

## NOTICES

Little Rock, AR. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC 77674, filed July 14, 1978. Transferee: David Dwight Winters, d.b.a. David Winters, Route 5, Box 365 AB, Lawrenceburg, TN 38464. Transferor: Ephriam McLean Old, d.b.a. Avie Harwell Transportation Co., Lawrenceburg, TN 38464. Representative: W. A. Harwell, P.O. Box 399, Lawrenceburg, TN 38464. Authority sought to purchase the operating rights set forth in Certificate No. MC 10168 issued December 28, 1967, as follows: Films and associated commodities and newspapers over specified regular routes serving specified intermediate and off route points between Pulaski and Nashville, TN, Pulaski and Columbia, TN, Nashville, TN and Florence, AL, and Lawrenceburg and Pulaski, TN. Applicant holds no Commission and does not seek section 210a(b) authority.

MC-FC 77705, filed June 7, 1978. Transferee: Nevil Storage Co., San Jose, Inc., 1370 Vander Way, San Jose, CA 95112. Transferor: Thomas Transfer & Storage Co., Inc., 2195 Leghorn Street, Mountain View, CA 94040. Representative: Alan F. Wohlsteller, 1700 K Street NW, Washington, DC 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate MC 129316 (Sub-1) issued October 1, 1969, as follows: *Used household goods* between points in Ventura and Santa Barbara Counties, CA, and between points in Alameda, San Francisco, San Mateo, and Santa Clara Counties, CA. Restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77709, filed June 13, 1978. Transferee: WESTERN CARRIERS, INC., 2100 Alaska Way, Seattle, WA 98121. Transferor: Everett Trucking, Inc., P.O. Box 1105, Mount Vernon, WA 98273. Representative: George R. LaBissoniere, Esq., 1100 Norton Building, Seattle, WA 98104. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate MC 135518 (Sub-1) issued January 15, 1973, as follows: *Wine and malt beverages* from points in CA to named points in WA. Transferee presently holds no authori-

ty from this Commission. Application for temporary authority under section 210a(b) was granted June 26, 1978.

MC-FC-77711, filed June 21, 1978. Transferee: ADOBE INTERNATIONAL, INC., 1100 Western United Life Building, Midland, TX 79701. Transferor: Dennis Chutz and Wayne Chutz, a partnership, D&W Trucking Co., R.D. No. 3, Box 3629, Grove City, PA 16127. Representatives: John A. Vuono, Esq., 2310 Grant Building, Pittsburgh, PA 15219. Thomas F. Nelson, Esq., 1500 Oliver Building, Pittsburgh, PA 15222. C. Kent May, Esq., 42d Street, 600 Grant Street, Pittsburgh, PA 15219. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit MC 140435 (Sub-2) issued October 28, 1975, as follows: *Coal*, in dump vehicles, from points in Cambria, Somerset, Indiana, Venango, and Clearfield Counties, PA, to the facilities of Cleveland Electric Illuminating Co. in Ashtabula and Cuyahoga Counties, OH, restricted to a transportation service to be performed under a contract with Pengrove Coal Co. of Slippery Rock, PA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77715, filed June 16, 1978. Transferee: G. P. BOURROUS TRUCKING CO., INC., Route 1, Box 380, Diboll, TX 75941. Transferor: Jack Young and Ida L. Young, a partnership, J&L Truck Lines, P.O. Box 1238, Silsbee, TX 77656. Representative: Timothy Mashburn, Attorney at Law, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate MC 140881 (Sub-1) issued December 22, 1977, as follows: *Veneer*, from Starks, LA, to Houston, TX, and *wood chips, bark, wood waste, and sawdust* (except in bulk, in tank vehicles), from points in Calcasieu Parish, LA, to Silsbee, TX, and from Starks, LA, to points in Newton, Jasper, Hardin, and Orange Counties, TX. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

MC-FC-77717, filed June 19, 1978. Transferee: ANYTIME DELIVERY SYSTEMS, INC., 6 New Valley Road, New City, NY 10956. Transferor: Sharon Express Trucking Corp., 1935 Shore Parkway, Brooklyn, NY 11214. Representative: Arthur J. Piken, Pike & Pike, Suite 1515, One Lefrak City Plaza, Flushing, NY 11368. Authority sought for purchase of the operating rights set forth in Corrected Certificate MC 73081, issued July 31, 1969 as follows: *General commodities*, with

the usual exceptions, between points in NY and NJ within 35 miles of Columbus Circle, New York, NY. Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

