

City, N.Y. 11106. Transferor: L. Davis Trucking Co., Inc., 2518 38th Ave., Long Island City, N.Y. 11101. Applicants' representative: Michael R. Werner, Attorney-at-Law, 2 West 45th St., New York, N.Y. 10036. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 14713, issued December 8, 1976, to L. Davis Trucking Co., Inc., and those set forth Certificate No. MC 139691, issued April 16, 1975, in the name of G & B Movers, Inc., and authorized to be transferred to L. Davis Trucking Co., Inc., pursuant to No. MC-FC-76715, approved November 22, 1976, as follows: Rugs and rug pads, carpets and carpet linings, and linoleum and linoleum paste, from New York, N.Y., to Bayonne, Bergenfield, Butler, East Orange, Hackensack, Hoboken, Jersey City, Morristown, Newark, North Bergen, Passaic, Paterson, Perth Amboy, Plainfield, Rahway, Rutherford, and Union City, N.J., points on Long Island, N.Y., and those in Westchester County, N.Y.; general commodities, with the usual exceptions, between New York, N.Y., and Hoboken, Weehawken, and Jersey City, N.J., on the one hand, and, on the other, Long Branch, N.J., and points in Hudson, Essex, Bergen, Passaic and Union Counties, N.J.; between New York, N.Y., and Middletown, N.Y.; and carpets and rugs between points in that part of the New York, N.Y. commercial zone within which local "exempt" operations may be conducted, on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Essex, Union, Middlesex, Somerset, Morris, and Monmouth County, N.J., and Fairfield County, Conn. Transferee presently holds authority from this Commission under Certificate No. MC 138065 (Sub-No. 2). Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-294 Filed 1-3-77; 8:45 am]

[Notice No. 172]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 23, 1976.

Important notice: The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and

quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 52TA), filed December 17, 1976. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., P.O. Box 22005, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts and automobile show equipment*, in initial movements, in truckaway service, from the plantsite of General Motors Corporation, located at Tarrytown, N.Y., to points in Alabama, Florida, Georgia, and South Carolina, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 4405 (Sub-No. 540TA), filed December 15, 1976. Applicant: DEALERS TRANSIT, INC., 522 S. Boston Ave., Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from New Tazewell, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: U.S. Postal Service, Traffic Branch, Office of Resources Management, Room 1100, 475 L'Enfant Plaza, West, S.W., Washington, D.C. 20260. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 5470 (Sub-No. 119TA), filed December 15, 1976. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Richard W. Sanguigni (same address as applicant). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, from Ashtabula, Ohio, to Archer Creek, Lynchburg and Radford, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Carbide Corporation, Mining Metal Division, 270 Park Ave., New York, N.Y. 10017. Send Protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 52579 (Sub-No. 159 TA), filed December 16, 1976. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Irwin Rosen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers for retail stores distribution, from Shreveport, La., to Arling, Tex., and New York Commercial Zone, as defined by the Commission, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Montgomery Ward & Co., Inc., 393 Fashion Ave., New York, N.Y. 10001. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 81908 (Sub-No. 9TA), filed December 13, 1976. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, Ohio 45840. Applicant's representative: Michael M. Briley, 300 Madison Ave., Toledo, Ohio 43603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers and pre-assembled house trailer sections*, on their own undercarriage, in tow-away service in initial moves, from Bryan, Ohio (and points within a radius of 10 miles thereof), to points in Michigan, Indiana, Kentucky, Virginia, West Virginia, Pennsylvania, Illinois and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobile Home Estates, Inc., Bryan, Ohio. Send protests to: Keith D. Warner, District Supervisor, Section of Motor, Water, Forwarder Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 112617 (Sub-No. 355TA), filed December 10, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Illinois, Indiana, Ohio, Michigan, and St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James A. Dotl,

President, Jadcore, Inc., 1854 N. Fruitridge Ave., Terre Haute, Ind. 47805. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 114457 (Sub-No. 278TA), filed December 17, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and container closures*, from Chicago, Ill., to Jeanette, Pa., and Jonesboro, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., 150 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 112801 (Sub-No. 188TA), filed December 14, 1976. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, from the plant and storage facilities of Archer Daniels Midland Company, at Decatur, Ill., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at and destined to points named, for 180 days. Supporting shipper: Archer Daniels Midland Company, P.O. Box 1470, Decatur, Ill. 62525. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 115162 (Sub-No. 342TA), filed December 15, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, paper board, panels, plastic articles and moulding*, from Chesapeake, Norfolk and Suffolk, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia and Wisconsin, for 180 days. Supporting shipper: Weyerhaeuser Company, 201 Dexter St., West, Chesapeake, Va. 23324. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118959 (Sub-No. 143TA), filed December 13, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape

Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Mineral Wells, Miss., to points in Arkansas, Louisiana and Texas, for 180 days. Supporting shipper: Chattanooga Glass Co., 400 W. 45th St., Chattanooga, Tenn. 37410. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 118959 (Sub-No. 144TA), filed December 17, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel wire, iron and steel cable, iron and steel spirals*, from the plantsite of Florida Wire and Cable Co., at or near Jacksonville, Fla., and the plantsite of Wire-mil, Inc., at or near Sanderson, Fla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Florida Wire and Cable Co., P.O. Box 6835, Jacksonville, Fla. 32205. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 123329 (Sub-No. 27TA), filed December 14, 1976. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, 4056 Ogden Road, S.E., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Quicklime*, in bulk, in tank vehicles, from ports of entry on the United States-Canada International Boundary line, located in the State of Washington, to points in Washington, Oregon and Idaho, restricted to traffic originating at Langley, British Columbia, Canada, for 180 days. Supporting shipper: A. J. MacDonald, General Manager, Texada Lime, Ltd., 309-198 W. Hastings St., Vancouver, B.C., Canada V6B 1H2. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 129712 (Sub-No. 7TA), filed December 16, 1976. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 954, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except frozen) and related stationery and advertising materials, from the plantsite and warehouse facilities of Sunshine Biscuits, Inc., at Columbus, Ga., to points in Kentucky, West Virginia and Virginia; and (2) *Materials, equipment and*

supplies used, sold or dealt in by bakeries, from points in Kentucky, Virginia and West Virginia, to the plantsite and warehouse facilities of Sunshine Biscuits, Inc., at Columbus, Ga., under a continuing contract with Sunshine Biscuits, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Biscuits, Inc., 3700 Victory Drive, Columbus, Ga. 31902. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 133095 (Sub-No. 124TA), filed December 15, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Eulless Blvd., Eulless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Therapeutic solutions*, in containers, in mechanically refrigerated equipment, from Cinnaminson, N.J., to Dallas, Tex., and Baton Rouge and New Orleans, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Erika, Inc., 560 Sylvan Ave., Englewood Cliffs, N.J. Send protests to: Robert J. Kirspeil, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133383 (Sub-No. 1TA), filed December 15, 1976. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, 640 12th Ave., S.E., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, P.O. Box 2567, Great Falls, Mont. 59403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic beverages, liquors and spirits*, in bulk, in tank vehicles, from ports of entry on the United States-Canada International Boundary line at or near Buffalo, N.Y., to Linfield and Philadelphia, Pa., restricted to traffic originating at Collingwood, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S. Dupposito, A.G.T.M., Continental Distilling Corp., 1429 Walnut St., Philadelphia, Pa. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 133937 (Sub-No. 18TA), filed December 17, 1976. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 572, Greer, S.C. 29651. Applicant's representative: Henry P. Willimon, P.O. Box 1075, Greenville, S.C. 29602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers in polyethylene bags, packs, flats, racks, between points in North Carolina, South Carolina and Atlanta, Ga., for 180 days. Supporting shippers: There

are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Stroheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 133966 (Sub-No. 45TA), filed December 15, 1976. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors and door frames*, from Fredericksburg, Va., to Old Forge, Pa.; and (2) *Kitchen cabinets*, from Sellersburg, Ind., and Adrian, Mich., to Old Forge, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mariotti Lumber Company, 325 S. Main St., Old Forge, Pa. 18518. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134323 (Sub-No. 90TA), filed December 17, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 S. 14th, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive care and maintenance supplies* (except commodities in bulk), from the plantsite and storage facilities of or utilized by Union Carbide Corporation, at or near Chicago and Danville, Ill., Camden, and South Hackensack, N.J., and Greenville, S.C., to South Hackensack, N.J., Kansas City, Mo., Dallas, Tex., Atlanta, Ga., Torrance, Calif., Cleveland, Ohio, Chicago, Ill., and Milwaukee, Oreg., under a continuing contract with Union Carbide Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Carbide Corporation, 170 Park Ave., New York, N.Y. 10017. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134806 (Sub-No. 43 TA), filed December 16, 1976. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tanned leather*, from points in Los Angeles County, Calif., to Chicago and Rockford, Ill., and points in Maine, New Hampshire, Massachusetts, New York, Pennsylvania, Wisconsin and Hunting-

