo programs.

<sup>4</sup> See 32 FCC 2d 55(1971); 37 FCC 2d 570 (1972); 40 FCC 2d 355(1973); and 42 FCC 2d 615(1973).

<sup>5</sup> ABC and CBS also commented briefly as to off-network waivers, although not directly involved. ABC suggests that the time may be at hand when the off-network waiver situation should be cleaned up, noting the slow progress of Wild Kingdom toward all new material. CBS, on the other hand, although noting that it has previously opposed such waivers because they involve the Commission in "program quality" judgments, states that it does not oppose their continuation during the present period of uncertainty as to what the rule will be in the future.

come apparently a permanent modification by the various extensions. It is also claimed that the Commission's practice improperly shifts the burden of proof from one seeking waiver to opponents (for example as to a showing of specific inhibition).

(c) The types of waivers involved here are unnecessary, since the rule does not preclude the presentation of any material at any time. As to the "one-time" network waiver, it is claimed that the networks can, and should be required to, use their own prime time to fulfill their journalistic obligations, rather than use "the other fellow's time" while keeping their own schedules intact. As to the off-network programs, these may be presented at any time, including early-evening or later prime time if the station is willing to preempt network programs. NAITPD argues that if the Commission is so concerned about early-evening exposure for a program such as *America*, it should either make the network carry it at such an hour, or inquire of licensees as to why they did not carry it without a waiver (preempting a later network program).

(d) Any waiver, even for a small amount of time such as the 13-week *America* series, creates great uncertainty and instability, by depriving independent producers of the knowledge of how many markets they will have to aim at, depending on what waivers the Commission may or may not grant. Westinghouse claims that this has been the biggest single obstacle to the development of the rule's potential. Given the double advantage which off-network material has—previous exposure and thus a "track record", and possible sale in syndication cheaply because all or most of the costs have been recovered in the network run—it is claimed that this possible competition is ruinous, particularly precluding the development of any new material of the same type as that for which waiver has been granted, for example material such as *America*, and restoring to certain programs the very competitive advantage of which the rule was designed to deprive them. This is said also to be true of the "one-time" network waiver—inhibiting the development of such material from independent sources in the vital area of public information.

(e) It is said that the off-network waiver process violates the First Amendment, both through a Governmental judgment based on the "merit" or "quality" of a program, and through the inhibiting effect on the development of other programs under a rule specifically designed to increase diversity and promote the public's First Amendment rights. PAITPD claims that the policy is thus "unreasonable, unconstitutional and self-defeating".

(f) NCCB urges that these waivers adversely affect the presentation of locally oriented and minority-group programming, substituting a national decision that certain programs should be shown instead and interfering with licensees' freedom to program their stations to

meet local needs (and with citizen group efforts to get them to). NCCB also refers to two syndicated programs of significance to minority groups (*La Raza* and *Black Omnibus*) and claims that the latter, which has gone out of production because of lack of advertiser support, will not be replaced "without a strictly enforced and stable prime time access rule." In sum, waivers serve only to impede the basic purpose of the rule—"to insure a diversity of programming sources, which enable a station to respond to the needs and interests of its community."

(g) These parties also attack the arguments of the *Wild Kingdom* and *Animal World* proponents as to their particular circumstances. It is claimed that there is no showing that a further "subsidy" is needed to permit them to continue their activities, that the progress of *Wild Kingdom* toward non-reliance on former network material is extremely slow in three years of waiver, and that the fact of their former "independent" nature is of no consequence; the same has been true for some years of nearly all network programming (under the "syndication" and "financial interest" rules adopted in 1970) and off-network programming has the same inhibiting effect on new independent material regardless of the nature of its past or present ownership.