MC-FC-77719, filed June 20, 1978. Transferee: ALL FREIGHT EXPRESS, INC., 1623 South 58th Avenue, Cicero, IL 60650. Transferor: Eureka Cartage Co., Inc., 5821 West Ogden Avenue, Cicero, IL 60650. Representatives: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603; and Daniel C. Sullivan, 10 South La Salle Street, Chicago, IL 60603. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Permit MC 134452 (Sub-1) issued August 9, 1971, as follows: *Iron, steel, copper, and brass articles, structural steel, and paints*, over irregular routes, from DeKalb, Joliet, Waukegan, IL, and points in the Chicago, IL, Commercial Zone as defined by the Commission, to Chicago, IL, and points in IL, IN, and WI within 150 miles of Chicago, with no transportation for compensation on return; *aluminum products*, from the site of the warehouse of Joseph T. Ryerson & Son, Inc., in Chicago, IL, to points in IN and WI within 150 miles of Chicago, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

MC-FC-77721, filed June 19, 1978. Transferee: BCK CO., 3171 Southeast Fifth Street, Minneapolis, MN 55414. Transferor: The Frances Kay Trust and the Frances and Bonnie Kay Trust, a copartnership, d.b.a. Bonnie C. Trucking Co., Stanley B. Korengold, Trustee, 3171 Southeast Fifth Street, Minneapolis, MN 55414. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit MC 129577, issued December 10, 1968, as follows: *Shortening*, in containers, and *potatoes*, from the joint plantsite of Northern Star, Inc., and Processed Potatoes, Inc., at Minneapolis, MN, to points in WI. Transferee holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,  
Acting Secretary.

FEDERAL REGISTER, VOL. 43, NO. 157—MONDAY, AUGUST 14, 1978

[1505-01]

[Notice No. 130]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

## Correction

In FR Doc. 78-20476, appearing at page 32016, in the issue for Monday, July 24, 1978, on page 32017, in the middle column, in MC 118142 (Sub-173TA), in the seventh line, the word "contract" should be corrected to read "common".

[1505-01]

[Notice No. 119]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

## Correction

In FR Doc. 78-19835, appearing at page 30971, in the issue for Tuesday, July 18, 1978, on page 30974, in the third column, in MC 144789TA in the eighth line, the word "contract" should be corrected to read "common."

[1505-01]

[Notice No. 135]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

## Correction

In FR Doc. 78-21576 appearing at page 34238, in the issue for Thursday, August 3, 1978, on page 34240, in the third column, in MC 144800 "(Sub-4TA)" should be corrected to read "(Sub-1TA)".

[7035-01]

[Notice No. 22]

## SPECIAL PROPERTY BROKERS

AUGUST 9, 1978.

The following applicants seek to participate in the property broker special

licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including AK and HI. Any interested person shall file an original and one (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to: Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, DC 20423. Opposing parties shall serve one (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-78-82, filed July 9, 1978. Applicant: EDWIN L. SIEGEL, 400 Sip Avenue, Jersey City, NJ 07306. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001.

B-78-92, filed August 3, 1978. Applicant: MOVERS PORT SERVICE, INC., 7035 Convoy Court, San Diego, CA 92111. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036.

By the Commission.

H. G. HOMME, Jr.,  
Acting Secretary.

[IFR Doc. 78-22620 Filed 8-11-78; 8:45 am]

[7035-01]

## TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

## Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate

of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission September 5, 1978. A copy must also be served upon applicant or its representative. protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* (September 13, 1978) of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-13-78 (Special Certificate, Waste Products) (Partial Correction), filed July 11, 1978, published in the FEDERAL REGISTER issue of July 19, 1978, and republished as corrected this issue. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, OH 45427. Representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. NOTE: The purpose of this partial correction is to add Diamond International Corp. of Middletown, OH, as a sponsor for the purpose of transporting and recycling waste products; the rest remains the same.

By the Commission.

H. G. HOMME, Jr.  
Acting Secretary.

[IFR Doc. 78-22618 Filed 8-11-78; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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## [6712-01]

1

### FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9 a.m., Tuesday, August 8, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following items have been deleted:

#### AGENDA, ITEM, AND SUBJECT

General, No. 3, fee refund program—Status. Renewal, No. 3, petition to deny renewal application of station KJAZ(FM), Alameda, Calif., filed by the Committee for Open Media.