ton, W. Va.; and (2) *Oils and greases, finishing compounds, and supplies* for tanning leather (except commodities in bulk), from Exeter, N.H.; Newark, N.J.; Brattleboro, Vt., and points in Massachusetts, to points in Los Angeles County, Calif., under a continuing contract with West Coast Tanners Production Club, for 180 days. SUPPORTING SHIPPER: West Coast Tanners Production Club, 1099 Quesada Ave., San Francisco, Calif. 94124. SEND PROTESTS TO: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 135231 (Sub-No. 23 TA), filed December 15, 1976. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden windows and doors*, from Warroad, Minn., to points in the United States (except Alaska and Hawaii), and (2) *Materials, supplies and equipment* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Warroad, Minn., restricted to the transportation of traffic originating at or destined to the facilities of Marvin Windows at Warroad, Minn., for 180 days. SUPPORTING SHIPPER: Marvin Windows, Warroad, Minn. 56763. SEND PROTESTS TO: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136080 (Sub-No. 2TA), filed December 17, 1976. Applicant: ELIZABETH SELLERS LAFOE AND BERNIE L. LAFOE, doing business as, E. S. LAFOE, RFD 1, Box 167, North Ferrisburg, Vt. 05473. Applicant's representative: Elizabeth S. Lafoe, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheeses, cheese products, curd, and products* used in the processing of cheese returning loads of fiberboard containers and containers (cans), between Swanton, Vt., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, New Hampshire, New York, Maine, Maryland, Massachusetts, Rhode Island, Pennsylvania, Vermont, Virginia (excluding delivery to Carles Place, N.Y., and Brooklyn, N.Y.), under a continuing contract with Lucille Farm Products, Inc., for 180 days. SUPPORTING SHIPPER: Lucille Farm Products, Inc., P.O. Box 125, Swanton Industrial Park, Swanton, Vt. 05488. SEND PROTESTS TO: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 138144 (Sub-No. 13TA), filed December 16, 1976. Applicant: FRED OLSON COMPANY, INC., 6022 W. State St., Milwaukee, Wis. 53213. Applicant's rep-

resentative: Gregory A. Stayart, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the facilities of Ratzlaff Logging and Lumber, Inc., at or near Princeton and Onamia, Minn., to points in Wisconsin on and south of U.S. Highway 10, for 180 days. SUPPORTING SHIPPER: Boehm-Madison Lumber Company, 6186 Plankinton Bldg., 161 Wisconsin Ave., Milwaukee, Wis. 53203. SEND PROTESTS TO: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 138635 (Sub-No. 28TA), filed December 15, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanities, vanity tops, shower doors, cultured marble tops and kitchen cabinets* (crated), from Van Nuys, Calif., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: Commodore Vanity Company, 7735 Kester Ave., Van Nuys, Calif. SEND PROTESTS TO: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 139113 (Sub-No. 8TA), filed December 15, 1976. Applicant: BRUNDIDGE TRANSPORTATION, INC., P.O. Box 187, Brundidge, Ala. 36010. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground, mixed, and blended spices, and mustard and mustard products*, from Grand Forks, N. Dak., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies* used in the manufacture or distribution of ground, mixed and blended spices, and mustard and mustard products, from points in the United States (except Alaska and Hawaii), to Grand Forks, N. Dak., under a continuing contract with The Baltimore Spice Company, for 180 days. SUPPORTING SHIPPER: The Baltimore Spice Company, P.O. Box 5858, Baltimore, Md. 21208. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 139336 (Sub-No. 10 TA), filed December 16, 1976. Applicant: TRANSTATES, INC., 3216 Westminster, Santa Ana, Calif. 92703. Applicant's represent-

ative: David P. Christianson, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Retreaded and new aircraft tires and worn aircraft tires*, between South San Francisco, Calif., and Salina, Kans., on the one hand, and, on the other, Chicago, Bensenville and Galva, Ill.; Minneapolis, and Bloomington, Minn.; Dallas and Houston, Tex.; Seattle and Blaine, Wash.; Kansas City, Kans., and Missouri, Denver, Colo.; and Tulsa, Okla., under a continuing contract with Thompson Aircraft Tire Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. **SUPPORTING SHIPPER:** Thompson Aircraft Tire Corporation, 160 Beacon St., South San Francisco, Calif. **SEND PROTESTS TO:** Mary Alice Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140407 (Sub-No. 2 TA), filed December 16, 1976. Applicant: HARVEY KEENAN AND DON PENICK, doing business as, DOUBLE EAGLE TRUCKING, Route 1, Box 80, Onalaska, Wash. 98570. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles and ridgetrim*, from points in Washington on and west of U.S. Highway 97, to points in California, for 180 days. **SUPPORTING SHIPPERS:** There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 142518 (Sub-No. 1 TA), filed December 16, 1976. Applicant: VULCAN

TRANSPORTATION COMPANY, INCORPORATED, Cordova, Ala. 35550. Applicant's representative: Gerald D. Colvin, 601-09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, liquid asphalt, and wood preserving products*, from the plantsite and facilities of Vulcan Asphalt Refining Company, located at or near Cordova, Ala., to points in Alabama, Georgia, Mississippi, North Carolina and South Carolina, under a continuing contract with Vulcan Asphalt Refining Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. **Supporting shipper:** Vulcan Asphalt Refining Company, Cordova, Ala. 35550. **Send protests to:** Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142729 (Sub-No. 1 TA), filed December 17, 1976. Applicant: LESTER MATTHEWS, doing business as LESTER'S DELIVERY, 6920 Singingwood Drive, St. Louis, Mo. 63129. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fish, cheese and related food items and supplies* used in the operation of White Castle System Stores, between the facility of White Castle System, St. Louis, Mo., and the facilities at White Castle Systems at Fairview Heights and Alton, Ill., under a continuing contract with White Castle System, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. **Supporting shipper:** White Castle System, 1111 Macklind Ave., St. Louis, Mo. 63110. **Send protests to:** J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 142733 TA, filed December 14, 1976. Applicant: UNITED TRANSPORT,

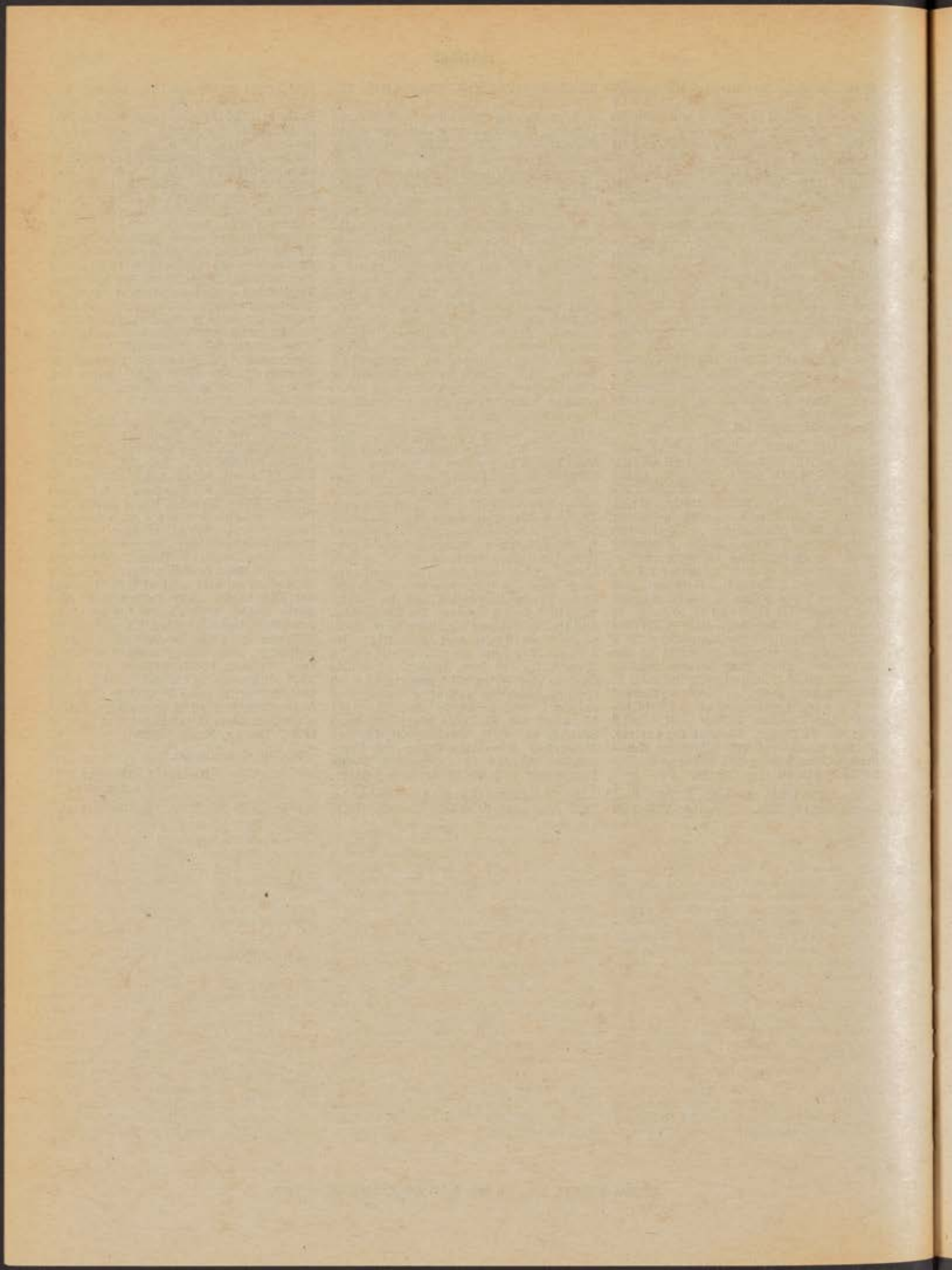
INC., 7225 N.W. 8th St., Miami, Fla. 33136. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantains*, from points in Florida, to points in New York, New Jersey, Illinois, and California; from points in Maryland, to points in New York, New Jersey, Illinois and California; from points in New York, to points in New Jersey, Illinois and California, under a continuing contract with Caribe Produce Wholesaler Corp.; and Caribe Food Corporation, for 180 days. **Supporting shipper:** Caribe Produce Wholesaler Corp., and Caribe Food Corporation, 1147 N.W. 22nd St., Miami, Fla. 33127. **Send protests to:** Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142731 (Sub-No. 1 TA), filed December 16, 1976. Applicant: WESLEY J. WOODARD, doing business as WOODARD TRUCKING, 602 W. Coldren, Oberlin, Kans. 66749. Applicant's representative Erle W. Francis, 719 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed feed and feed ingredients*, from the plantsite of Cargill, Inc., McCook, Nebr., to points in Kansas on and west of U.S. Highway 183 and to points in Colorado on and north of U.S. Highway 50, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. **Supporting shipper:** Cargill, Inc., Nutrena Feed Division, P.O. Box 9300, Minneapolis, Minn. 55440. **Send protests to:** Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-292 Filed 1-3-77; 8:45 am]