#### DISCUSSION AND CONCLUSIONS

12. After careful consideration of the matters raised herein, we conclude that waivers of these two types should be granted to an extent which will preserve the status quo—continuation of the waiver for "one time" network news and public affairs programs, and for the *Wild Kingdom*, *Animal World* and *National Geographic* program series—and in one other case: the six children's special programs mentioned in paragraph 2, above. The latter waiver is granted because of the high importance of permitting children's "specials" to be presented at a reasonably early evening hour, as well as because of the very small amount of access time involved (a total of 12 hours per year per market even if all programs were shown twice). The request for the 26-episode *Famous Adventures* of Mr. Magoo series is denied. We do not pass at this time on the *America* request, since that was filed only July 30 and thus was not the subject of comments, and since decision now is not necessary because the program will not be available to commercial television until March 1975.

13. The present moment is one of uncertainty as to what the future form of the rule will be, which will be decided in the next several weeks by further decision in Docket 19622. Thus, this is not the time or the place to make sweeping changes in the practice which has grown up under the rule, in an effort to make it work better as a permanent matter. Moreover, the Court's decision came fairly late in the game with respect to industry planning for the 1974-75 broad-

cast year. It appears that there has been reliance by stations, networks, and producers on the availability of access time for such material under the changed rules (during the first half-hour of prime time, or as "documentary" or "public affairs" material during one "cleared" half-hour per week). These changes have of course been stayed, but we do not conceive it to be in the public interest to disrupt these plans by acting to reduce the availability of access time for these activities, to a point below either what has been available so far under the earlier rule or what would have been available under the changed rule, in the absence of stronger countervailing considerations than those which appear here.

14. It must also be borne in mind that our decisions here are short-run in nature. The waivers and indicated grants adopted here are only for 1974-75, and, even if a new rule should be put into effect only at a later date and the same policies should be continued in the interim (matters which we do not here decide), the present decisions will apply only for a relatively short period. This means that some aspects of the matter which may be important in a long-term or permanent decision are of less consequence here—for example, the inhibiting effect of waiver on the development of new, independent programming of the same general sort. The supply of new non-network programming for 1974-75 is doubtless by now pretty well set; for the longer term, whatever effects there are will flow not from our action here but from whatever decision is reached later this fall in Docket 19622.

15. As to continuation of the "one-time" network news and public affairs waiver, we conclude that this would be in the public interest because of the high importance of facilitating the presentation of this type of "informed electorate" material, the present relative absence of material of this sort from other sources, the concomitant lack of significant impact (in the short run) of the development of similar material, and the fact that (with uses of the waiver being few in number and pretty much on a random basis) this would not be expected to have substantial impact on the development of new access-period programming generally. It does not appear that there has been any abuse of this waiver, and the networks do, to a large extent, use "their own time" for this purpose. We conclude that, for the period involved here, they should retain the flexibility

<sup>7</sup>NCCB mentions the possibility that a network program presented under this waiver may displace a timely local program of the same type. This appears too speculative to be of decisional importance here, bearing in mind the rather small amount of access time devoted to either network news and public affairs under the waiver or local programming, and the possibility that in the unlikely event that this does occur, either the local program could be re-scheduled or the network program could be taped and delayed.

which the waiver gives them in exercising their journalistic function. While the same conditions which led to the original waiver do not necessarily obtain, we reach the same conclusion on the basis of present conditions.

16. We have decided not to adopt a numerical limit on network use of this waiver, indicated in the Public Notice as a possibility, since it might impair desirable flexibility and past performance does not indicate a need for it. However, we expect the networks not to abuse this waiver, especially by using access time extensively rather than their own time to carry out their journalistic function. If the entire burden should not have to fall exclusively in network prime time, neither should it have to fall entirely or largely in access time.