Television, No. 1, mutually exclusive applications for a new TV station on channel 30, Jacksonville, Fla.

#### CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC, Public Information Office, 202-632-7260.

Issued: August 7, 1978.

[S-1638-78 Filed 8-10-78; 3:08 pm]

## [6712-01]

2

### FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 3 p.m., Tuesday, August 8, 1978.

STATUS: Emergency closed Commission meeting.

#### MATTER TO BE CONSIDERED:

Internal personnel matter.

The prompt and orderly conduct of Commission business did not permit

announcement of this meeting prior to the meeting.

This meeting was closed to the public because this item concerned an internal personnel matter (see 47 CFR 0.603(b)).

#### CONTACT PERSON FOR MORE INFORMATION:

Beulah L. Hylton, Minute and Rules Branch, 202-632-6427.

Issued: August 9, 1978.

[S-1639-78 Filed 8-10-78; 3:08 pm]

## [6740-02]

4

AUGUST 10, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552b:

### FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: August 10, 1978, 10 a.m.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

Docket No. CP76-305, Arkansas Louisiana Gas Co.

Docket No. CP77-38, Tennessee Gas Pipeline Co., a division of Tenneco Inc., and National Fuel Gas Supply Corp.

#### CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, 202-275-4166.

LOIS D. CASHELL,  
Acting Secretary.

[S-1633-78 Filed 8-10-78; 2:22 pm]

## [6715-01]

3

### FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, August 17, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

#### PORTIONS OPEN TO THE PUBLIC.

Setting dates for future meetings. Correction and approval of minutes. Advisory opinions: AO 1978-38 and AO 1978-42.

Report on earmarked contributions.

Report on random audits.

Policy regarding transfers to registered entities.

From unregistered organizations: Office of the General Counsel, Analysis of Parts A and B of Agenda Document No. 78-205. (Commission Memorandum No. 156).

Budget for fiscal year 1980.

Resolution of particulars questions.

Appropriations and budget.

Pending legislation.

Pending litigation.

Liaison with other Federal Agencies.

Classification actions.

Routine administrative matters.

#### PORTIONS CLOSED TO THE PUBLIC (EXECUTIVE SESSION)

Audit reports, compliance, and personnel.

#### PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, 202-523-4065.

MARJORIE W. EMMONS,  
Secretary to the Commission.

[S-1640-78 Filed 8-10-78; 3:21 pm]

## [6740-02]

5

AUGUST 9, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552b:

### FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: August 16, 1978, 10 a.m.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

#### CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, Telephone, 202-275-4166.

This is a list of matters to be considered by the Commission, it does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—157TH MEETING, AUGUST 16, 1978, REGULAR MEETING (10 A.M.)