federal register

TUESDAY, JANUARY 4, 1977

PART II



DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

**Pension and Welfare Benefit
Programs**



EMPLOYEE BENEFIT PLANS

**Pendency of Exemption Relating to
Transactions Involving the Ragnar Benson
Profit Sharing Plan and Trust
(Application No. D-175)**

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to Transactions Involving the Ragnar Benson Profit Sharing Plan and Trust (Application No. D-175)

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code. The pending exemption was requested in an application filed by Ragnar Benson, Inc. (Ragnar Benson) and the Trustee and Plan Committee (collectively referred to as "Applicants") under the Ragnar Benson Profit Sharing Plan and Trust (the Trust) for a proposed Trust investment in a long-term mortgage loan to a party in interest and disqualified person and for related transactions.

The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

Summary of Representations. The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Department and the Service for a complete statement of the representations of the Applicants.

1. Ragnar Benson, a corporation engaged in general contracting and building, purchased a 50 percent stock interest in Woodlane Corporation (Woodlane), a real estate holding company, in October 1967. The only other shareholder in Woodlane is Elmhurst-Chicago Stone Company (Elmhurst-Chicago), which is otherwise unrelated to the parties to the proposed mortgage transaction.

2. In April 1967 Woodlane and Western Electric Company, Incorporated (Western Electric) executed a lease agreement which provided for the construction and leasing to Western Electric of a new facility to be known as Bell System Center for Technical Education (the Training Center) on Woodlane's 22 acre parcel of land located in DuPage County, Illinois. The Training Center has developed into a dormitory and school complex in which diverse groups of employees of Bell System across the country receive technical and managerial training.

3. Ragnar Benson constructed the Training Center pursuant to a contract with Woodlane which predated its pur-

chase of Woodlane stock. Additionally, Western Electric's right under the 1967 lease agreement to construct additional buildings and improvements on the parcel was subject to the express condition that it make a bona fide effort to negotiate a contract with Ragnar Benson for such constructions on the basis of preliminary drawings and cost estimates to be prepared by Ragnar Benson.

4. Central National Bank and Continental Assurance Company (Continental) each provided Woodlane with \$1.5 million in financing for the initial construction of the Training Center. Such loans were secured by a mortgage on the 22 acre parcel of land and by the rental payments under the lease with Western Electric which were geared to repay the loans over the 15-year primary term of the lease.

5. In 1969 and 1972, additions to the Training Center were constructed by Ragnar Benson. The first addition was financed by a \$2 million loan from Continental and the second was financed by a \$600,000 loan from Continental and a \$600,000 loan from the Trust. Both loans for the second addition are secured by a trust deed on the original 22 acre parcel and on an additional 20 acres adjacent thereto, which Woodlane purchased in 1971. Continental, Central National Bank and the Trust each agreed to a first lien interest in the combined 42 acre parcel in proportion to its share of the total indebtedness. In connection with the construction of these additions, the rental payments to Woodlane by Western Electric were increased to a level sufficient to insure repayment of all loans over the term of the lease. Final payment on the loan from the Trust is scheduled to be made in May 1983. The remaining principal on the original amount of \$600,000 was approximately \$450,000 as of November 9, 1976.

6. On August 4, 1975, Woodlane and Western Electric entered into a modification of the lease agreement. The amended agreement provided for the construction of a 10-story highrise addition to the Training Center at a cost of \$6.3 million (the "third addition"). In accordance with the terms of the original lease, Ragnar Benson has constructed the third addition.

7. Raymond Benson (Benson), the Trustee under the Trust, after consulting with the plan committee and after meeting with, and receiving consents from, all of the participants in the Trust, has determined that one million dollars in Trust assets which are currently held in short term certificates of deposit should be invested in a new loan to Woodlane to provide permanent financing for the third addition (the "new loan").

8. The Trust contained total assets of \$6.5 million as of December 31, 1975. Thus, the amount of the new loan, together with the remaining principal of the Trust's loan for the second addition, will represent less than 25 percent of the Trust's total assets.

9. In addition to being Trustee, Benson is also the President of Ragnar Ben-

son, an officer of Woodlane, a shareholder of Ranger Benson by attribution from his family's holdings and a member of the Plan Committee. Under the Ragnar Benson Profit Sharing Plan, which was established for salaried employees in 1956, Ragnar Benson appoints both the Trustee and the five members of the Plan Committee. The Plan Committee directs the Trustee in the placing of investments and supervises the administration of funds held by the Trustee. All of the current members of the Plan Committee are salaried employees of Ragnar Benson and participants in the Trust.

10. Woodlane will obtain any balance of the \$6.3 million in permanent financing required for the third addition from banks and/or other institutional lenders in the Chicago metropolitan area on terms which are no more favorable to any of such lenders than are available to the Trust. In this regard, 13 banks in the Chicago area have committed a total of \$5.45 million, in individual amounts ranging from \$150,000 to one million dollars, for permanent financing. Two of these banks have an existing banking relationship with Ragnar Benson, and a third bank provides escrow account services to Woodlane, but at least one of the lending institutions which has committed one million dollars for financing noted herein does not have an existing banking relationship with Ragnar Benson or its principals. In addition, an insurance company has furnished a verbal commitment for \$4 million in permanent financing at an interest rate of 9½ percent.

11. All of the proposed loans for the third addition (with the exception of a verbal commitment from an insurance company) will bear a 9½ percent interest rate and will be repaid over 15 years. This repayment period coincides with the term of the amended lease, which expires in 1991. Under the amended lease, Western Electric will pay an annual rental of \$1,440,000 for use of the Training Center, the addition thereto and the 42 acre parcel surrounding the facilities. This rental will be sufficient to repay all of the loans over the term of the lease. However, because the staggered repayment dates of the various loans to Woodlane would otherwise necessitate a partial interest-only repayment schedule on some of the new loans, Ragnar Benson and Elmhurst-Chicago have committed themselves to make additional capital contributions to Woodlane to cover the negative cash flow which will be experienced by Woodlane during the first seven years of the proposed loans. With this capital contribution, which will total approximately \$140,000 over the seven year period, all of the new loans will be repaid on a straight-line principal plus interest basis.

12. The proposed loans by the Trust and the unrelated financial institutions will be secured by a first mortgage on the new addition and the one acre portion of the 42 acre tract on which the addition is located. This portion of the property is connected to Illinois Route

53 by an access easement. Each of the lenders involved in the proposed transaction will have a first lien interest with respect to such security in proportion to its share of the total indebtedness. All of the prior mortgagees, including the Trust, will release their existing prior rights to the one acre underlying the third addition.

13. The debt will also be secured by an assignment of the lease document between Western Electric and Woodlane and all rents thereunder, for the benefit of the mortgagees. Under this arrangement, Western Electric will make all rental payments directly to one of the lending banks as the "lead" bank responsible for collecting principal and interest payments for distribution among the various mortgagees.

