* * * *effective April 19, 1979.*

Houston, TX—Houston Intercontinental, LOC/DME BC Rwy 32, Amdt. 4

* * * *effectuve March 22, 1979.*

Harlingen, TX—Harlingen Industrial Airpark, LOC BC Rwy 35L, Amdt. 4

* * * *effective March 8, 1979.*

Tallahassee, FL—Tallahassee Muni, LOC BC Rwy 18, Amdt. 11
New Orleans, LA—New Orleans International (Moisant Field), LOC BC Rwy 28, Amdt. 10
Grand Rapids, MI—Kent County, LOC BC Rwy 8R, Original
St. Louis, MO—Spirit of St. Louis, LOC BC Rwy 25, Amdt. 2, cancelled

* * * *effective February 22, 1979.*

Flint, MI—Bishop, LOC BC Rwy 27, Amdt. 11

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *effective April 19, 1979.*

Blanding, UT—Blanding Muni, NDB Rwy 35, Amdt. 3

* * * *effective March 22, 1979.*

Lincoln, IL—Logan County, NDB Rwy 21, Amdt. 2
Harlingen, TX—Harlingen Industrial Airpark, NDB Rwy 17L, Amdt. 1
Harlingen, TX—Harlingen Industrial Airpark, NDB Rwy 17R, Amdt. 7
Suffolk, VA—Suffolk Muni, NDB Rwy 7, Original

* * * *effective March 8, 1979.*

Marshalltown, IA—Marshalltown Muni, NDB Rwy 12, Original
Marshalltown, IA—Marshalltown Muni, NDB Rwy 12, Amdt. 4, cancelled
Bedford, MA—Laurence G. Hanscom Field, NDB Rwy 11, Amdt. 14
Taos, NM—Taos Muni, NDB-A, Amdt. 1
New York, NY—LaGuardia, NDB Rwy 22, Amdt. 10
Mt. Airy, NC—Mt. Airy-Surry County, NDB-A, Original

* * * *effective February 22, 1979.*

Flint, MI—Bishop, NDB Rwy 9, Amdt. 18

* * * *effective January 16, 1979.*

Laurel, MS—Hesler-Noble Field, NDB Rwy 13, Amdt. 3

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *effective March 22, 1979.*

Harlingen, TX—Harlingen Industrial Airpark, ILS Rwy 17R, Amdt. 5

* * * *effective March 8, 1979.*

Bedford, MA—Laurence G. Hanscom Field, ILS Rwy 11, Amdt. 17
Boston, MA—General Edward Lawrence Logan Int'l., ILS Rwy 33L, Amdt. 15
Winona, MN—Winona Municipal-Max Conrad Field, MLS Rwy 29 (Interim), Amdt. 1
Grand Rapids, MI— Kent County, ILS Rwy 8R, Original, cancelled
New York, NY—LaGuardia, ILS Rwy 22, Amdt. 13
Philadelphia, PA—Philadelphia Int'l., ILS Rwy 27L, Amdt. 2

* * * *effective February 22, 1979.*

Flint, MI—Bishop, ILS Rwy 9, Amdt. 12

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *effective March 8, 1979.*

Greensboro, NC—Greensboro-High-Point-Winston-Salem Regional, RADAR-1, Amdt. 5

* * * *effective February 22, 1979.*

Flint, MI—Bishop, RADAR-1, Amdt .2

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *effective April 19, 1979.*

Houston, TX—Houston Intercontinental, RNAV Rwy 32, Amdt. 5

* * * *effective March 8, 1979.*

Greensboro, NC—Greensboro-High Point-Winston-Salem Regional, RNAV Rwy 23, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a) 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3).)

NOTE.—The FAA has determined that this document involves a regulation which is not significant under the procedures and criteria prescribed by Executive Order 12044 and implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the FEDERAL REGISTER on May 12, 1969.

Issued in Washington, D.C. on January 19, 1979.

[FR Doc. 79-2565 Filed 1-24-79; 8:45 am]

[6320-01-M]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1091; Amendment No. 1]

PART 252—PROVISION OF DESIGNATED "NO SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS

Final Rule

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 11, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board is requiring certificated air carriers to provide for the special segregation of cigar and pipe smokers. It is also requiring carriers to be able to expand no-smoking areas to accommodate all persons who wish to sit there, and to prohibit all smoking when ventilation systems are not fully functioning.

DATES: Effective: February 23, 1979. Adopted: January 11, 1979.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: By EDR-306, 41 FR 44424, October 8, 1976, the Board issued a Notice of Proposed Rulemaking that would amend Part 252 of the Economic Regulations (14 CFR Part 252) to prohibit the smoking of cigars and pipes aboard aircraft operated by certificated air carriers, and to improve the segregation of cigarette smokers and non-smokers on these aircraft. In addition, the Board expressed interest in receiving comments on a number of other possible alternatives for protecting non-smokers from exposure to tobacco smoke.

Formal comments [1] have been filed by air carriers, organizations representing the tobacco industry, anti-smoking groups, interested individuals and organizations, and by the Department of Health, Education, and Welfare's Office of Consumer Affairs (HEW).[2] In addition, over 31,000 letters and cards have been received from individual consumers. The comments contain a wide range of contentions and suggestions, which have been of help to the Board in reaching its decision.

On consideration of the comments and other related material in the record and of the Board's open meetings on August 11, 1977, November 23, 1977, September 7, 1978, and January 4, 1979 we have decided to adopt some parts of the rule proposed by EDR-306, but to withdraw the detailed proposals relating to carrier administration. We are adopting the following provisions: Special segregation of cigar and pipe smokers, and such other procedures as may be necessary to avoid exposing persons seated in no-smoking areas to smoke from cigars and pipes; a no-smoking area for each class of service and for charter service; a no-smoking area must consist of at least two rows of seats; a sufficient number of seats in the no-smoking areas of the aircraft to be made available to accommodate all persons who wish to be seated in such areas, and specific provision for expansion of no-smoking areas to meet passenger demand; special provisions to ensure that if a no-smoking section is placed between smoking sections, that the non-smoking passengers are not unreasonably

[1] Formal comments are multi-copy comments submitted in conformity with Part 302 of the Board's Rule of Practice.