CAG-0. Docket No. RP71-16 (PGA No. 78-3a), Midwestern Gas Transmission Corp.  
 CAG-1. Docket No. CI78-683, Sun Oil Co. Docket Nos. CI78-414, CI78-415, CI78-417 and CI78-418, Amoco Production Co. Docket No. CI78-6, Cities Service Co. Docket No. CI78-223, Exxon Corp. Docket No. CI78-450, Continental Oil Co. Docket No. CI78-779, Cotton Petroleum Corp. Docket No. CI78-527, Continental Oil Co. Docket No. CI78-528, Continental Oil Co. Docket No. CI78-826, Texas Pacific Oil Co. Inc. Docket No. CI78-832, Transco Exploration Co. Docket Nos. CI77-805, CI77-806, CI78-396 and CI78-397, Louisiana Land Offshore Exploration Co., Inc., and Texas Eastern Exploration Co. Docket No. CI78-24, Helmerich & Payne, Inc. Docket No. CI77-690, Union Texas Petroleum, a division of Allied Chemical Corp. Docket Nos. G-3108, et al., Exxon Corp., et al. Docket No. CI77-709, MRT Exploration Co. Docket No. CI77-832, Gulf Oil Corp. Docket No. CI77-831, Gulf Oil Corp. Docket No. CI75-38, Gulf Oil Corp. Docket No. CI77-327, Cities Service Co. Docket No. CI74-145, Gulf Oil Corp. Docket No. CI77-849, Belco Petroleum Corp. Docket No. CI78-4, Aztec Oil & Gas Co. Docket No. CI78-690, Tenneco Oil Co. Docket No. CI78-236, Texas Pacific Oil Co., Inc. Docket No. CI78-273, Enserch Exploration, Inc. Docket No. CI77-202, Gulf Oil Corp. Docket No. CI78-409, Cities Service Co. Docket Nos. CI78-148 and CI78-230, Gas Producing Enterprises, Inc., and Sun Oil Co. Docket Nos. G-7526, et al., Amoco Production Co., et al. Docket No. CI78-410, Hunt Oil Co. Docket No. CI78-242, Odessa Natural Corp. Docket No. CI78-437, Marathon Oil Co. Docket No. CI78-416, Sun Oil Co. Docket No. CI78-146, Belco Petroleum Corp. Docket No. CI76-485, Union Texas Petroleum, a division of Allied Chemical Corp. Docket No. CI78-308, Transocean Oil, Inc. Docket No. CI75-704, Tenneco Oil Co. Docket No. CI77-764, Hunt Oil Co. Docket No. CI78-102, Diamond Shamrock Corp. Docket No. CI77-327, Cities Service Co. Docket No. G-7670, Southern Union Gathering Co. Docket Nos. CI77-709 and CI77-286, MRT Exploration Co.  
 CAG-2. Docket No. CI78-39, Amoco Production Co.  
 CAG-3. Docket No. CP78-218, United Gas Pipe Line Co. Docket No. CP78-315, Transcontinental Gas Pipe Line Corp.  
 CAG-4. Docket No. CP78-354, Columbia Gulf Transmission Co.  
 CAG-5. Docket No. CP77-515, Natural Gas Pipeline Co. of America.  
 CAG-6. Docket No. CP77-374, United Gas Pipe Line Co.  
 CAG-7. Docket No. CP78-331, Texas Gas Transmission Corp.  
 CAG-8. Docket No. CP71-222, Great Lakes Gas Transmission Co.  
 CAG-9. Docket No. CP78-360, Mountain Fuel Supply Co.  
 CAG-10(A). Docket No. CP78-167, United Gas Pipe Line Co. (B) Docket No. CP78-296, Transcontinental Gas Pipe Line Corp.  
 CAG-11. Docket No. CP78-373, Cities Service Gas Co.  
 CAG-12. Docket No. CP78-330, Transcontinental Gas Pipe Line Corp.  
 CAG-13. Docket No. CP78-225, Consolidated Gas Supply Corp.

CAG-14. Docket No. CP78-252, Transcontinental Gas Pipe Line Corp.  
 CAG-15. Docket No. CP78-394, Consolidated Gas Supply Corp.  
 CAG-16. Docket No. CP78-230, Columbia Gulf Transmission Co. and United Gas Pipe Line Co.  
 CAG-17. Docket No. CP78-18, Michigan Wisconsin Pipe Line Co., Natural Gas Pipeline Co. of America, Transcontinental Gas Pipe Line Corp., United Gas Pipe Line Co., and Trunkline Gas Co.

#### I. PIPELINE RATE MATTERS

RP-1. Docket No. RP-74-4, Cities Service Gas Co.

#### II. PRODUCER MATTERS

CI-1. Docket Nos. CI77-571 and RI77-122, Freeport Oil Co.

#### III. PIPELINE CERTIFICATE MATTERS

##### A. Pipeline Certificates

CP-1. Docket No. CP78-227, Transcontinental Gas Pipe Line Corp.

CP-2.

Docket No. CP77-459, CP77-520, Midwestern Gas Transmission Co., Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Northern Natural Gas Co.

Docket No. CP78-16, Tennessee Gas Pipeline Co., a division of Tenneco Inc.

CP-3. Reserved.

CP-4. Reserved.

##### B. Curtailment

CP-5. Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.

CP-6. Docket No. RP72-89, Columbia Gas Transmission Corp.

CP-7. Docket No. TC78-3, Northern Natural Gas Co.

#### MISCELLANEOUS AGENDA—157TH MEETING, AUGUST 16, 1978, REGULAR MEETING

CAM-1. Procedural amendment—Citation of record.

CAM-2. Proposed procedural amendment—Applications for stay.

CAM-3. Arkansas-Missouri Power Co.