14. Additionally, Ragnar Benson has guaranteed and Benson has personally guaranteed the repayment of all sums that will be owing to the Trust as a result of the proposed loan. These guarantees also extend to the prior loan by the Trust so that the Trust will be in no worse position by virtue of its proposed agreement to subordinate its first lien position with respect to the one acre upon which the addition is being constructed. As of February 11, 1976, Ragnar Benson had a net worth of approximately \$6.5 million, and as of July 28, 1976, Benson had a net worth in excess of \$1 million.

15. The lease with Western Electric is noncancellable and gives Woodlane, or the mortgagees by intervention, a contractual right as against a prime rated tenant. Pursuant to the lease assignment agreement, the mortgagees will be empowered to intervene to assert any of Woodlane's rights if it fails to do so.

16. The lease is a "net-net" lease whereby Western Electric is responsible for maintenance, real estate and personal property taxes, utility expenses and insurance expenses.

17. The prior mortgagees have approved the amended lease and the Trust and all other mortgagees must approve all further amendments to the lease. Insurance will be obtained by Woodlane guaranteeing payment of one year's rent in the event that Western Electric should default on its obligations under the lease.

18. The mortgage (or trust deed) and the promissory note to be executed in favor of the Trust will be insured by mortgage title insurance guaranteeing that the mortgage is a valid lien against the property.

19. The value of the mortgaged property will provide adequate security for the repayment of the loans should it be necessary at any time to foreclose. Additionally, the applicants state that even in the event of distress conditions, there would be no difficulty in disposing of the property which will secure Woodlane's indebtedness to the Trust and the other lenders.

20. The applicants have requested an exemption to permit: (a) Ragnar Benson to construct the third addition to the Training Center, notwithstanding the Trust's participation in any financing arrangements for the addition; (b) The Trust to provide one million dollars to Woodlane for permanent mortgage financing of the third addition; (c) The Trust to release its existing security rights in the one acre of property underlying the third addition so that the proposed loans may be secured by a distinct portion of the property (d) Ragnar Benson and Benson to guarantee the principal and interest payments which Woodlane will be obligated to pay the Trust under the proposed loan and which Woodlane is currently obligated to repay the Trust under its 1972 loan transaction.

21. Notice of the pending exemption will be disseminated to all active and retired participants and their beneficiaries within 10 days of the publication of this notice in the *FEDERAL REGISTER*: (a) Through meetings and by distribution of explanatory notification forms either personally to active participants or by first class mail in the case of all other participants and beneficiaries; and (b) Through the furnishing as in (a) of a copy of the notice published in the *FEDERAL REGISTER* and by informing interested persons of their right to comment or request a hearing within the applicable period specified in such notice. Copies of all such communications to participants will be provided to the Service and the Department. In addition, all participants were notified of the initial filing of this application by letter dated May 27, 1975.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively

feasible, in the interest of the Plan and of its participants and beneficiaries, and protective of the rights of the participants and beneficiaries of the Plan; and

(3) The pending exemption, if granted, is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service are required to offer an opportunity for a public hearing where a pending exemption relates to section 406(b) of the Act and section 4975(c)(1)(E) or (F) of the Code. Any interested person may submit a written request that a hearing be held relating to the pending exemption. Such written request must be received by the Service on or before February 15, 1977 and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending exemption.

All interested persons are also invited to submit written comments on the pending exemption contained herein. In order to receive consideration such comments must be received by the Service on or before February 15, 1977.

All written comments and all requests for a hearing (preferably six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention E:EP:PT (D-175). The application for exemption referred to herein, all such comments relating thereto, and, all requests for a hearing will be available for public inspection at the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

Pending Exemption. Based upon the application, referred to above, the Service and the Department have under consideration the granting of the requested exemption, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, where by the restrictions of section 406 of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to: the furnishing by the Trust to Woodlane of one million dollars in long-term mortgage financing for the third addition to the Training Center and the release by the Trust of its prior rights in the proposed security for such financing; the construction by Ragnar Benson of the third addition to the Training

NOTICES

Center; and the furnishing of guaranties by Ragnar Benson and Benson to the Trust as additional security for its proposed loan to Woodlane and for the existing loan from the Trust to Woodlane, pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of

the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 23rd day of December, 1976.

DONALD C. ALEXANDER,
*Commissioner of
Internal Revenue.*

WILLIAM J. CHADWICK,
*Administrator of Pension and
Welfare Benefit Programs,
Department of Labor.*

[FR Doc.77-99 Filed 1-3-77; 8:45 am]

federal register

TUESDAY, JANUARY 4, 1977

PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Office of Assistant Secretary
for Consumer Affairs
and Regulatory Functions**



MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

**Miscellaneous Amendments and
Interpretative Bulletins**

Title 24—Housing and Urban Development
CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Miscellaneous Amendments

On May 11, 1976, the Department issued proposed amendments to the Federal Mobile Home Construction and Safety Standards, 24 CFR Part 280, in the FEDERAL REGISTER at 41 FR 19290. The Department, after considering all comments received, is now issuing those amendments for final effect. They require that additional information to be provided on the data plate, and that the manufacturer's certification of compliance be affixed to each transportable section of each mobile home in the form of a label. Specific subsections of the final rule also have been modified slightly.

The following is a discussion of the changes made to the miscellaneous amendments as published for comment in the FEDERAL REGISTER on May 11, 1976.

A change to § 280.8(c), which sets out the language of the certification label, reflects consideration by the Department of comments made by mobile home manufacturers in response to the language required on the label by 24 CFR 3282.362 of the Procedural and Enforcement Regulations when it became effective on May 13, 1976. The language of the certification label is changed so that the phrase "to the best of the manufacturer's knowledge and belief" modifies the certification that the home has been inspected as well as the certification that the home conforms to the standards. The revised language will appear on all labels provided by IPIA's after existing label inventories held by IPIA's as of December 31, 1976, are exhausted, except that all labels applied on or after June 30, 1977, shall contain the revised language. This change in the language of the label does not change the substantive impact of the label. Enforcement Interpretative Bulletin H-1-76 published on June 21, 1976, at 41 FR 24973 stands as the Department's interpretation of the label language.

Section 280.7, as proposed in the FEDERAL REGISTER on May 11, 1976, is renumbered as § 280.8 because the Department issued a § 280.7 after this section was proposed. Cross references are corrected, as appropriate.

Section 280.203 has been retitled "Flame Spread Limitations and Fire Protective Requirements". Paragraph (2) of this section also has been amended by changing its title from "Combustibility" to "Fire Protection Requirements". The requirement in this subsection for $\frac{1}{2}$ " gypsum board, or equivalent material application is now limited to combustible

doors for either interior or exterior access at furnace and water heater enclosures. However, the interior surfaces of walls and ceilings encasing furnace and water heater enclosures shall be protected by $\frac{1}{2}$ " gypsum board or material having equivalent fire protective properties. Use of the term, "protected by", is intended to permit any finish material application to be applied to a gypsum board substrate or material having equivalent fire protective properties, as long as the surface flame spread of the finish material complies with the requirements of § 280.203(a)(3) or § 280.203(a)(5), as appropriate.

Section 280.611(d)(iii) is amended to clarify that the vent protection required is for the toilet drain, and not the main drain, when anti-siphon trap vents are used to vent secondary fixtures.

Other minor editorial revisions also have been incorporated into the amendments.

Because there is need for early clarifications and interpretations as provided by these amendments, the Secretary finds, as required by section 604 (c) and (e) of the Act, 42 U.S.C. 5403 (c) and (e), that it is in the public interest that these amendments take effect January 4, 1977.

The Department has determined that an Environmental Impact Statement is not required with respect to these amendments. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Mobile Home Standards Division, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impacts of the proposed rule have been carefully evaluated in accordance with OMB Circular A-107.

These amendments are being signed by two Assistant Secretaries because the standards were originally codified in the FEDERAL REGISTER Chapter assigned to the Assistant Secretary for Housing Production and Mortgage Credit, but the substantive authority for the program has been transferred to the Assistant Secretary for Consumer Affairs and Regulatory Functions.

Accordingly, several sections of 24 CFR Part 280 are amended or promulgated as follows:

1. By revising paragraph (a)(3) of § 280.2 to read as follows:

§ 280.2 Definitions.

(a) * * *

(3) "Certification label" means the approved form of certification by the manufacturer that, under § 280.8, is permanently affixed to each transportable section of each mobile home manufactured for sale in the United States.

2. By revising Paragraph (b) of § 280.4 between the reference to DOT and the reference to FHDA to read as follows:

§ 280.4 Incorporation by reference.

(b) * * *

FHA—Federal Housing Administration, Washington, D.C. 20410.

3. By revising Paragraph (b) of § 280.4 between the reference to CAL and the reference to HPMA to read as follows:

§ 280.4 Incorporation by reference.

(b) * * *

HUD—U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

4. By revising § 280.5 to read as follows:

§ 280.5 Data Plate.