[2] A list of those filing comments is attached hereto as an appendix.

burdened; and that carriers must take measures to prevent smoking in no-smoking areas and to enforce their rules with respect to segregation of passengers.

Our decision here reflects two basic principles that governed enactment of the present smoking rule: (1) That U.S. air carriers have a duty to eliminate, to the extent practicable, their passengers' involuntary breathing of other people's smoke, and (2) that Board involvement in the administrative and enforcement aspects of smoking rules should be kept to the minimum. At the time we adopted Part 252, we found that the carrier obligations to provide "adequate service" and to establish and observe "reasonable practices" [3] required them to provide segregated seating of smokers and non-smokers (ER-800, effective July 10, 1973, 38 FR 12207, May 10, 1973). On the basis of the present record, we now find that there should be improved segregation of cigar and pipe smokers from non-smokers and other provisions that ensure that there will be no smoking when ventilation systems are not fully functioning. We also are making it clear that seats in the no-smoking section must be available to all who wish to be seated there.

In reaching these conclusions, we have considered the contentions of carriers, tobacco interests, and some individuals, that any expansion or strengthening of Part 252 is unnecessary. Carriers urged, in support of this argument, that decreases in the number of complaints to them show that the present system is working well. The Tobacco Institute argued that responses to the 1971 Federal Administration (FAA)-HEW flight survey which we cited in ER-800 show that a majority of aircraft passengers either smoke or do not object to smoking and that the present rule protects all but the most sensitive or vocal non-smokers. Some comments opposed any additional regulation as an interference with management at a time when the climate of opinion favors less regulation.

Assertions of a reduction in complaints to carriers are, for the most part, vague and unsupported. The Board has consistently received a substantial number of informal complaints concerning smoking on U.S. scheduled carriers.[4] Furthermore, the record in this rulemaking alone contains thousands of complaints from persons who find the present system unsatisfactory, and the Bureau of Enforcement has prosecuted 48 smoking violations on the basis of third party complaints since Part 252 was adopted. The FAA-HEW survey referred to by the Tobacco Institute showed that in 1971, 39% of surveyed MAC (Military Airlift Command) passengers and 54% of surveyed domestic passengers asked for corrective action with respect to smoking.[5] The Tobacco Institute offered no current statistics in support of its statement of majority preferences and such general statistics as are available do not tend to substantiate it.[6] Neither the 132,000 signatures on the Tobacco Institute's petition [7] nor the more than 25,400 individual communications favoring either a ban on all smoking or a ban on cigars and pipes [8] conclusively demonstrate the preference of the majority of airline passengers.

Some of the comments raise questions as to the application of smoking rules in foreign air transportation and their effect on the competitive position of U.S. air carriers. The Air Transport Association (ATA) argues that because EDR-306 cited section 404(a) of the Act as authority, the proposed rules would not apply in foreign air transportation. This contention is without merit. While paragraph 1 of section 404(a) relates to interstate and overseas air transportation, paragraph 2 of section 404(a) specifically relates to foreign air transportation. Part 252 applies, and the proposed amendments would apply, to all direct air carriers certificated under section 401 of the Act, and to interstate, overseas and foreign air transportation performed by those carriers.

Pan American contends that restrictions on cigar and pipe smoking would injure its competitive position in that passengers desiring to use these forms of tobacco would turn to foreign air carriers. We do not consider, however, that the available experience supports this contention. Carriers that already ban cigars and pipes do not appear to have been adversely affected. Pacific Southwest noted public acceptance of its ban. Trans International, having had a ban in effect since before the enactment of Part 252, has had ample opportunity to change its rule, if that appeared economically desirable. Northwest has banned cigars and pipes for more than 4 years, with evidently no unfavorable effects on its competitive position.[9] For similar reasons, we do not expect a decrease in the use of air transportation on domestic short haul flights, as suggested in an individual comment. According to Pan American's June 1977 Bulletin on file with the Board, in fact, Pan American itself has already "normally" limited smoking to cigarettes, permitting cigar and pipe smoking only if other passengers are not annoyed.[10]

The Connecticut Health Commissioner suggested that Part 252 be extended to apply to all airlines not now covered, including foreign air carriers. Since American citizens traveling in foreign air transportation are, however, generally free to use U.S. air carriers, we find no present need for such an extension of Board smoking rules.

CIGARS AND PIPES

On review of all the comments and other material before us, we find that there is a substantial distinction between cigar and pipe smoke on the one hand and cigarette smoke on the other. Submitted and cited literature indicated that in test situations, smoking of cigars produces more pollutants

[3] Section 404(a)(1) of the Federal Aviation Act of 1958 provides, "It shall be the duty of every air carrier to provide and furnish interstate and overseas air transportation, * * * to provide safe and adequate service, * * * in connection with such transportation; to establish, observe, and enforce * * * just and reasonable * * * practices relating to such air transportation * * *.

(2) It shall be the duty of every air carrier * * * to establish, observe, and enforce * * * just and reasonable * * * practices relating to foreign air transportation * * *."

[4] These figures for the years 1973-77 were, respectively; 229, 291, 125, 225 and 369. In the first nine months of 1978, the Board received 477 informal complaints.

[5] 38 FR 12208, May 10, 1973.

[6] 1975, *Adult Use of Tobacco*, HEW, June 1976, is the most extensive recent study of smoking habits and attitudes. It shows that in 1975, 39% of adult males and 29% of adult females were smokers. There was a slight decrease in the proportion of adult (over 21) cigarette smokers between 1970 and 1975, and a marked rise in the percentage of persons who expressed a desire for additional smoking restrictions. In 1975, 70% of 12,010 persons interviewed (including more than half of the smokers) agreed that the smoking of cigarettes should be allowed in fewer places than it then was. The comparable figure for 1970 was 57%.