17. The considerations mentioned in pars. 13-14 above likewise indicate that waiver should be granted for the three "outdoor" program series mentioned. In our judgment, the cause of diversity of programming—increasing the amount and variety of fare available to the public—would be served by waiver and disserved by denial, for the short-run period involved here, and thus with little or no impact on the development of new programming for the longer term. There has not been, here or in earlier flings, any evidence as to the inhibiting effect on the development of new programming, and we cannot assume that there would be any with respect to a short-run waiver for programs which have previously been available on the same basis. The total time involved of 2 hours a week is less than 10% of the 21 hours a week per market of "cleared" time, even assuming all three programs involved are shown in access time in all 50 markets, which has never been the case so far.\*

18. We conclude that waiver should also be granted for the six children's "special" programs mentioned, even though, admittedly, this does go beyond the status quo. We reach this conclusion on the basis of the short-run nature of our action here (already discussed), and consequently the absence of any impact on the long-term development of new non-network material, and two other factors: (1) the lack of impact in terms of time, since these six programs would amount to only 12 hours a year per market even if all were shown twice; and (2) the overriding importance of making children's programs of this type avail-

able at an early evening hour. We noted in our decision changing the rule that one of the chief complaints against it has been that it prevents the presentation of network children's specials at an early hour, permitting children to watch them and still observe a reasonable bedtime (see 44 FCC 2d 1081, 1134). We find it of high importance to facilitate the presentation of such material at any early evening hour, from off-network if not network sources, and accordingly waiver appears appropriate for this short-run period, in the absence of any demonstrated impact on the development of new programming.

19. However, we conclude that waiver for the other program series involved—the Famous Adventures of Mr. Magoo—is not warranted, even though it is material of the same general sort. Despite the merit of this program asserted by petitioner with supporting material, and the short-run nature of our actions here, we do not believe it appropriate, at this point when the future form of the rule is uncertain, to grant waiver for a new 26-episode series, wholly off-network, for which waiver has not been granted before and which also is a program of a type not hitherto involved in the waiver process. The possible creation of new inhibitions on the development of non-network programming—as opposed to continuation of whatever existing inhibitions may exist where waivers have been granted in the past—is not to be taken lightly, even in the short run. Where a 26-program, wholly off-network series is involved, we decline to do so. Grant of a waiver of this sort, involving material which likely would occupy a time slot on a station for a full year, would tend to undercut the Court's mandate even though it would not necessarily contravene it.

20. *Other programs.* As indicated in the July 18 Public Notice, we intend to be restrictive as to waivers of the "off-network" provisions of the prime time access rule, with respect to programs other than those mentioned and not denied herein.

21. *Other observations.* It is appropriate to discuss certain arguments against waiver mentioned earlier and not directly dealt with above. First, it is urged that we are bound by the conclusion in our January Report and Order that the off-network waiver process is "undesirable." This characterization referred to the process itself, not the results; our decision was to adopt rule changes designed, *inter alia*, to reach the same general result by a better process. Since the changes have been stayed, it is appropriate to use the old approach if the public interest so indicates, as we conclude it does. Second, as to the character of the waiver process as a *de facto* change in the rules (and as improperly shifting the burden of proof) we find these objections without merit, insofar as the short-run decision here is concerned. Waiver of the rules is a power

which the Commission properly may, and when the public interest requires, must exercise. *WAIT Radio v. FCC*, 418 F. 2d 1153 (C.A.D.C. 1969). We have examined the facts and arguments presented, by both sides, and are persuaded that waiver to the extent granted herein will further the public interest. Finally, we note the arguments concerning the First Amendment. In our view, our actions herein do not raise questions on this score, since we neither forbid nor require the presentation of any program. Our decisions herein are not based on the "merit" or "quality" of any program—assuming *arguendo* that such a course would present First Amendment problems—and the short-run nature of this decision renders inapposite NAITPD's argument that waiver violates First Amendment concepts by inhibiting or precluding the development of new material.