(a) Each mobile home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Data plates shall contain not less than the following information:

(1) The name and address of the manufacturing plant in which the mobile home was manufactured.

(2) The serial number and model designation of the unit and the date the unit was manufactured.

(3) The statement, "This mobile home is designed to comply with the Federal mobile home construction and safety standards in force at the time of manufacture."

(4) A list of major factory-installed equipment including the manufacturer's name and the model designation of each appliance.

(5) Reference to the structural zone and wind zone for which the home is designed and duplicates of the maps as set forth in § 280.305(c)(4). This information may be combined with the heating/cooling certificate and insulation zone maps required by §§ 280.510 and 280.511.

(6) The statement: "Design Approval by" followed by the name of the agency which approved the design.

5. By adding a new § 280.8 as follows:

§ 280.8 Certification Label.

(a) A permanent label shall be affixed to each transportable section of each mobile home for sale or lease in the United States. This label shall be separate and distinct from the data plate which the manufacturer is required to provide under section 280.5 of the standards.

(b) The label shall be approximately 2 in. by 4 in. in size and shall be permanently attached to the mobile home by means of 4 blind rivets, drive screws, or other means that render it difficult to remove without defacing it. It shall be etched on 0.32 in. thick aluminum plate. The label number shall be etched or stamped with a 3 letter designation which identifies the production inspection primary inspection agency and which the Secretary shall assign. Each label shall be marked with a 6 digit number which the label supplier shall furnish. The labels shall be stamped with numbers sequentially.

(c) The label shall read as follows: "As evidenced by this label No. ABC 000 001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this mobile home has been inspected in accordance with the

requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal Mobile Home Construction and Safety Standards in effect on the date of manufacture. See data plate." However, labels containing the language specified in 24 CFR 3282.362 as issued on May 13, 1976, at 41 F.R. 19869, shall be used until inventories held by IPIA's as of December 31, 1976, are exhausted, except that all labels applied to mobile homes on or after June 30, 1977, shall contain the language set out herein.

(d) The label shall be located at the tail-light end of each transportable section of the mobile home approximately one foot up from the floor and one foot in from the road side, or as near that location on a permanent part of the exterior of the mobile home unit as practicable. The road side is the right side of the mobile home when one views the mobile home from the tow bar end of the mobile home.

6. By revising the title of § 280.203 and Paragraph (b) of that section to read as follows:

§ 280.203 Flame Spread Limitations and Fire Protective Requirements.

(b) Fire Protective Requirements. The interior surfaces of walls and ceilings encasing furnace and water heater enclosures (including combustible doors for either interior or exterior access to the enclosures) and the exposed wall adjacent to the cooking range as referenced in § 280.203(a)(5) shall be protected by 5/16" gypsum board or material having equivalent fire protective properties. At furnace and water heater spaces, all openings for pipes and vents shall be tight-fitted or fire-stopped.

7. By revising the reference to wood flush doors in the table referred to in Paragraph (b)(1) of § 280.304 to read as follows:

§ 280.304 Materials.

(b) * * *
Wood flush doors NWAA I.S. 1-74.

8. By revising the table referred to in Paragraph (b)(1) of § 280.304 to delete the language "Pneumatic and mechanically driven building construction fasteners—I SANTA—19-73" and insert the following:

§ 280.304 Materials.

(b) * * *
Application and fastening schedule. Power driven, mechanically driven and manually driven fasteners—HUD-FHA Use of Materials Bulletin No. UM-25d.

9. By revising sentence 4 of paragraph (b)(1) of § 280.402 to read as follows:

§ 280.402 Test procedure for roof trusses.

(b) * * *
(1) * * *

The plywood strip shall be nailed with 4d nails or equivalent staples not closer than 8 inches on center along the top chord.

10. By revising the first sentence of paragraph (c)(4) of § 280.403 to read as follows:

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

(c) * * *
(4) No leakage shall pass the interior face of the test specimen at a test pressure of 2.86 psf (0.55" Water pressure) when tested in accordance with ASTM E-547 with a test cycle consisting of 5 minutes with pressure applied and 1 minute with pressure released, during which the water spray shall be continuously applied.

11. By revising paragraph (c)(4)(11) of § 280.403 to read as follows:

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

(c) * * *
(4) * * * (ii) For the purpose of compliance with paragraph (c)(4), penetration, as referenced in ASTM E-547 paragraph 4.3, shall not include drops passing the interior face by energy developed in the bursting of sill drain system bubbles created by a pressure differential applied to the exterior face of the specimen.

12. By revising the last sentence of paragraph (a)(1) of § 280.607 to read as follows:

§ 208.607 Plumbing fixtures.

(a) * * *
(1) * * * Fixtures shall be permanently marked with the manufacturer's name or trademark.

§ 280.611 [Amended]

13. By revising the last clause of the first sentence of paragraph (c)(1) of § 280.611 before paragraph (i) to read as follows:

(c) * * *
(1) * * * connected to the toilet drain by one of the following methods:

14. By revising paragraph (c)(1)(ii) of § 280.611 to read as follows:

(c) * * *
(ii) A 1½ inch diameter (min.) continuous vent or equivalent, indirectly connected to the toilet drain piping within the distance allowed in § 280.611 (c)(5) for 3 inch trap arms through a 2-inch wet vented drain that carries the waste of not more than one fixture, or

15. By revising paragraph (c)(1)(iii) of § 280.611 to read as follows:

(c) * * *
(iii) Two or more vented drains when at least one is wet-vented, or 2-inch diameter (minimum), and each drain is separately connected to the toilet drain.

At least one of the drains shall connect within the distance allowed in § 280.611 (C)(5) for 3-inch trap arms.

16. By revising the title of paragraph (c)(2) of § 280.611 to read as follows:

(c) * * *
(2) Vent Pipe Areas.

17. By revising paragraph (d)(iii) of § 280.611 to read as follows:

(d) * * *
(iii) A primary vent stack must be installed to vent the toilet drain at the point of heaviest drainage fixture unit loading.

18. By revising the second sentence of paragraph (d) of § 280.612 to read as follows:

§ 280.612 Test and inspection.

(d) * * * Each pan shall be filled with water to the top of the dam for not less than 15 minutes without evidence of leakage. * * *

19. By revising paragraph (j) of § 280.804 to read as follows:

§ 280.804 Disconnecting means and branch-circuit protective equipment.

(j) A 3 inch by 1¾ inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates) shall be permanently affixed on the outside adjacent to the feeder assembly entrance and shall read: This connection for 120/240 Volt, 3-Pole, 4-Wire, 60 ----- Hertz Ampere Supply. The correct ampere rating shall be marked on the blank space.

20. By revising the next to the last sentence of paragraph (b) of § 280.813 to read as follows:

§ 280.813 Outdoor outlets, fixtures, air-conditioning equipment, etc.

(b) * * * The tag shall not be less than 0.020 inch, etched Brass, stainless steel, anodized or alclad aluminum or equivalent or other approved material (e.g., .005 inch plastic laminates).

(Secs. 604 and 625 of Title VI of Pub. L. 93-383, 42 U.S.C. 5403 and 524 and § 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Effective date: January 31, 1977.

Issued at Washington, D.C., December 27, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

JOHN T. HOWLEY,
Acting Assistant Secretary for Housing—Federal Housing Commissioner.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. R-76-340]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Interpretative Bulletins

The Department of Housing and Urban Development is issuing several Interpretative Bulletins to provide clarification of various portions of the Federal Mobile Home Construction and Safety Standard, published by the Department of Housing and Urban Development on December 18, 1975, at 40 FR 58752. On May 11, 1976, the Department published these Bulletins in proposed form at 41 FR 19295. On June 21, 1976, the Department re-issued, in proposed form, Interpretative Bulletin C-3-76 at 41 FR 24973. The Department received comments on the proposed Interpretative Bulletins from manufacturers, suppliers and government agencies.

The following is a discussion of the changes made to the Interpretative Bulletins taking into consideration the public comments, discussions and recommendations made at the September 1, 1976, meeting of the National Mobile Home Advisory Council, and reevaluations made within the Department. If significant comments were received on a particular proposed Bulletin, but the Bulletin was not changed, the comments are discussed.

INTERPRETATIVE BULLETIN C-1-76 (§ 280.203(a))

Interpretative Bulletin C-1-76 has been revised to include .035" or thicker high pressure laminated plastic panel counter top material in the material application listed for 200 flame spread rating. This inclusion in the materials list was made after reviewing the flame spread classification of material presently supplied to the mobile home industry, the ability of the materials continually to perform to a 200 or less classification in unbonded condition when evaluated by the ASTM E-162 procedure, and other investigations made by the Department.

The 1/8" or thicker vinyl countertop material has been deleted from the list since the Department in follow-up investigation could not be assured that all such products would meet the maximum flame spread limitation required.

Any products that do not appear in this Bulletin will require certification to ASTM E-84, or ASTM E-162 for applications listed in paragraphs 280.203(a)(4) and 280.203(a)(6), to determine compliance with the flame spread requirements of the standard.