[7] This petition, prepared by the Tobacco Institute and presented to travelers in 41 airports by temporary workers it employed, stated: "The undersigned believe that each smoking and non-smoking airline passenger deserves equal comfort, service, freedom from engine noise and access to exits, and that this can best be achieved by separately seating smokers and non-smokers across the aisles from each other."

The Institute cites signatures to its petition as showing that signers regard the present rule as discriminating against smokers and oppose any further regulation. The question of discrimination in the present rule was considered at the time of its enactment (ER-800, p. 16, 38 FR 12209) and requires no further discussion here.

[8] Tabulation of single copy comments as of April 13, 1977, indicated that some 1,450 individuals supported a ban on cigars and/or pipes, about 23,950 supported a ban on all smoking, and about 6,800 supported the *status quo, i.e.*, segregation of smokers, with or without improvements.

[9] While opposing a Board ban, Northwest did so only on the grounds that it would constitute government interference with carrier management.

[10] While this agency's concern is with the field of air transportation, we have also considered arguments addressed to the effect of Board action on the tobacco industry and its role in the economy. Any possible effect of our action here appears to be minimal.

that the smoking of cigarettes.[11] While fewer tests appear to have been run on pipe smoking, several authorities place pipes and cigars in the same category with respect to relative production of pollution.[12] A few comments, both formal and informal, would have us distinguish between cigars and pipes, on the grounds that pipes are less offensive to non-smokers. Allegheny's rule makes a distinction, banning cigars and permitting pipes "only if the cabin is pressurized, well-ventilated and the smoke does not offend anyone." However, cigar and pipe smoke have important similarities and we find that they should be treated together for our purposes here.

Pollution due to smoking is derived from both mainstream and sidestream smoke.[13] Cigar and pipe smokers, since they generally inhale less than cigarette smokers, produce a composite of sidestream smoke and relatively unfiltered mainstream smoke.[14] In addition, cigars and pipes are usually kept burning for longer periods of time than cigarettes, which produces a relatively large quantity of sidestream smoke—frequently stated to contain more noxious elements than mainstream smoke.[15] Comments in this rulemaking, as well as cited published articles, note the relative alkalinity of cigar and pipe smoke—a factor suggested as a reason for lack of inhalation by the smoker himself. They also frequently describe this type of smoke as thicker, more voluminous, more difficult to dissipate, and more offensive in its odor.

The record shows that a substantial number of persons on aircraft experience more distress from cigar and pipe smoke than from cigarette smoke. A majority of flight attendants responding to an ASH survey stated that they were more affected by cigars and pipes than by cigarettes.[16] Many letters to the Board refer to particular difficulties, such as nausea, experienced as a result of exposure to cigar and pipe smoke. A number of organizations and individuals filing comments on EDR-306 favored a ban of this type of tobacco.[17] The Secretary of Health, Education and Welfare, in a letter to the Board dated January 11, 1978, noted the "particularly obnoxious" effect of cigar and pipe smoke, and fully supported the proposed amendments of Part 252. (EDR-306, 41 FR 44424, October 8, 1976)

Existing carrier bans and restrictions in themselves indicate that carriers have found cigar and pipe smoke particularly annoying to passengers.[18] Trans International Airlines, one carrier having such a ban, pointed out that it was adopted because of passenger complaints prior to enactment of Part 252. Furthermore, in opposing the original enactment of Part 252, carriers criticized the fact that a cited questionnaire failed to distinguish cigar, cigarette, and pipe smoke. As stated in ER-800, the carriers implied that if the question of restricting smoking had been broken down by type of smoke, most passengers would be in favor of restricting cigars and pipes.[19]

Comments by carriers, tobacco interests and some individuals urged that the net effect of cigars and pipes is less than that of cigarettes because they are less frequently smoked. While no current statistics were offered, it is fair to assume that fewer cigars and pipes are smoked on aircraft, and that this is true even in the absence of carrier restriction.[20] But cigars and pipes evidently cause more severe distress when they are smoked. While no scientific tests of relative pollution produced by cigars, pipes and cigarettes have taken place in the aircraft environment, there is sufficient basis for distinguishing cigar and pipe tobacco.[21] Accordingly, there is no need to postpone Board action.

HEW's recent survey based on interviews of 12,000 adults shows that 18% of the men interviewed smoked cigars and 12% pipes. *Adult Use of Tobacco*—1975, *supra*, note 6

Carriers, tobacco interests and some individuals also urged that while cigar and pipe smokers may not be "addicted," smoking is important to their comfort and special restrictions would deprive them of "adequate service" and discriminate against them vis-a-vis both cigarette smokers and non-smokers. We do not agree. "Adequate service" to smokers does not include a right to impose smoke on the many people who are adversely affected by it. A rule or practice which restricts a particularly objectionable kind of smoke without placing an unreasonable burden on those it restricts does not unjustly discriminate. We believe that carriers should be able to devise arrangements permitting use of cigars and pipes on aircraft while providing the additional protection we here require. If it proves to be impossible, in some circumstances, to permit cigar

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[11] Carbon monoxide generated by one cigar is said to be double that of three cigarettes smoked simultaneously. Epstein, "The Effects of Tobacco Smoke Pollution on the Eyes of the Non-Smoker", Paper Presented to Third World Conference on Smoking and Health, June 4, 1975, New York, p. 2.

See also Brunnemann and Hoffman, "Chemical Studies on Tobacco Smoke", Journal of Chromotographic Science, 12(2) February 1974 pp. 70-75 and Harke, The Problem of Passive Smoking, *Munchener Medizinishche Wochenschrift* 112(51) 2328-2334, December 18, 1970 cited and tabulated in Chapter 4, Health Consequences of Smoking, 1975, Department of Health, Education and Welfare.