CAM-4. Gulf States Utilities Co.

M-1. Release of Form 45 data to the Federal Trade Commission.

#### POWER AGENDA—157TH MEETING, AUGUST 16, 1978, REGULAR MEETING

CAP-1. Docket No. ER78-186, Pacific Gas & Electric Co.

CAP-2. Docket No. ER78-490, Ohio Edison Co. and Ohio Power Co.

CAP-3. Docket No. ER78-392, Pacific Power & Light Co.

CAP-4. Docket No. ER78-503, Union Electric Co.

CAP-5. Docket No. ER78-341, Central Power & Light Co.

CAP-6. Docket No. E-8570, Southern California Edison Co.

CAP-7. Docket No. ID-1599, James F. Smith.

CAP-8. Docket No. ID-1836, Frank E. Fischer.

CAP-9. Docket No. ID-1824, Robert E. Hartwell.

CAP-10. Docket No. ID-1830, James M. Cain.

CAP-11. Docket No. ID-1832, Jack R. McClendon.

CAP-12. Docket No. ID-1837, Stephen Lesky.

CAP-13. Docket No. ID-1602, Dean B. Siefried.  
 CAP-14. Docket No. 2436, Consumers Power Co.  
 CAP-15. Docket No. 2130, Pacific Gas & Electric Co.  
 CAP-16. Docket Nos. ER77-485 and ER77-551, Carolina Power & Light Co.  
 CAP-17. Docket Nos. EL78-15 and ER78-339, Public Service Co. of New Hampshire.

#### I. ELECTRIC RATE MATTERS

ER-1. Docket No. ER78-375, Duquesne Light Co.

ER-2. Docket No. ER78-425, Minnesota Power & Light Co.

ER-3. Docket Nos. ER78-409 and ER78-410, Philadelphia Electric Co.

ER-4. Docket No. ER76-495 (AFUDC ISSUE), Carolina Power & Light Co.

ER-5. Docket No. E-7704, the Electric & Water Plant Board of the City of Frankfort, v. Kentucky Utilities Co.  
 Docket No. E-7669, Public Service Co. of Indiana.  
 Docket No. E-7937, Indianapolis Power & Light Co.  
 Docket No. E-8053, Kentucky Utilities Co.

#### II. LICENSED PROJECT MATTERS

P-1. Project No. 2482, Niagara Mohawk Power Co.

Lois D. CASHELL,  
*Acting Secretary.*

[S-1631-78 Filed 8-10-78; 10:45 am]

[6210-01]

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#### FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10 a.m., Wednesday, August 16, 1978.

The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED: Open portion:

Summary agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Report to the Comptroller of the Currency regarding the competitive factors involved in the proposed merger of The National Bank of Delaware County, Walton, N.Y., with Kilber National Bank, Oneonta, N.Y.

2. Request by Central National Bancshares, Inc. ("CNB"), Des Moines, Iowa to repeal two sections of its bylaws pertaining to CNB warrants and convertible shares.

3. Application of Citicorp, New York, N.Y., to continue to hold shares of Citicorp International Group, Inc., Wilmington, Dela-

## SUNSHINE ACT MEETINGS

ware, after its subsidiary, Citicorp International Ltd., Hong Kong, commences the business of underwriting or dealing in securities.

## Discussion agenda:

1. Reconsideration of the application of Commerce Bancshares, Inc., Kansas City, Mo., to merge with Manchester Financial Corp., St. Louis, Mo.
2. Any agenda items carried forward from a previously announced meeting.

## Closed portion:

1. Personnel appointments within the Board's staff.
2. Any agenda items carried forward from a previously announced meeting.

## CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: August 9, 1978.

GRIFFITH L. GARWOOD.

[S-1632-78 Filed 8-10-78; 10:45 am]

[7030-01]

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## INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., August 11, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public. Proposed history of the Commission.

## FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, 202-653-6174.

[S-1634-78 Filed 8-10-78; 2:22 pm]

[7020-02]

[USITC SE-78-38A]

## INTERNATIONAL TRADE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 35160 (August 8, 1978).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Thursday, August 17, 1978.

[7020-02]

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[USITC SE-78-40]

## INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, August 23, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

## MATTERS TO BE CONSIDERED:

1. High-carbon ferrochromium (Inv. TA-201-35)—briefing and vote on injury.
2. Stainless steel round wire from Japan (Inv. AA1921-Inq.-17)—briefing and vote.
3. Any time left over from previous agenda.

## CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1637-78 Filed 8-10-78; 3:08 pm]

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[7715-01]

## POSTAL RATE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 154, page 35431, Wednesday, August 9, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, August 16, 1978.

CHANGES IN THE MEETING: Following the "Open Meeting" there will be a "Closed Meeting" to consider a draft opinion in Docket No. A78-1, the Gresham, S.C., route consolidation case.

## CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, 202-254-5614.

[S-1641-78 Filed 8-10-78; 3:35 pm]

MONDAY, AUGUST 14, 1978

PART II



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DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE

Office of the Secretary

NONDISCRIMINATION  
IN FEDERALLY ASSISTED  
PROGRAMS

Policy Interpretations

[4110-12]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Office of the Secretary

NONDISCRIMINATION IN FEDERALLY ASSISTED  
PROGRAMS

## Policy Interpretations

## INTRODUCTION

The following four policy interpretations are issued by the Office for Civil Rights under the procedures announced in the *FEDERAL REGISTER* on May 1, 1978, 43 FR 18630. They interpret the Department's regulation issued under section 504 of the Rehabilitation Act of 1973.

DAVID S. TATEL,  
Director,  
Office for Civil Rights.

AUGUST 8, 1978.

SECTION 504 OF THE REHABILITATION  
ACT OF 1973

## POLICY INTERPRETATION NO. 3

*Subject: "Program Accessibility" Requirements.*

*Policy Interpretation:* A recipient is not required to make structural modifications to its existing facilities if its services can be made effectively available to mobility impaired persons by other methods. In selecting from among other methods, recipients must give priority to those that offer handicapped and nonhandicapped persons programs and activities in the same setting. Because of the administrative impossibility of continually determining, on an up-to-date basis, whether mobility impaired individuals will be entitled to services by a given recipient, and for other reasons set forth below, the absence of mobility impaired persons residing in an area cannot be used as the test of whether programs and activities must be made accessible.

*Discussion:* The Department has been asked by recipients conducting modest programs (e.g., libraries in rural areas, small welfare offices, day care centers and senior citizens centers): (1) Whether they must make structural changes to their buildings to accommodate persons who are mobility impaired; and (2) whether they must make their services accessible to mobility impaired persons even if no such persons are known to live in their service area.

The Section 504 regulation was carefully written to require "program accessibility" not "building accessibility," thus allowing recipients flexibility in selecting the means of compliance. For example, they may arrange for the delivery of their services at al-

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ternative sites that are accessible or use aides or deliver services to persons at their homes. The regulation does not require that all existing facilities or every part of an existing facility be made accessible; structural changes are not necessary if other methods are effective in making the recipient's services available to mobility impaired persons. For example, a library building in a rural area with one room and an entrance with several steps can make its services accessible in several ways. It may construct a simple wooden ramp quickly and at relatively low cost. Mobility impaired persons may be provided access to the library's services through a bookmobile or by special messenger service or clerical aid or any other method that makes the resources of the library "readily accessible." However, recipients are required to give priority to methods that offer handicapped and nonhandicapped persons programs and activities in the same setting.

There is an additional option for recipients that have fewer than 15 employees and that provide health, welfare, or other social services. If such a recipient finds, after consulting with a handicapped person seeking services, that only a significant alteration to its existing facilities will make its program accessible, the recipient may refer the handicapped person to another provider of the same services that is accessible. The referring recipient has the obligation to determine that the other provider is accessible and is willing to provide the services.

The section 504 regulation does not condition the requirement of "program accessibility" upon handicapped persons residing in the recipient's service area. Such a condition would be administratively unworkable. It would require the establishment of arbitrary geographic boundaries for each recipient's service area, the identification of all handicapped persons in that area and periodic surveys to determine whether handicapped persons have moved into or out of the service area. It would also ignore the needs of those persons who temporarily become mobility impaired or those mobility impaired persons who visit a service area. Moreover, mobility impaired persons may decide not to settle in a community because its services are not accessible.

The Department concludes, as it did when the section 504 regulation was adopted, that because the "standard (for program accessibility) is flexible" the regulation "does not allow for waivers" (See "Authority" section below).