INTERPRETATIVE BULLETIN C-2-76 (§§ 280.203(a)(3) AND 280.203(b))

Interpretative Bulletin C-2-76 has been revised to require 5/8" gypsum board or equivalent protection only on combustible furnace and water heater compartment doors, rather than on all such compartment doors, and to prohibit the use in all such doors of any louvers that constitute a greater fire hazard than the door itself (e.g., plastic louvers on a wood door).

This Bulletin has also been revised to be consistent with the amendments to section 280.203(b) which, as amended, permits the surfaces surrounding furnace and water heater enclosures to be protected by rather than surfaced by 5/8" gypsum board or material having equivalent fire protective properties. These revisions were made based upon comments received and oral discussions with the NFPA Sectional Committee on Mobile Homes and the staff of the National Bureau of Standards. These discussions indicated that no reduction in the level of fire protection would result from the changes made from the proposed to the final bulletin.

The Department is considering performing its own fire testing research on the installation of furnaces and water heaters in alcoves without doors, which is permitted by this Bulletin. If such research is conducted, the Department will publish any modification necessary to assure proper protection for the furnace and water heater spaces.

INTERPRETATIVE BULLETIN C-3-76 (§ 280.204)

Interpretative Bulletin C-3-76 has been revised to indicate that equivalent protection for combustible kitchen cabinets may be provided by any material whose flame spread rating does not exceed 50 and whose fire protective properties are equivalent to 5/8" gypsum board when the material is supported by the top of the range hood rather than mounted to the bottom of the cabinet and a 3/8" air space is provided between the material and the bottom surface of the cabinet. This revision was made to reduce any potential deterioration of the gypsum board over long periods of time when continually exposed to ordinary cooking activity.

The Department reviewed other alternatives, as suggested by the comments, but finds that without additional testing data to the contrary, the enclosed air space method provides the strongest protection against potential decay of the gypsum board.

The Bulletin was also revised to make it clear that dimensional clearance between the bottom surface of the cabinet and the cook top does not constitute equivalent fire protection.

INTERPRETATIVE BULLETIN C-4-76 (§ 280.207(b))

This Bulletin makes clear that the 75 maximum flame spread rating for foam plastic insulating material up to 3/8" in thickness applies to the foam plastic insulating material itself, and not to any outer covering containing the insulating material. One commentator expressed concern that the foam plastic and any covering should meet the requirement. The Department did not accept this suggestion because the Department has received test results justifying the proposed Bulletin.

INTERPRETATIVE BULLETIN C-5-76 (§ 280.207(a))

This Bulletin was originally issued on June 21, 1976, at 41 FR 24974. It is being

republished here for the convenience of the public.

INTERPRETATIVE BULLETIN D-1-76 (§§ 280.303(f) AND 280.304)

Interpretative Bulletin D-1-76 has been revised by deleting the paragraph covering the assignment of design stresses to non-graded lumber. The Department, in analyzing the comments received, determined that there were too many variables to permit individuals not qualified with lumber grading skills to assign lumber grades which also reflected the allowable working stress values to be used in design. This means that manufacturers may not assign grades to non-graded lumber and then use the recognized stress values of the grades in making calculations to determine whether the lumber is acceptable. However, this revision is not intended to eliminate the use of non-graded (nonidentified members, or the use of lumber which has been ripped or resawn after grade stamping. Such lumber may be used when the structural components or assemblies in which it is incorporated are tested and requalified to the satisfaction of the DAPIA under the testing procedures described in §§ 280.401 or 280.402. The Department intends, in the future, to issue guidelines on levels of follow-up testing described in §§ 280.401 and 280.402.

Further, when mobile home manufacturers are producing components made of non-graded materials, the procedures for assuring that the nonidentified members used in components are adequate shall be incorporated in the manufacturers quality control program.

In addition, Interpretative Bulletin D-1-76 has been revised to allow design stresses to be assigned to boards less than 2" in nominal thickness rather than limit the application to 1" nominal boards.

INTERPRETATIVE BULLETIN D-2-76 (§ 280.305(a))

Two commentators argued that carpeting should be permitted under shear walls, a practice prohibited by this Bulletin. The Department does not believe the evidence is adequate to refute the probability that placing carpeting under shear walls would lessen the home's ability to withstand lateral loads because the necessary connection between the wall and the floor could be weakened.

INTERPRETATIVE BULLETIN D-3-76 (§ 280.305(b))

Interpretative Bulletin D-3-76 has been revised to limit the exclusion of the vertical roof projection for wind load calculation to roof slopes that do not exceed 20°. Regardless of the roof slope of the mobile home, as suggested by a comment, the vertical roof projection shall be included when determining the wind loading for split level or clerestory type roof systems.

INTERPRETATIVE BULLETIN D-7-76 (§§ 280.306(a) & (f))

Interpretative Bulletin D-7-76 has been revised to make clear how professional engineers or architects shall determine the design requirements for anchoring systems (ground anchors, at-

tachment points, and ties) that must be called for in the manufacturer's installation instructions. First, each individual anchoring system must be capable of resisting a total force of 4725 pounds without failure. Second, in determining the number of individual anchoring systems that must be called for in the installation instructions, the professional engineer or architect shall consider the simultaneous effects of horizontal wind and vertical uplift forces when those forces are increased by a safety factor of 1.5. The professional engineer or architect shall assign to each anchoring system a maximum allowable working load value of 3150 pounds in determining how many such systems are required.

These additions to the Interpretative Bulletin were made as a result of a comment to avoid possible misinterpretation in determining anchoring requirements provided in the manufacturer's instructions by pointing out that 3150 pounds not 4725 pounds is the allowable load to be used in design.

INTERPRETATIVE BULLETIN D-8-76
(§ 280.305(g) (2))

Interpretative Bulletin D-8-76 has been revised to provide additional methods for protecting wood, wood fibre, or plywood floors or subfloors in areas subject to excessive moisture. This revision clarifies that when a non-absorbent floor covering is used without a continuous application of water resistant adhesive, the covering and any backing thereto must be non-absorbent and designed to be installed without the use of a water resistant adhesive or sealer except at penetrations made in the floor covering. Alternately, the Bulletin provides that a overlay of non-absorbent floor covering applied with either a water resistant adhesive or sealer can provide the required moisture protection required by the standard.

INTERPRETATIVE BULLETIN F-1-76
(§ 280.504(b) (2))

Interpretative Bulletin F-1-76 has been revised pursuant to a comment to make it clear that neither the sheathing nor the exterior covering may have an individual perm rating of less than the rating of a vapor barrier if a vapor barrier is installed on the warm side of the wall cavity. The Bulletin also clarifies that when no vapor barrier is installed on the warm side of the wall, the combined permeance of the covering and/or sheathing be no less than 5.0 perms.

INTERPRETATIVE BULLETIN G-1-76
(§§ 280.603(b) (4) (iii) AND 280.806(d) (8))

Interpretative Bulletin G-1-76 has been revised to make it clear that the receptacle outlet required for the use of a listed heat tape must be located underneath the mobile home and within 2 feet of the water supply inlet. These clarifications were added since:

(1) The Department determined that a condition for the terms of a listed heat tape is that it be installed on the underside of the mobile home; and

(2) To assure that if the listed heat tape is installed it can be properly connected to the outlet provided.

The Department, in consideration of many comments received, concluded that in the event skirting is installed during installation, the underside receptacle would no longer be accessible from the outdoors. Therefore, an underside receptacle cannot be used to satisfy the requirements for an outdoor receptacle in section 280.806(d) (8). This would be applicable whether or not the outlet provided was a single or duplex receptacle.

INTERPRETATIVE BULLETIN G-2-76
(§ 280.609(b) (1))

As a result of a comment, Interpretative Bulletin G-2-76 has been revised to permit any valve having through-flow capability equal to or greater than the maximum required water distribution piping size to serve as the master cold water shut-off full flow valve. This valve is required to be accessible to the main feeder line of the mobile home, or to be installed in the water supply line adjacent to the mobile home.

INTERPRETATIVE BULLETIN H-2-76
(§ 280.709(e) (6))

Interpretative Bulletin H-2-76 has been revised to exempt external cooling systems (e.g., self contained air conditioning systems, etc.) from the connection preparations required by section 280.709(e) (6) as suggested by several

comments. However, the connection provisions are required to be installed by the manufacturer when the mobile home has been designed to accept external heating or combination heating and cooling external systems.

INTERPRETATIVE BULLETIN I-1-76
(§ 280.808(n))

Interpretative Bulletin I-1-76 has been revised to make clear that whenever the listing permits, snap-in type integral boxes may be secured directly to wall paneling without any structural bracing or reinforcements.

The Department received no significant comments on the following Interpretative Bulletins B-1-76, B-2-76, B-3-76, D-4-76, D-5-76, D-6-76, E-1-76, E-2-76, E-3-76, G-3-76, H-1-76, H-3-76, I-2-76.