[12] Epstein, *supra*, note 11; Steinfeld, "Health Consequences of Smoking", Talk presented June 2, 1975, Third World Conference on Smoking and Health, New York; Doyle, "Pipe and Cigar Smoking—is it Safe?", American Lung Association Bulletin, March 1974. And see "Report of an Expert Group", *Practitioner* 210 (1259): 645, 651, May 1973.

[13] Mainstream smoke emerges from the tobacco product after being drawn through the tobacco during puffing, whereas sidestream smoke rises from the burning cone of tobacco. The two kinds of smoke contribute different concentrations of many substances to the atmosphere. *The Surgeon General's Report on The Health Consequences of Smoking*, (HEW), 1975, Chapter 4 at p. 92.

[14] Surgeon General's 1972 Report, 72 Cong. Rec. Vol. 118 (May 4, 1972); Epstein, *supra* note 11; Steinfeld, *supra* note 12.

[15] See Epstein and Steinfeld, *supra* notes 11 and 12, respectively.

[16] The Cigar Association contends that this survey is irrelevant because the question here is one of effect on passengers. While flight attendants are generally exposed to smoke for longer periods, we think it clear that the effects of different types of tobacco on attendants is relevant to their effects on other persons.

[17] In addition to petitioners ASH and Paul R. Kaiser, ACAP (Aviation Consumer Action Project), GASP, San Francisco (Group Against Smoking Pollution), the Association of Flight Attendants, the American Lung Association, the Commissioner of Health for Connecticut, the Chicago Heart Association, Pacific Southwest Airlines, the Office of Consumer Affairs (HEW), and many individuals filing both formal and informal comments favored a ban on cigars and pipes.

[18] According to manuals on file with the Board, five carriers (Northwest, Pacific Southwest, Trans International, Wien Consolidated, and World Airways) ban cigars and pipes; Allegheny bans cigars and permits pipes "only if the cabin is pressurized, well-ventilated and the smoke does not offend anyone"; North Central bans cigars and pipes on Convairs, permitting them on DC-9s as long as they are not objectionable to nearby passengers. Pan American, Alaska, Piedmont and United all have special provisions with respect to cigars and pipes. The ATA states that most carriers permit cigar and pipe smoking only until a neighboring passenger objects.

[19] 38 FR 12208.

[20] The study sample cited throughout ER-800 showed that of 3,073 passengers on MAC flights, 1,604 smoked; 28 of these smoked cigars and 37, pipes. Of 265 passengers on domestic flights in the sample, 83 smoked; five of these smoked pipes and one, cigars; ER-800, p. 6, 38 FR 12208.

[21] The Interstate Commerce Commission recently adopted a rule which imposes special restrictions on cigars and pipes, limiting their use to private sleeping cars and to cars which have been designated as smoking areas in their entirety. (49 CFR 1124.21(b)(4).) That agency's Administrative Law Judge found that pipe and cigar smoke is a "substantially more lasting and obnoxious imposition on 'passive smokers' than cigarette smoke," that the carbon monoxide content of cigar and pipe smoke is about twice that found in cigarette smoke, and that since these materials tend to be burned for longer periods of time per usage they also tend to generate more pollutants per smoking incident. 351 ICC 883, 917 (March 20, 1976).

and pipe smoking without exposing other unwilling passengers to this smoke (or should carriers prefer to adopt their own rules prohibiting cigar and pipe smoking, regardless of circumstances) then we believe that the cigar or pipe smoker's desire for this type or degree of comfort must yield.[22]

We have also considered and rejected ATA's assertions that a cigar or pipe smoker would regard a ban on his smoking in a "smoking" area as unreasonable, and that his attitude would lead to enforcement problems. ATA offered no evidence that carriers already banning or restricting cigars and pipes experience such problems.[23] ATA stated that most air carriers already require their personnel to request that cigars or pipes be extinguished if a passenger in an adjacent area objects. There is no reason to foresee that particular enforcement problems will result from the special protection we here require.

We find that additional protection from cigar and pipe smoke is important to "adequate service" and to "reasonable practices." Since our policy in this area is to impose the minimum amount of regulation consistent with ensuring that these statutory requirements are met, the rules we adopt will permit the largest possible measure of carrier discretion and initiative in providing that protection. A flat ban would have the obvious advantage of administrative simplicity but at this time, we prefer to limit our prescription. Our final rule with respect to cigar and pipe smoke will therefore be generally phrased, leaving carriers free to devise the best methods for ensuring that their passengers are not subjected to involuntary inhalation of cigar and pipe smoke.

Carriers may decide that different arrangements for additional protection are required in different configurations, but where further segregation of cigar and pipe smokers would effectively protect other passengers, these smokers must be seated in the portion of the smoking area that is most distant from no-smoking. In cases where this seating arrangement would not suffice to accomplish our stated objective, carriers must take other or additional protective measures. For example, in a forward first class compartment where the smoking area itself is small, additional segregation of cigar and pipe smokers may not in itself offer real protection to either first class non-smokers or coach non-smokers seated directly behind first class. In these circumstances, carriers might adopt the practice of permitting use of cigars and pipes only after expressly ascertaining that passengers in the adjacent area do not object. We cite only this one example since the carriers themselves are in the best position to know what steps are needed to achieve such additional segregation in varying situations. Should any carrier prefer to avoid the administrative problems that additional segregation inevitably entails by the simple expedient of imposing a complete ban on cigars and pipes, the Board would, as previously stated, regard such a ban as reasonable.

No-Smoking Areas

Section 252.2 already provides that each carrier shall adopt procedures to "insure that a sufficient number of seats in the 'no-smoking' areas of the aircraft are available to accommodate persons who wish to be seated in such areas." The proposed amendment would emphasize this requirement by inserting the word "all" before "persons," and by specifying that carrier procedures shall include "specific provision for expansion of the no-smoking area to meet passenger demand."