*Coverage:* This policy interpretation applies to any public or private institution, person, or other entity that receives or benefits from HEW financial

assistance. For further information, see definition of "recipient" at 45 CFR section 84.3(f).

*Authority:* Regulation issued under section 504 of the Rehabilitation Act of 1973, 45 CFR § 84.22 and appendix A.

## Section 84.22:

(a) *Program accessibility* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 84.23, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small health, welfare, or other social service providers.* If a recipient with fewer than 15 employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services that are accessible.

Appendix A—Section-by-Section Analysis,  
Subpart C—Program Accessibility.

Several commenters expressed concern about the feasibility of compliance with the program accessibility standard. *The Secretary believes that the standard is flexible enough to permit recipients to devise ways to make their programs accessible short of extremely expensive or impractical physical changes in facilities. Accordingly, the section does not allow for waivers.* The Department is ready at all times to provide technical assist-

ance to recipients in meeting their program accessibility responsibilities. For this purpose, the Department is establishing a special technical assistance unit. Recipients are encouraged to call upon the unit staff for advice and guidance both on structural modifications and on other ways of meeting the program accessibility requirements \*\*\*. (Emphasis added.)

Further, it is the Department's belief, after consultation with experts in the field, that outside ramps to buildings can be constructed quickly and at a relatively low cost. Therefore, it will be expected that such structural additions will be made promptly \*\*\*. (Emphasis added.)

#### SECTION 504 OF THE REHABILITATION ACT OF 1973

##### POLICY INTERPRETATION NO. 4

**Subject:** Carrying Handicapped Persons to Achieve Program Accessibility.

**Policy Interpretation:** Carrying is an unacceptable method for achieving program accessibility for mobility impaired persons except in two cases. First, when program accessibility can be achieved only through structural changes, carrying may serve as an expedient until construction is completed. Second, carrying will be permitted in manifestly exceptional cases if carriers are formally instructed on the safest and least humiliating means of carrying and the service is provided in a reliable manner.

**Discussion:** The section 504 regulation requires that federally assisted programs and activities be "readily accessible" to handicapped persons. A program or activity will be judged "readily accessible" only if it is conducted in a building and room that mobility impaired persons can enter and leave without assistance from others. Carrying requires such assistance and is therefore unacceptable.

Carrying may also be undependable (e.g., when college students or employees are expected to volunteer) and often hazardous (e.g., when carriers are untrained or when the carrying is to occur on poorly illuminated or narrow stairs). It may humiliate the handicapped person by dramatizing his or her dependency and creating a spectacle. Its use is therefore inconsistent with section 504's critical objective of encouraging handicapped persons to participate in programs and activities.

The Department recognizes that carrying may be necessary in the following cases:

(1) The section 504 regulation requires "program accessibility" for handicapped persons and suggests a variety of methods for attaining compliance that can be implemented within 60 days. However, if "program accessibility" can be achieved only

through "alterations of existing facilities (or) construction of new facilities," the construction must be completed "as expeditiously as possible," but in no event, later than June 3, 1980. Although recipients are not required to provide "program accessibility" during the period of construction, the Department encourages recipients to develop an interim expedient that may be carrying.

(2) Carrying is also acceptable in manifestly exceptional cases. For example, a university has properly maintained that the structural changes and devices necessary to adapt its oceanographic vessel for use by mobility impaired persons are prohibitively expensive or unavailable. Carrying, under this exception, must be provided in a manner that attempts to overcome its shortcomings. For example, carriers must be formally instructed on the safest and least humiliating means of carrying and the service must be provided in a reliable manner.

**Coverage:** This policy interpretation applies to any public or private institution, person, or other entity that receives or benefits from HEW financial assistance. For further information, see definition of "recipient" at 45 CFR § 84.3(f).

**Authority:** Regulation issued under section 504 of the Rehabilitation Act of 1973, 45 CFR §§ 84.22 (a), (b) and (d).

##### Section 84.22:

(a) **Program Accessibility.** A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) **Methods.** A recipient may comply with the requirement of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 84.23, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons

in the most integrated setting appropriate.

(d) **Time period.** A recipient shall comply with the requirement of paragraph (a) of this section within 60 days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within 3 years of the effective date of this part, but in any event as expeditiously as possible.