#### NETWORK NEWS AND SPORTS RUNOVER WAIVERS

22. These two areas of waiver policy were not set forth for comment in the Public Notice, but there was some comment. We will continue for 1974-75 the "network news at 7 following an hour of local news" waiver, and the policy granting waiver for presentation of network news or public affairs programs on weekends at 7 (e.s.t.) where both preceded and followed by a half-hour of local news or local public affairs. No party expressed objection to this waiver, which was contemplated by "footnote 36" of the Report and Order adopting the rule in 1970.<sup>6</sup> With respect to "runovers" of network afternoon sports telecasts, we will continue the past policy in this respect. NAITPD raises here, as it has before, the problem which is presented to suppliers of first-run syndicated programming in "making good" the commercials lost in their programs as a result of such runovers (particularly on weekends, which is when nearly all of them occur). We recognized in our January decision that this is not a satisfactory situation under the present rule, and took steps to deal with it simply by reducing the possibility of runovers (there is not a great likelihood in any event). See 44 FCC 2d 1081, 1143. NAITPD has not given us (now or earlier) any specifics with respect to the claimed problem, and therefore we are not adopting any different policy for the short run involved here, in what might be a rather complex area. This remains a problem for consideration with respect to the decision on a rule for the future, in Docket 19622, and we will give consideration at that time (if appropriate

\* With respect to the argument mentioned in par. 11(c) above, that waivers are not necessary for the programs to be shown in prime time, we do not find this persuasive, bearing in mind that: (1) the whole premise of the rule is that the networks have a tremendous advantage in clearing programs in competition with non-network sources; and (2) one significant element of "diversity" is the range of programs available to the public at a given time, here "cleared" access time. It is noted that National Geographic programs will not be shown on U.S. network television this year, following the Court's decision.

<sup>6</sup> NAITPD raises the question of whether the preceding "local hour" may be used partly for syndicated public affairs material (as it urged in its initial comments in Docket 19622). No one has ever raised this question specifically; we will consider waiver on this basis if it comes up.

in light of the form of the rule adopted) to various solutions proposed by NAITPD ("rolling back" network schedules for the evening, requiring the networks to provide "make good" time for the commercials lost, etc.).

**POLICY STATEMENT AND ORDER  
GENERAL POLICY**

23. In the foregoing, for the 1974-75 broadcast year, the following provisions concerning waiver of the prime time access rule will apply:

(a) Waivers are granted in paragraph 24 below, for the two half-hour program series, for the presentation of network news in the first half-hour of prime time (7 p.m. e.s.t., etc.) if preceded by a full hour of local news, for "one time" network news and public affairs programs, and for six individual children's programs.

(b) Waivers when requested will be granted, generally by Broadcast Bureau action under delegated authority, for stations subject to the rule who wish to carry the National Geographic program, for stations wishing to carry network news in the first half-hour of prime time on weekends, where it is both preceded and followed by a half-hour or longer local news or local public affairs program, and for stations or networks seeking "sports runover" waivers to the extent such waivers have been granted in the past. This action is not a grant of waiver in these cases.<sup>18</sup>

(c) Except as mentioned, and as may be indicated on further consideration of a pending request for waiver for the America series, no further off-network waivers, involving substantial amounts of programming, will be granted for the 1974-75 broadcast year.

24. In view of the foregoing, it is ordered, That:

(a) Waiver of the "off-network" provisions of the prime-time-access rule, § 73.658(k) (3), is granted, so that stations subject to the rule may present during the period until Monday, September 15, 1975, in addition to three hours of prime-time network or off-network material:

(i) The Wild Kingdom and Animal World program series, provided that, of the package purchased and shown on the station, no more than 49 percent in the case of Wild Kingdom, or 43 percent in the case of Animal World, may be off-network.

(ii) The Uncle Sam Magoo and Mr. Magoo's Christmas Carol individual programs formerly on NBC, and the Pinocchio, The Emperor's New Clothes, Jack and the Beanstalk and Aladdin children's special programs formerly on CBS.

(b) Until September 15, 1975, stations subject to § 73.658(k) may present "one-

time" network news and public affairs programs (those not part of a regular series) without their counting toward the permissible three hours of prime time network programming.

(c) Stations subject to § 73.658(k) may present network news in the first half-hour of prime time (7 p.m. e.s.t., etc.) without its counting toward the permissible three hours of network programming each evening, provided that the network news is immediately preceded by an hour of local news or local public affairs programming.