Pan American commented that, while it previously expanded and contracted no-smoking and smoking areas to accommodate preferences on particular flights, it has now abandoned that practice in favor of a system of "semi-permanent" zones. It requested either a determination that this new system is lawful, or an amendment of Part 252 to make it lawful. On consideration of all of the comments, we have decided to deny the request, and to adopt this aspect of the amendment as proposed.[24]

Pan American argued that expansion of the no-smoking area to accommodate persons desiring no-smoking seats is impractical on down-line stops, and that this is especially true on multi-stop international flights where other factors (*e.g.*, facilities for children, seat positions for disabled persons) are important, and problems are compounded by language difficulties. Pan American stated that expanding and contracting zones and reallocating seating assignments created confusion in these circumstances. After continuing complaints and pending enforcement proceedings, it adopted a new system of semi-permanent zones under which it does not adjust the "no-smoking" area for each flight, but rather, on the basis of periodic passenger surveys, designates a percentage of seats as no-smoking. The current percentage is 62%, adjusted to include whole rows. Variations from this "norm" are said to be accommodated in vacant seats and by assigning "don't cares" to seats in smoking or no-smoking areas, as the situation requires. Pan American asserts that smoking complaints have dropped markedly under its new system,[25] that it regards the system as compliance with Part 252, and that in view of the competitive international situation it should have leeway to determine how best to discharge its obligations under the rule.

Pan American appears to have given considerable attention to the smoking problem and to have made a substantial effort to determine passenger preferences. It has also been enterprising and practical in its use of "don't cares." However, insofar as it fails to expand its no-smoking area to accommodate every passenger who wishes to be in it, Pan Am is not in compliance with Part 252. Problems of implementing Part 252 on multi-stop flights were recognized and discussed at the time of its adoption.[26] We consider it important that access to a seat in the no-smoking area not be dependent on the point of boarding. While the requirements of Part 252 may be in some respects more burdensome in foreign air transportation, for many non-smokers the availability of a seat in a no-smoking area is most important on the longer flights that foreign air transportation is likely to involve.

We are not proposing, as suggested by some comments, to prescribe any fixed percentage of seats for no-smoking areas. Carriers may themselves adopt such percentages, provided the requirements of Part 252 are met, but we prefer to leave them as much operating flexibility as possible. We are, however, adopting the proposal in EDR-306 that any no-smoking area consist of at least two rows of seats, since in our judgment a section of only one row could not constitute an adequate no-smoking "area."

Pacific Southwest objected to the proposed amendment as discrimina-

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[22] See ER-800 at p. 16, 38 FR 12207, 12209. And see *National Association of Motor Bus Owners* v. *U.S.*, 370 F. Supp. 408 (D.D.C. 1974) upholding the ICC's action in requiring segregation of smokers and non-smokers and confining smokers to 20% of the capacity of buses. (This figure has subsequently been raised to 30%.)

Gasper v. *Louisiana Stadium and Exposition District*, 418 F. Supp. 716 (E.D. La. 1976) cited by the Tobacco Institute, is not to the contrary. There the court dismissed an action to enjoin the Stadium District from allowing smoking during events in the Superdome. The court found no violation of any constitutional right and expressed the view that this type of adjustment of individual liberties is better left to the people, acting through legislative bodies, than to the courts. Our decision here rests on the statutory requirements of the Federal Aviation Act. Furthermore, the Act establishes the Civil Aeronautics Board as a regulatory agency having quasi-legislative functions.

[23] Pacific Southwest, in fact, comments that the public has accepted its ban.

[24] We are not, however, adopting that portion of proposed section 252.2 which would require that "no-smoking" areas consist of a minimum of two rows.

[25] Pan American asserts that in 1976, it received "only" 85 non-smoker complaints related to seat assignment.

[26] ER-800, p. 21, 38 FR 12210.

tory and suggested an alternative that would provide for accommodation of the majority of both smoking and no-smoking passengers. We have rejected this proposal as inconsistent with the basic purpose of Part 252: the protection of all those who wish to be seated in no-smoking areas.

The Board therefore adopts its proposed clarification of section 252.2 by amending the regulation to specifically require the accommodation of all who wish to be seated in the no-smoking areas.

We are also adding language to emphasize that carriers must ensure that if they place a no-smoking section between two smoking sections, the non-smoking passengers are not unduly burdened. EDR-306 had proposed banning such "sandwiching" of non-smokers. Some evidence and argument was presented by the carriers to the effect that in certain aircraft configurations, placing the smoking section at each end of a compartment would result in better isolation of non-smokers from smoke. We are not deciding the merits of that question at this time. In light of the complaints that have been made by non-smokers concerning sandwich configurations, however, we wish to place a special burden on carriers who use them to be sure that they can justify their usage.

Ban on Smoking When Ventilation Systems Not Fully Functioning

Many of the comments in Docket 29044 dealt with the merits of aircraft ventilation systems. There was considerable disagreement as to their effectiveness. Airlines asserted that air was completely replaced or cleaned at least every three minutes,[27] while other commenters argued that the ventilation system merely recirculates smoke. In view of the carriers' reliance on these systems to protect passengers from smoke, however, we have concluded that smoking should be prohibited whenever they are not operating at maximum capacity and efficiency.

Several comments asserted that in current practice, ventilation systems are not operated at full capacity for reasons of energy conservation, or because of special problems with particular aircraft.[28] ASH has asserted, on the basis of complaints made to it, that smoking is sometimes permitted when aircraft are waiting for takeoff and that at these times airflow mechanisms are relatively ineffective. It is our judgment that at times when ventilation is cut back for any reason, and non-smoking passengers denied the protection of fully operating systems, smoking should be prohibited. A new § 252.2a is added to prohibit smoking when the ventilation systems are not fully functioning.