#### SECTION 504 OF THE REHABILITATION ACT OF 1973

##### POLICY INTERPRETATION NO. 5

**Subject:** Participation of Handicapped Students in Contact Sports.

**Policy Interpretation:** Students who have lost an organ, limb, or appendage but who are otherwise qualified, may not be excluded by recipients from contact sports. However, such students may be required to obtain parental consent and approval for participation from the doctor most familiar with their condition. If the school system provides its athletes with medical care insurance for sickness or accident, it must make the insurance available without discrimination against handicapped athletes.

**Discussion:** The Department has received several complaints that students have been denied an opportunity to participate in contact sports solely because they have lost an organ, limb, or appendage. The regulation's requirement that handicapped students be provided an equal opportunity to participate in physical education and athletics programs extends to contact sports. The exclusion from contact sports of students who have lost an organ, limb, or an appendage (e.g. a kidney, leg, or finger) but who are otherwise qualified is a denial of equal opportunity. It denies participation not on the basis of ability but because of a handicap.

A recipient cannot assume that such a child is too great a risk for physical injury or illness if permitted to participate in contact sports. However, a child may be required to obtain parental consent and approval for participation from the doctor most familiar with his or her condition.

If the recipient provides its athletes with medical care insurance for sickness or accident, it must make the insurance available without discrimination against handicapped athletes.

**Coverage:** This policy interpretation applies to any public or private institution, person, or other entity that receives or benefits from HEW financial assistance. For further information see definition of "recipient" at 45 CFR § 84.3(f).

**Authority:** Regulation issued under section 504 of the Rehabilitation Act of 1973, 45 CFR § 84.37(c)(1).

*Section 84.37(c)(1):*

(c) *Physical education and athletics.* (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

**SECTION 504 OF THE REHABILITATION ACT OF 1973****POLICY INTERPRETATION NO. 6**

**SUBJECT:** School board members as hearing officers.

**POLICY INTERPRETATION:** School board members may not serve as hearing officers in proceedings conducted to resolve disputes between parents of handicapped children and officials of their school system.

**DISCUSSION:** The section 504 regulation requires school districts to establish a "system of procedural safeguards" to protect against errors in the educational programs developed for handicapped students. One requirement of that system is an "impartial hearing \*\*\* and a review procedure" through which a parent may contest the evaluation and placement of his or her child.

Recipients have asked whether school board members may serve as the hearing or reviewing authority in their own school district. The Department has concluded that this practice is inconsistent with the regulation's requirement of "impartial" proceed-

ings. School board members have a clear interest in the outcome of the hearing. For example, determinations adverse to the parents will often avoid additional expenditures by the board. Also, the school board has hired, and therefore expressed confidence in, the judgment of the professionals challenged in the hearing. Moreover, since the Department will generally not review individual placement and other educational decisions of a school district if the "system of procedural safeguards" is in place, every precaution must be taken to ensure that those procedures operate fairly.

This interpretation is also supported by our commitment to coordinate section 504 procedural safeguards with those established by the Office of Education under the Education of the Handicapped Act. The regulations issued under that statute, as interpreted by the Office of Education, bar school board members from serving as hearing officers in their school system.

**COVERAGE:** This policy interpretation applies to any public or private institution, person, or other entity that receives or benefits from HEW financial assistance. For further information, see definition of "recipient" at 45 CFR 84.3(f).

**AUTHORITY:** Regulation issued under section 504 of the Rehabilitation Act of 1973, 45 CFR 84.36 and Appendix A thereto.

**Section 84.36:** A recipient that operates a public elementary or secondary education program shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an

opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

**Appendix A, Subpart D (Fifth Paragraph):** It is not the intention of the Department, except in extraordinary circumstances, to review the result of individual placement and other educational decisions, so long as the school district complies with the "process" requirements of this subpart (concerning identification and location, evaluation, and due process procedures) \*\*\*.

**Regulations Issued Under the Education of the Handicapped Act, 45 CFR 121a.507 and Appendix A Thereto**

**Section 121a.507:** (a) A hearing may not be conducted:

(1) By a person who is an employee of a public agency which is involved in the education or care of the child, or

(2) By any person having a personal or professional interest which could conflict with his or her objectivity in the hearing.

(b) A person who otherwise qualifies to conduct a hearing under paragraph (a) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer . . . .

**Appendix A, Subpart E ("Response to "Comment" on Section 121a.507):** [A] parent of the child in question and school board officials are disqualified under § 121a.507.

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