(d) The letter request for waiver of § 73.658(k) (3), filed on July 15, 1974 by UPA Productions of America, is denied insofar as it requests waiver for the Famous Adventures of Mr. Magoo program series.

Adopted: September 11, 1974.

Released: September 13, 1974.

**FEDERAL COMMUNICATIONS  
COMMISSION,<sup>19</sup>**

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 74-22626 Filed 9-27-74; 8:45 am]

[FCC 74-1006 Docket No. 19551,  
RM-1821, etc.]

**PART 73—RADIO BROADCAST SERVICES  
Second Report and Order**

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Atlanta, Blackshear, Cochran, Dublin, Eastman, Hawkinsville, Hazlehurst, Macon, Monroe, and Ocilla, Georgia; Birmingham, Gadsden, Haleyville, Jasper, Northport, Sheffield, and Tuscaloosa, Alabama; and Columbus, Macon, New Albany, Oxford, and Starkville, Mississippi). Docket No. 19551, RM-1821, RM-1864, RM-1923, RM-2004, RM-2029, RM-2037, RM-2038, RM-2067, RM-2077; 38 FR 26.

1. The Commission here considers certain aspects of this proceeding to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns communities in the southeastern portion of Georgia. The basic proposal is bottomed on the petition of Broadcast Good Music! Committee (BGMC) to assign Channel 300 at Atlanta, Georgia, as a seventh FM channel assignment (RM-1864) which requires the change of existing channel assignments at eight cities (Hawkinsville, Macon, and Ocilla, Georgia; Birmingham and Gadsden, Alabama; and Macon, New Albany, and Oxford, Mississippi), six of which are occupied by operating stations (all except Ocilla, Georgia, and Macon, Mississippi).<sup>1</sup> The other 14 proposed changes are counterproposals, which more or less fall into four subsidiary groupings.

2. We here deal with proposed assignments in southeast Georgia which group

is severable from the other proposals in this proceeding. Included in this group are Ocilla, Dublin, Cochran, Eastman, Hazlehurst, and Blackshear. Change of the channel assignment at Ocilla from Channel 237A to 221A was proposed as part of the Atlanta proposal. The Notice also covered the proposal of Dublin Broadcasting Company (Dublin Broadcasting), licensee of AM Station WMLT at Dublin, Georgia (RM-1821), to assign Channel 240A as a second assignment to that community, with respect to which the Notice raised questions. Dublin, population 15,143, is the seat of Laurens County, population 32,738.<sup>2</sup> In addition to Station WMLT, Stations WXLI and WXLI-FM operate at Dublin. The Notice stated that the Dublin Broadcasting showing indicated a lack of preclusionary effect on adjacent channels but that Channel 240A could be used elsewhere in the area if it were not assigned to Dublin (see Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967)). Specific reference was made to four county seats where the channel could be so assigned. These are: Soperton, pop. 2,596, in Treutlen County (pop. 5,647); McRae, pop. 3,151, in Telfair County (pop. 11,381); Hazlehurst, pop. 4,065, in Jeff Davis County (pop. 9,425); and Eastman, pop. 5,416, in Dodge County (pop. 15,658). It was noted that the first had no local broadcast facility and the other three had only daytime AM stations (while Channel 244A is assigned to Eastman, it operates as Station WVMG-FM at Cochran, pop. 5,161, the seat of Bleckley County (pop. 10,291)).<sup>3</sup>