Enforcement and Administration

Section 252.3 now requires each carrier to take such action as is necessary to insure that smoking is not permitted in no-smoking areas, and to enforce its rules with respect to segregation of passengers. EDR-306 proposed to spell out a number of detailed procedures to be required of carrier employees. The proposals would specify such matters as the time and content of announcements concerning the right to a seat in a no-smoking area and the steps to be followed in cases where a passenger is in violation of smoking rules. Some aspects of the proposals were opposed by the carriers, while ASH and others favoring restrictions on smoking suggested additional requirements. The Airline Pilots Association asked that the Board make clear that pilots are not responsible for enforcement of smoking rules.

On review of the record and comments, we have decided not to issue the changes proposed in this area, but instead to issue a broadly-worded rule requiring carriers to do what is necessary to prevent smoking in no-smoking areas and to enforce their segregation rules. We are not undertaking to dictate the allocation of responsibilities among crew members by air carriers. Our declining to act does not imply that the Board regards present standards of enforcement as satisfactory. There was a large number of letters complaining of lack of carrier diligence in this respect. They indicate that carrier employees should be given more explicit instructions, so that each person desiring a seat in a no-smoking area will be accommodated and effective separation will be provided. The decision to issue a broad rule at this time reflects our preference for leaving administrative details to the carriers, with the expectation that they will voluntarily achieve more effective enforcement. We will of course take more direct action in the future, which could include civil penalties, if we find carrier enforcement to be unsatisfactory.

Accordingly, the Civil Aeronautics Board amends Part 252 of the Economic Regulations (14 CFR Part 252), effective February 23, 1979, by adding new §§ 252.1a and 252.2a and amending §§ 252.1, 252.2 and 252.3, so that the whole part reads as follows:

PART 252—PROVISION OF DESIGNATED "NO-SMOKING" AREAS ABOARD AIRCRAFT OPERATED BY CERTIFICATED AIR CARRIERS

Sec.
252.1 Applicability.
252.1a Special segregation of cigar and pipe smokers.
252.2 No-smoking areas.
252.2a Ban on smoking when ventilation systems not fully functioning.
252.3 Enforcement.
252.4 Manual containing company rules for smoking by passengers aboard aircraft.
252.5 Board may modify manual rules to conform them to the provisions of this part.

AUTHORITY: Secs. 204(a), 404(a), and 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 766; 49 U.S.C. 1324, 1374 and 1377.

§ 252.1 Applicability.

This part establishes rules for the smoking of tobacco aboard aircraft. It applies to each direct air carrier that holds a certificate of public convenience and necessity, authorizing the transportation of persons, issued pursuant to Section 401 of the act (hereafter called "carriers"). Nothing in this regulation shall be deemed to require such carrier to permit the smoking of tobacco aboard aircraft.

§ 252.1a Special segregation of cigar and pipe smokers.

Carriers shall adopt and enforce rules providing for special segregation of cigar and pipe smokers, and for such other procedures as may be necessary to avoid exposing persons seated in no-smoking areas to smoke from cigars and pipes.

§ 252.2 No-smoking areas.

Carriers shall ensure that non-smoking passengers are not unreasonably burdened by breathing smoke and to that end shall provide at a minimum:

(a) A no-smoking area for each class of service and for charter service;

(b) A no-smoking section of at least two rows of seats;

(c) A sufficient number of seats in the no-smoking areas of the aricraft for all persons who wish to be seated there;

(d) Specific provision for expansion of no-smoking areas to meet passenger demand; and

(e) Special provisions to ensure that if a no-smoking section is placed between smoking sections, the non-smok-

[27] ATA asserted that there is a complete change of air every 2 or 3 minutes on modern jets. Continental stated that under normal operating conditions the air is replaced or cleaned every 3 minutes in the DC-10 and even faster in the 727-200 and claimed that a study it undertook in 1973 shows that any forward or aft smoke flow is limited to a maximum of one row forward or aft of the smoking passenger.

[28] The Office of Consumer Affairs (HEW) indicated that some Boeing 747 ST models fly with less than total ventilation capacity to conserve energy and stated that older models of the Boeing 747 often require that systems be turned off in order to permit take-off within acceptable distance limitations. Both ACAP and ASH refer to reduced use of compressors.

ing passengers are not unreasonably burdened.

§ 252.2a Ban on smoking when ventilation systems not fully functioning.

Carriers shall adopt and enforce rules prohibiting the smoking of tobacco whenever the ventilation system is not fully functioning. A ventilation system shall be considered fully functioning only when all parts are in working order and operating at the capacity designed for normal service.

§ 252.3 Enforcement.

Each carrier shall take such action as is necessary to ensure that smoking is not permitted in no-smoking areas and to enforce its rules with respect to the segregation of passengers in smoking and no-smoking areas.

§ 252.4 Manual containing company rules for smoking by passengers aboard aircraft.

Each air carrier subject to this part shall maintain an employees manual containing company rules for smoking by passengers aboard aircraft. Two copies of such manual shall be filed with the Bureau of Pricing and Domestic Aviation, and revisions and amendments shall be filed within 15 days following adoption by the company.

§ 252.5 Board may modify manual rules to conform them to the provisions of this part.

If the Board finds that any company rule set forth in the manual is at variance with any provision of this part, the Board may by order modify such company rule to the extent necessary to conform the rule to the provisions of the part.

(Secs. 204(a), 404(a), and 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 766; (49 U.S.C. 1324, 1374 and 1377).)