The Department has determined that an Environmental Impact Statement is not required with respect to these Interpretative Bulletins. A copy of the Finding of Inapplicability is available for inspection and copying according to Department rules and regulations during regular business hours at the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of the Interpretative Bulletins have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, several sections of Subparts B thru I of 24 CFR Part 280 are interpreted as follows:

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INTERPRETATIVE BULLETIN B-1-76

SWINGING EXTERIOR PASSAGE DOOR
DIMENSIONS—§ 208.105

For swinging exterior passage doors, the dimensions required by this section may be determined by measuring the door itself. However, the door stops may not reduce the clear opening to less than 27" x 73" in dimension.

INTERPRETATIVE BULLETIN B-2-76

INTERIOR DOOR CONSTRUCTION—§§ 208.108
AND 280.304

The standard does not have specific requirements for materials used in the construction of interior doors, other than the flame spread and combustibility limitations of § 280.203 with respect to doors to water heater and furnace compartments and the requirements for a privacy lock for bathroom and toilet compartment doors in § 280.107 and for passage hardware when installed on interior doors in accordance with § 280.108.

INTERPRETATIVE BULLETIN B-3-76

INTERIOR DOOR IN A HALLWAY—§ 208.113

An interior door placed in a hallway or extension of a hallway providing egress from the mobile home, shall provide a minimum 90 degree door swing and a minimum clear width opening for egress of 27".

INTERPRETATIVE BULLETIN C-1-76

LIST OF MATERIALS NOT REQUIRING FLAME
SPREAD CERTIFICATION—§ 280.203(a)

The surface flame spread rating of the following classifications of building materials need not be tested in accordance with ASTM E-84, or ASTM E-162 for those applications listed in paragraphs (4) and (6) only, unless a lower flame spread rating for the material application below is desired:

MATERIAL APPLICATION—200 FLAME SPREAD
RATING

- (1) Painted metal.
- (2) .035" or thicker high pressure laminated plastic panel countertop.
- (3) 1/4" or thicker unfinished plywood with phenolic or urea glue.
- (4) 1/4" or thicker asbestos millboard.
- (5) Unfinished dimension lumber (1" nominal boards or thicker).
- (6) 3/8" or thicker unfinished particleboard with phenolic or urea binder.
- (7) Natural gum varnished or latex or alkyd painted; (i) 1/4" or thicker plywood; (ii) 3/8" or thicker particleboard; (iii) 1" nominal board or thicker.
- (8) 1/2" gypsum wall board or thicker.
- (9) Latex or alkyd painted, or wall papered 1/2" gypsum board.
- (10) Mineral base acoustic tile.
- (11) 1/4" or thicker unfinished hardboard.

MATERIAL APPLICATION—50' FLAME SPREAD
RATING

- (1) Painted metal.
- (2) 1/4" or thicker asbestos millboard.

- (3) Mineral base acoustic tile.
- (4) 5/16" or thicker gypsum wallboard (both latex and alkyd painted).
- (5) Ceramic tile.

MATERIAL APPLICATION—25' FLAME SPREAD
RATING

- (1) Painted metal.
- (2) 1/4" or thicker asbestos millboard.
- (3) Mineral base acoustic tile.
- (4) 5/16" or thicker gypsum wallboard (both latex and alkyd painted).
- (5) Ceramic tile.

The above listed material applications do not waive the combustibility requirements of section 280.203(b) or section 280.204 of this standard.

INTERPRETATIVE BULLETIN C-2-76

FIRE PROTECTION FOR FURNACE AND WATER
HEATER SPACES—§§ 280.203(a) (3) AND
280.203(b)

A furnace listed for an alcove installation may be installed without a door to the enclosure, but if a combustible door to the enclosure is provided, it shall be protected by 5/16" gypsum board or a material having equivalent fire protective properties to the side of the door facing the furnace.

The 5/16" gypsum board surface may be interrupted on a combustible door containing louvers for ventilation of the enclosure. Regardless of the type of door construction, the louvers may not be constructed of a material which provides a greater fire hazard than the door itself (e.g.—plastic louvers on a wood door).

All furnace and water heater spaces, regardless of the type of appliances (including the direct vent or sealed combustion type), shall be protected by 5/16" gypsum board or material having equivalent fire protective properties.

INTERPRETATIVE BULLETIN C-3-76

COMBUSTIBLE KITCHEN CABINET PROTECTION—§ 280.204

The exposed bottom, end panel, and sides of overhead combustible kitchen cabinets within a space of 6 horizontal inches from the side of the cooking range may, in lieu of 1/4" thick asbestos millboard covered with 26 gage sheet metal, be protected with an exposed interior finish material having a flame spread rating not to exceed 50 and fire protective properties equivalent to 5/16" gypsum board.

The following are considered to be equivalent protection for combustible kitchen cabinets over the cooking range or over and extending beyond the cooking range area:

- (1) 1/4" minimum thick asbestos millboard covered with a 26 gage sheet metal hood; or
- (2) A 26 gage sheet metal range hood which provides at least a 3/8 inch enclosed air space between the bottom surface of the cabinet and a material having a flame spread rating which does not exceed 50 and fire protective properties equivalent to 5/16" gypsum board. The material

shall be adequately supported by the top of the range hood.

Vertical dimensional clearance between the cook top surface and the bottom of the combustible cabinet does not constitute equivalent protection for the cabinet.

INTERPRETATIVE BULLETIN C-4-76

3/8" MAXIMUM FOAM PLASTIC SIDING BACKER
BOARD—§ 280.207(b)

The maximum allowed flame spread rating of 75 or less as determined by ASTM E-84 is only applicable to the foam plastic contained in the 3/8" siding backer board or sheathing. The 75 or less flame spread rating is not applicable to the outer covering of the sheathing containing the foam plastic (i.e. liner material, etc.).

INTERPRETATIVE BULLETIN C-5-76

FOAM PLASTIC INSULATING SHEATHING
MATERIALS—§ 280.207(a)

Extruded expanded polystyrene foam plastic not to exceed one inch in thickness may be used within the cavity of walls or ceilings as a sheathing or backer board for exterior coverings under the following conditions:

(i) The sheathing shall have a minimum compression strength of 25 psi when tested as per ASTM-D 1621-64 and an average thermal conductivity (k factor) of 0.20 Btu-in/hr ft²°F at 75°F mean when tested as per ASTM-C-518-70.

(ii) A minimum of two inches of mineral fiber insulation is provided within the wall cavity and a minimum of four inches of mineral fiber insulation is provided in the ceiling cavity.

(iii) An interior finish material is provided on exterior wall and ceiling surfaces with equivalent fire resistive properties to 1/2" gypsum board.

(iv) A wall framing system consisting of 2" x 4" wall studs at 16" o.c. or equivalent when the sheathing is installed within the wall cavity.

(v) A roof framing system consisting of roof trusses or equivalent framing members installed at a maximum spacing of 16" o.c.

(vi) The sheathing shall not be placed in contact with heat sources such as chimneys, heater vents or other surfaces which provides long term exposure to temperatures above 150° F. Clearance from the sheathing to the heat source shall be provided in accordance with NFPA 89M, heat producing appliance clearances.

(vii) A vapor barrier is provided on the warm side of the wall and ceiling cavity in accordance with subpart F of the standards.

(viii) The sheathing is installed in accordance with the manufacturer's installation instructions, including the provision for controlling joint locations by either the use of tongue and groove sheathing or by placement of joints over structural framing members.

INTERPRETATIVE BULLETIN D-1-76

ALLOWABLE DESIGN STRESSES FOR BOARD LUMBER—§§ 280.303(f) AND 280.304

Allowable design stresses for board lumber less than 2" in nominal thickness may be assigned from the recommended design values shown for 2" to 4" thick size classifications in the National Design Specification for Stress Graded Lumber and its Fastenings when each member is identified as conforming to stress-rated board criteria by a grade marking from a nationally recognized grading agency.

INTERPRETATIVE BULLETIN D-2-76

CARPET APPLICATION—§ 280.305(a)

Carpeting may be placed under non-load bearing interior partitions which are not shear walls.

INTERPRETATIVE BULLETIN D-3-76

STRUCTURAL DESIGN CRITERIA—WIND LOAD—§ 280.305(b)

Whenever the roof slope does not exceed 20°, the design horizontal wind load required by §§ 280.305(c) (1) and (2) may be determined without including the vertical roof projection of the mobile home. However, regardless of the roof slope of the mobile home, the vertical roof projection shall be included when determining the wind loading for split level or clerestory type roof systems.

INTERPRETATIVE BULLETIN D-4-76

STRUCTURAL DESIGN CRITERIA—"NET" UPLIFT—§§ 280.305(c) (1) AND 280.305(c) (2)

"Net" uplift roof loading means the design wind uplift load (9PSF, 15 PSF). The net uplift roof loading may not be reduced by the dead load of the roof structure for purposes of engineering design or structural load testing.