3. In response to our Notice, Farnell O'Quinn (O'Quinn) filed a counterproposal that Channel 240A be assigned to Eastman and Channel 244A be reassigned from Eastman to Cochran in order "to give proper recognition to the facts"; and Jeff Davis Broadcasters, Inc. (Jeff Davis), licensee of daytime AM Station WVOH there, counterproposed that either Channel 240A or 221A be assigned to Hazlehurst (RM-2067). Dublin Broadcasting then filed counterproposals for Eastman and Hazlehurst which are agreeable to O'Quinn and Jeff Davis. The Dublin counterproposal includes a proposed change of assignment at Blackshear which is discussed below (paragraph 6). Dublin Broadcasting's plan calls for the assignment of Channel 240A at Dublin, 221A at Eastman, Channel 228A at Hazlehurst, and 285A (in lieu of 228A) at Blackshear. These various counterproposals created conflict with that part of the Atlanta proposal that had to do with the proposed assignment at Ocilla, Georgia. However, there is a channel available for Ocilla (249A) which makes possible present resolution of the

<sup>1</sup> All population data are from the 1970 U.S. Census.

<sup>2</sup> Concerning adequacy of broadcast service to a community, see Broadcast Station Assignment Standards, 39 F.C.C. 2d 645, 670, 672, and 674 (1973).

<sup>18</sup> Waiver is not granted herein in these cases because, in the case of National Geographic, it is desirable to have information as to how many stations propose to carry the program in access time, and on what basis; and in the other cases, staff examination of the facts appears to be desirable.

<sup>19</sup> Commissioners Lee and Reid concurring.

<sup>1</sup> This is herein referred to as the "principal" or Atlanta proposal.

conflict and permits our presently making FM channel assignments to these communities in southeast Georgia prior to giving consideration to the Atlanta proposal.<sup>4</sup>

4. We briefly discuss the comments filed by Dublin Broadcasting, Jeff Davis, and Farnell O'Quinn. The purpose of Dublin Broadcasting's petition is to permit it to apply for an FM channel if assigned to Dublin in order to serve 12,000 more persons nighttime who are located between the interference-free contour of an FM station and AM Station WMLT's nighttime interference-free contour. In this respect, however, assignment of an FM station to Dublin, Georgia, does not give any priority to Dublin Broadcasting, and its application will be considered on a par with applications of other interested parties. In support of the proposal for a second FM channel, Dublin Broadcasting has adduced information and data to show that Dublin is the regional trade center of eight counties, that it is the location of both state and federal government agencies serving a large area and it is the medical center for a twelve-county area, that there has been substantial increase in population of the city and county, and that industry and manufacturing has been expanding at a substantial rate since 1960. Dublin Broadcasting has also indicated that it intends to serve East Dublin, population 1,986, also in Laurens County across the Oconee River from Dublin. It is asserted that Dublin is the most important of the area's cities including Eastman, Hazlehurst, McRae, Soperton, and Ocilla.

5. Jeff Davis in support of the proposed assignment of an FM channel at Hazlehurst relies on the need for further media. We are told that there is only a weekly newspaper and its AM station is a low-power 500 watt daytime AM station. It is also urged that Hazlehurst is an industrial and agricultural center. Other information is adduced concerning the amount of manufacturing and business, the type of hospital and school facilities, the number of churches and civic groups and municipal service and transportation. O'Quinn's comments primarily are directed at showing that Eastman and Dodge County has greater need for a first full-time broadcast facility than Dublin has for a fourth station. As already noted, Eastman only has a daytime AM station (Station WUFF), while Dublin has two full-time AM stations and an FM station. As mentioned above, Dublin Broadcasting's counterproposal is agreeable to O'Quinn and Jeff Davis. In advancing the counterproposal, Dublin Broadcasting stated that the Commission should not consider assignments to Soperton and McRae in the absence of a demand in those communities.