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

AIR CARRIERS

Air Transport Association of America (on behalf of Alaska Airlines, Allegheny Airlines, American Airlines, Braniff Airways, Delta Air Lines, National Airlines, Eastern Airlines, Frontier Airlines, Hughes Airwest, Northwest Airlines, Ozark Air Lines, Pan American World Airways, Piedmont Aviation, Southern Airways, United Airlines, Western Airlines, and Wien Air Alaska.)
Continental Air Lines
Northwest Airlines
Pacific Southwest Airlines
Pan American World Airways
Trans International Airlines

ORGANIZATIONS FAVORING SMOKING RESTRICTIONS

ASH
ACAP
American Lung Association
BANS (Ban all Nicotine Sources)
Chicago Heart Association
The Church of Jesus Christ of Latter-Day Saints
Commissioner of Health for Connecticut
District of Columbia Lung Association
GASP (Calgary Chapter)
GASP (Santa Barbara Chapter)
GASP (San Francisco Chapter)
German Physicians' Council on Smoking and Health
Listen (a Journal of Better Living)
Right to Breathe
Seventh Day Adventists

ORGANIZATIONS OPPOSING SMOKING RESTRICTIONS

Associated Tobacco Manufacturers
Cigar Association of America
Dibrell Bros.
Kentucky Farm Bureau Federation
National Association of Tobacco Distributors
North Carolina Commissioner of Agriculture
Retail Tobacco Dealers of America

ORGANIZATIONS WITH GENERAL INTEREST IN AIR TRANSPORTATION

Airline Passengers' Association
The Air Line Pilots Association, International
Association of Flight Attendants
The Travel Advisor

FEDERAL GOVERNMENT AGENCY

Department of Health, Education and Welfare (Office of Consumer Advocate)

INDIVIDUALS

Andrew Bass, Sherill S. Duncan & Steven W. Stone
Conrad A. Bauer and Betty L. Bauer
Albert F. Beitel
Charles M. Bowman
Senator Edward W. Brooke
Gary S. Carter
Elizabeth Curry (petition)
Linda Donaldson
L. John Eichner
Sheldon L. Epstein, Esq.
Leonard Finegold
Dorothy Hammert
H. W. Krueger
Jay Lavenson
Marion J. Neufeld
Dennis Odom
Dr. Steven J. Ojala
Willard J. Phelps, Jr.
Stanely Protegal
Rogert W. Rochat, M.D.
R. D. Sherrod
Paul Speier
Johannes Stuart
John P. Traylor
Joseph Valasek

[FR Doc. 79-2579 Filed 1-22-79; 1:13 pm]

[6320-01-M]

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-193; Amdt. No. 51]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Filing of Documents; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 19, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Editorial amendment.

SUMMARY: The CAB is correcting a drafting error in the general rules on filing of documents (14 CFR 302.3(c)). The second sentence of this paragraph was inadvertently deleted by a previous amendment.

DATES: Effective: February 14, 1979. Adopted: January 19, 1979

FOR FURTHER INFORMATION CONTACT:

M. Candace Fowler, Bureau of Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5158.

SUPPLEMENTARY INFORMATION: This editorial amendment is issued pursuant to the delegation of authority from the Board to the General Counsel in 14 CFR 385.19. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

AMENDMENT

The Board hereby restores the second sentence of 14 CFR 302.3(c), *Rules of Practice in Economic Proceedings,* so that the paragraph reads as follows:

§ 302.3 Filing of documents.

* * * * *

(c) *Number of copies.* Unless otherwise specified, an executed original and nineteen (19) true copies of each document required or permitted to be filed under these rules shall be filed with the Docket Section, except that an original and five (5) copies of third-party complaints, answers, documents dealing with discovery, and motions addressed to an administrative law judge may be filed in proceedings under Subpart B—Rules Applicable to Economic Enforcement Proceedings. The copies need not be signed but the name of the person signing the document, as distinguished from the firm or organization he represents, shall also be typed or printed on all copies below the space provided for signature.

* * * * *

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324).)

By the Civil Aeronautics Board.

PHILIP J. BAKES, Jr.,
General Counsel.

[FR Doc. 79-2609 Filed 1-24-79; 8:45 am]

[8010-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. SIPA-83]

PART 300—RULES OF THE SECURITIES INVESTOR PROTECTION CORPORATION

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission has approved rules submitted by the Securities Investor Protection Corporation ("SIPC") establishing, for the purpose of SIPC protection, the various separate capacities in which a customer may hold more than one account, each eligible for the maximum amount of SIPC protection. In order that the general public be given notice of, and access to, these and future SIPC rules which have force and effect as if promulgated by the Commission, such rules will be published in the FEDERAL REGISTER and the Code of Federal Regulations ("CFR").

EFFECTIVE DATE: October 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert J. Millstone, Senior Special Counsel, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755-8777.

SUPPLEMENTARY INFORMATION: The Commission, on October 20, 1978, approved the Series 100 and Series 200 Rules of SIPC, which were published for comment in Securities Investor Protection Act Release Numbers SIPC-70 and SIPC-71 at 43 FR 30953 (July 18, 1978). SIPC provides certain protection to customers of member broker-dealers which experience financial difficulty. The approved rules are entitled "Accounts of 'Separate' Customers of SIPC Members," and "Accounts Introduced by Other Brokers or Dealers," respectively. The Series 100 Rules set forth the manner for determining which accounts maintained by a customer with a member of SIPC will be deemed separate customer accounts for purposes for SIPC protection. The Series 200 Rules provide the standards under which a securities account that is carried on a fully disclosed basis by a SIPC member will be extended SIPC protection separate from that which is provided an account maintained directly by that member for the same customer.

These rules have been adopted under procedures established by the Securities Investor Protection Act (the "SIPC Act"), which gives SIPC authority, subject to Commission approval, to promulgate rules in certain areas. That authority which is patterned after the rulemaking authority given to self-regulatory organizations by the Securities Exchange Act of 1934, requires SIPC rules to be filed with the Commission and published for comment. Following publication, the Commission, within certain time limits, must approve the rules or institute proceedings to determine whether the rules should be disapproved.

In considering whether to approve rules submitted by SIPC, Section 3(e)(2)(D) of the SIPC Act provides that the Commission "shall approve a proposed rule change if it finds that such proposed rule change is in the public interest and is consistent with the purposes of [the SIPC Act]." Section 3(e)(2)(D) also provides that "any proposed rule change so approved shall be given force and effect as if promulgated by the Commission."