INTERPRETATIVE BULLETIN D-5-76

STRUCTURAL DESIGN CRITERIA—§ 280.305(d)

The allowable eave or cornice deflection for uplift is to be measured at the design uplift load (9 PSF, 15 PSF). The allowable deflection shall be

$$\frac{2 \times 1c}{180}$$

where 1c is the horizontal eave projection from the exterior wall.

INTERPRETATIVE BULLETIN D-6-76

STRUCTURAL DESIGN CRITERIA—INTERIOR PARTITIONS—§ 280.305(f) (2)

An allowable stress increase of 1.33 times the permitted normal design stress may be used in the design of wood framed interior partitions to resist the 5 PSF horizontal loading requirement of § 280.305(f) (2).

INTERPRETATIVE BULLETIN D-7-76

STRUCTURAL DESIGN CRITERIA—TIE-DOWN SYSTEMS—§ 280.306 (a) & (f)

The 1.5 factor of safety to be applied to the design wind load is only to be utilized in the design of the tie-down system

to resist overturning and lateral movement, and is not to be applied to the design of the mobile home structure. Wind loading effects for purpose of this section shall be 1.5 × horizontal wind load (15 PSF, 25 PSF) and roof uplift (9 PSF, 15 PSF). When determining the effects of wind overturning and sliding to evaluate the tie-down system, the 1.5 factor of safety is to be applied simultaneously to both the vertical building projection as horizontal wind load and across the surface of the full roof structure as uplift loading. No additional shape or location factors need be applied in the design of the tie-down system. The dead load of the structure may be used to resist the above wind loading effects.

Anchoring systems shall be designed to resist the simultaneous effects of horizontal wind and vertical uplift increased by the 1.5 factor of safety without exceeding an allowable working load value of 3,150 pounds. Anchoring systems shall also be capable of resisting a 50 percent over-load to 4,725 pounds without failure.

INTERPRETATIVE BULLETIN D-8-76

FLOOR COVERING APPLICATION IN AREAS SUBJECT TO EXCESSIVE MOISTURE—§ 280.305(g) (2)

Wood, wood fiber or plywood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments and other areas subject to excessive moisture may be made moisture resistant or protected in those areas by:

(1) An overlay of a non-absorbent floor covering material applied with water resistant adhesive; or

(2) Direct application of a water resistant sealer to the exposed wood floor area when covered with a non-absorbent overlay; or

(3) A total non-absorbent floor covering, including any backing thereto, which may be installed without a continuous application of a water resistant adhesive or sealant when the floor covering meets the following criteria:

(i) The covering is a continuous membrane with any seams or patches seam bonded or welded to preserve the continuity of the floor covering; and

(ii) The covering is protected at all penetrations in these areas by sealing with a compatible water resistant adhesive or sealant to prevent moisture from migrating under the non-absorbent floor covering; and

(iii) The covering is fastened around the perimeter to the subfloor in accordance with the floor covering manufacturer's instructions; and

(iv) The covering is designed to be installed to prevent moisture penetration without the use of a water resistant adhesive or sealer except as required by (ii).

Carpet or carpet pad may not be installed under concealed spaces subject to excessive moisture, such as plumbing fixture spaces.

INTERPRETATIVE BULLETIN E-1-76

ALTERNATIVE TEST PROCEDURE IN LIEU OF TESTING TO FAILURE; ALLOWABLE DESIGN LIVE LOAD DETERMINATION FOR TESTED ASSEMBLIES—§ 280.401(b)

In lieu of testing to failure under the ultimate test procedure, the qualification of any material, component, assembly or sub-assembly may be determined by the capability of each tested member to sustain a minimum test loading of the dead load plus 2.50 × the design live load in addition to meeting the deflection criteria at design live load.

To qualify under this section, no material, component, assembly or sub-assembly shall indicate failure prior to reaching a test loading of the dead load plus 2.50 × the design live load.

The allowable design live load for any material, component, assembly or sub-assembly tested in accordance with the provisions of this section may be established by:

(1) Determining the average ultimate loading, which may be no less than the dead load plus 2.50 × the design live load,

(2) Deducting the dead load from the average ultimate loading, and

(3) Dividing by 2.50.

Allowable design live load

$$\frac{\text{Average ultimate load} - \text{dead load}}{2.50}$$

INTERPRETATIVE BULLETIN E-2-76

UPLIFT TESTING—§ 280.402(c) (2)

Trussed rafter designs require uplift testing when web or chord members are composed of metal straps or other materials or shapes which are designed to take only tensile or bending stresses in vertical loading conditions.

The total uplift load required for testing truss designs with eaves for compliance with § 280.305(c) (3) (iii) is 4.375 × design uplift load, specified in § 280.305(c) (1) and (2), (2.5 × 1.75 × design uplift load 9 PSF or 15 PSF). The section of the truss supported between the eave(s) is to be tested to 1.75 × design uplift (9 PSF or 15 PSF). Eaves or cornices may also be tested utilizing the above described procedures.

INTERPRETATIVE BULLETIN E-3-76

EGRESS WINDOWS—§ 280.404

Integral rolled-in screens are not permitted in egress windows.

INTERPRETATIVE BULLETIN F-1-76

CONDENSATION CONTROL—EXTERIOR SHEATHING—§ 280.504(b) (2)

In unventilated wall cavities, the exterior covering and/or sheathing may have a combined permeance of less than 5.0 perms, provided that there is a vapor barrier of one perm (dry cup method) or less on the warm side of the wall, and that neither the sheathing nor the exterior covering have an individual perm

rating of less than the vapor barrier installed on the warm side of the wall. When no vapor barrier is installed on the warm side of the unventilated wall cavity, the combined permeance of the covering and/or sheathing shall be not less than 5.0 perms.

INTERPRETATIVE BULLETIN G-1-76

HEAT TAPE RECEPTACLE—§§ 280.603(b) (4) (iii) AND 280.806(d) (8)

The receptacle outlet required for use with a listed heat tape in section 280.603(b) (4) (iii) does not satisfy the requirement for an outdoor receptacle in section 280.806(d) (8).

The receptacle outlet for a heat tape shall be conveniently located as follows:

- (i) On the underside of the mobile home, and
- (ii) Within 2 feet of the water supply inlet.

INTERPRETATIVE BULLETIN G-2-76

MASTER COLD WATER SHUT-OFF VALVE—§ 280.609(b) (1)

The master cold water shut-off full flow valve required to be provided in an accessible location on the main feeder line of the mobile home, or installed in the water supply line adjacent to the mobile home, shall have threaded or solder joints, and provide through flow capability equal to or greater than the minimum required water distribution piping size supplied by the valve.

INTERPRETATIVE BULLETIN G-3-76

ANTI-SIPHON TRAP VENT DEVICE—MATERIALS—§ 280.611(d) (5)

Material for the anti-siphon trap vent device may be any of those materials listed by this section. However, when a spring is used to operate the closing member of the device, it shall be of stainless steel wire type 302.

INTERPRETATIVE BULLETIN H-1-76

PROVISION OF EXTERIOR FURNACE/AIR CONDITIONING APPLIANCE § 280.709(a) (1)

When an exterior furnace and/or air-conditioning appliance is to be field installed, the mobile home manufacturer is not required to provide said appliance(s).

INTERPRETATIVE BULLETIN H-2-76

PREPARATION OF MOBILE HOME FOR EXTERNAL HEATING OR COMBINATION EXTERNAL HEATING/COOLING SYSTEM—§ 280.709(e) (6)

For a mobile home supply and return air system designed to accept external

heating or combination external heating and cooling appliances, the preparation by the manufacturer for connection to the mobile home supply and return air system shall include all fittings and connection ducts to the main duct and return air system such that the installer is only required to provide: (i) The appliance, (ii) any appliance connections to the mobile home, and (iii) the connecting duct between the external appliance and the fitting installed on the mobile home by the manufacturer.

The above connection preparations by the manufacturer do not apply to supply or return air systems designed only to accept external cooling (i.e., self contained air conditioning systems, etc.)

INTERPRETATIVE BULLETIN H-3-76

VERTICAL CLEARANCE OVER COOKING TOP—§ 280.709(f)

The 24" minimum clearance above the cooking top is measured to the bottom of the combustible cabinet, not the range hood.

INTERPRETATIVE BULLETIN I-1-76

INSTALLATION OF "SNAP-IN" TYPE BOXES—§ 280.808(n)

Snap-in type integral boxes provided with brackets that securely fasten boxes to walls may, when the listing permits, be secured directly to wall paneling without additional structural reinforcement or bracing, when installed in accordance with the terms of their listing.

INTERPRETATIVE BULLETIN I-2-76

EXTERIOR LIGHTING OUTLET REQUIREMENTS—§ 280.813(a)

A wall switch controlled exterior lighting outlet is required at each exterior entrance door to the mobile home in accordance with paragraph 210-26 of the National Electrical Code (NFPA No. 70-1975).

(Secs. 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5403 and 5424; and 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

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