6. As stated, it is possible to resolve the conflict among the southeast Georgia proposals without adversely affecting the

principal proposal and in accordance with the usual practice of making assignments of channels to communities with a population of 10,000 or less where there is an expressed demand. In this respect, there were objections to a substitute at Ocilla, Georgia, on the basis that the present assignment there has remained fallow. However, there are pending applications for the Ocilla channel—one for a station at Fitzgerald (BPH-8716) and the other at Ocilla itself (BPH-8766). In these circumstances, since a channel is available for assignment to Ocilla which is compatible with making assignments to the other southeast Georgia communities, we may proceed. In proposing the assignment of Channel 228A at Hazlehurst, it is necessary to delete the assignment of that channel from Blackshear, population 2,624, seat of Pierce County, population 9,281. While it is possible to assign Channel 285A to that community, we do not propose to do so at this time. Blackshear, like Soperton and McRae, is not the size community to which FM channel assignments are made in the absence of demand (someone evidencing a willingness to apply for and operate a station), especially when demand for use of FM channels in Georgia is extremely high.<sup>5</sup> Moreover, there are two other sizeable communities in the area to which Channel 285A might be assigned.

7. As concerns the assignment of Channel 221A to Eastman, consideration has been given to the preclusionary effect on the assignment of educational FM channels in the area. The staff has ascertained that here are five educational institutions with a student enrollment of 1,000 or greater within a 105 mile radius of Eastman of which four colleges are located in the areas receiving service from a Channel 6 TV station. It is noted that, with the exception of Channel 219 at Douglas and due to existing educational stations, the assignment to these educational institutions would be limited to a Class A operation and would not be affected by an assignment of Channel 221A to Eastman. The only preclusionary effect would be at Douglas for a Class C operation on Channel 219; however, a Class A operation is possible at Douglas.

8. We find that the public interest, convenience, and necessity is served by assigning another FM channel to Dublin in the light of expressed interest and that community's importance; by assigning Channel 244A to Cochran, where it is in use; by substituting Channel 249A for 237A at Ocilla; by making first assignments at Eastman and Hazlehurst in the light of expressed demand and need for a full-time local aural broadcast service at each community. In the latter respect, because of lack of

demand, we do not here consider channel assignments for Soperton, McRae, and Blackshear.

9. In view of the foregoing and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is ordered, That effective November 1, 1974, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations), is amended with respect to the following cities in Georgia to read as follows:

| City:           | Channel No. |
|-----------------|-------------|
| Cochran.....    | 244A        |
| Dublin.....     | 224A, 240A  |
| Eastman.....    | 221A        |
| Hazlehurst..... | 228A        |
| Ocilla.....     | 249A        |

Adopted: September 19, 1974.

Released: September 24, 1974.

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

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.74-22625 Filed 9-27-74;8:45 am]

#### Title 49—Transportation CHAPTER I—DEPARTMENT OF TRANSPORTATION

##### SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-57; Amdt. Nos. 172-28,  
173-86]

#### PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-179 OF THIS SUBCHAPTER

##### PART 173—SHIPPERS

##### Fluoboric Acid

On December 28, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendments 172-22, 173-77, and 178-30 in Docket No. HM-57 (38 FR 35467) which identified specifically by name a number of corrosive materials that would have been shipped as "Corrosive liquids, n.o.s." or "Corrosive solids, n.o.s." pursuant to the amendments dated March 23, 1972 (37 FR 5946). In the amendments published on December 28, 1973, the Board required that fluoboric acid be packaged according to the requirements set forth in § 173.264(a).

Three petitions for reconsideration of this amendments have been received: Harstan Chemical Corporation, Allied Chemical Corporation, and the Harshaw Chemical Company. These companies advised the Board that the type of packaging in use at this time for this material was the packaging authorized in § 173.245. Further, each petitioner reported very satisfactory experience when using certain packagings specifically in use.

One petitioner furnished detailed amplifying information on the hazards of certain concentrations of fluoboric acid, setting forth valid reasoning why these materials are significantly different than

<sup>4</sup> Substitution of Channel 249A for Channel 237A at Ocilla would allow for flexibility in the solution of the question of whether Channel 300 should be assigned to Atlanta.

<sup>5</sup> As of June 30, 1974, Georgia had 88 FM channel assignments—41 Class C's and 47 Class A's. Of the Class C's, 39 are in operation and the other two are applied for; as to the 47 Class A's, 38 are in operation, six are applied for, and only three are still in assigned status.