The effect of SIPC's rules is unique. SIPC is not an agency or establishment of the United States Government[1] but is empowered to promulgate rules that, upon Commission approval, have the force and effect of Commission rules—that is, rules which affect all persons and not just SIPC members. In contrast, the rules of self-regulatory organizations directly bind only persons who voluntarily submit to the organizations' jurisdiction.

In order that the general public be given the same notice of, and access to, SIPC rules as other rules of general applicability, the text of SIPC rules having force and effect as if promulgated by the Commission will be published in the CFR as well as in the FEDERAL REGISTER. To that end a new Part 300 of Chapter II of Title 17 of the CFR is established as follows:

PART 300—RULES OF THE SECURITIES INVESTOR PROTECTION CORPORATION

ACCOUNTS OF "SEPARATE" CUSTOMERS OF SIPC MEMBERS

Sec.
300.100 General.
300.101 Individual accounts.
300.102 Accounts held by executors, administrators, guardians, etc.
300.103 Accounts held by a corporation, partnership or unincorporated association.
300.104 Trust accounts.
300.105 Joint accounts.

ACCOUNTS INTRODUCED BY OTHER BROKERS OR DEALERS

300.200 General.
300.201 Accounts introduced by same or different broker or dealer.

AUTHORITY: Sec. 3, 84 Stat. 1636, as amended; 15 U.S.C. 78ccc.

NOTE.—The numbers to the right of the decimal points correspond with the respective rule numbers of the rules of the Securities Investor Protection Corporation (hereinafter referred to as "SIPC").

EXPLANATORY NOTE.—Pursuant to section 3(e)(2)(D) of the Securities Investor Protection Act of 1970 (hereinafter referred to as "the Act"), the Securities and Exchange Commission (hereinafter referred to as "the Commission") shall approve a proposed rule change submitted by the Securities Investor Protection Corporation if it finds that such proposed rule change is in the public interest and is consistent with the purposes of the Act, and any proposed rule change so approved shall be given force and effect as if promulgated by the Commission. The rules of this Part 300 have been so approved.

ACCOUNTS OF "SEPARATE" CUSTOMERS OF SIPC MEMBERS

§ 300.100 General.

(a) For the purpose of sections 9(a)(2) and 16(12) of the Securities Investor Protection Act (hereinafter referred to as "the Act"), these rules will be applied in determining what accounts held by a person with a member of SIPC (hereinafter called a "member") are to be deemed accounts held in a capacity other than his individual capacity.

(b) Accounts held by a customer in different capacities, as specified by these rules, shall be deemed to be accounts of "separate" customers.

(c) A "person" as ued in these rules includes, but is not limited to, an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, or a government or political subdivision thereof.

(d) The burden shall be upon the customer to establish each capacity in which he claims to hold accounts separate from his individual capacity.

§ 300.101 Individual accounts.

(a) Except as otherwise provided in these rules, all accounts held with a member by a person in his own name, and those which under these rules are deemed his individual accounts, shall be combined so as to constitute a single account of a separate customer.

(b) An account held with a member by an agent or nominee for another

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[1] Section 3(a)(1)(A) of the SIPC Act.

person as a principal or beneficial owner shall, except as otherwise provided in these rules, be deemed to be an individual account of such principal or beneficial owner.

§ 300.102 Accounts held by executors, administrators, guardians, etc.

(a) Accounts held with a member in the name of a decedent or in the name of his estate or in the name of the executor or administrator of the estate of the decedent shall be combined so as to constitute a single account of a separate customer.

(b) An account held with a member by a guardian, custodian, or conservator for the benefit of a ward or for the benefit of a minor under the Uniform Gifts to Minors Act or in a similar capacity shall be deemed to be held by such guardian, custodian, or conservator in a different capacity from any account or accounts maintained by such person in his individual capacity.

§ 300.103 Accounts held by a corporation, partnership or unincorporated association.

A corporation, partnership or unincorporated association holding an account with a member shall be deemed to be a separate customer distinct from the person or persons owning such corporation or comprising such partnership or unincorporated association if on the filing date it existed for a purpose other than primarily to obtain or increase protection under the Act.

§ 300.104 Trust accounts.

(a) A trust account held with a member shall be deemed a "qualifying trust account" if it is held on behalf of a valid and subsisting express trust created by a written instrument. No account held on behalf of a trust that on the filing date existed primarily to obtain or increase protection under the Act shall be deemed to be a qualifying trust account.

(b) A qualifying trust account held with a member shall be deemed held by a separate customer of the member, distinct from the trustee, the testator or his estate, the settlor, or any beneficiary of the trust.

(c) Any account held with a member on behalf of a trust which does not meet the requirements of paragraph (a) of this rule shall be deemed to be an individual account of the settlor of the trust on behalf of which the account is held.

§ 300.105 Joint accounts.

(a) A joint account shall be deemed to be a "qualifying joint account" if it is owned jointly, whether by the owners thereof as joint tenants with the right of survivorship, as tenants by the entirety or as tenants in common, or by husband and wife as community property, but only if each co-owner possesses authority to act with respect to the entire account.

(b) Subject to paragraph (c) of this rule, each qualifying joint account with a member shall be deemed held by one separate customer of the member.

(c) All qualifying joint accounts with a member owned by the same persons shall be deemed held by the same customer so that the maximum protection afforded to such accounts in the aggregate shall be the protection afforded to one separate customer of the member

(d) A joint account with a member which does not meet the requirements of paragraph (a) of this rule shall be deemed to be an individual or qualifying joint account of the co-owner or co-owners having the exclusive power to act with respect to it.

ACCOUNTS INTRODUCED BY OTHER BROKERS OR DEALERS

§ 300.200 General.

A person having one or more accounts cleared by the member on a fully disclosed basis for one or more introducing brokers or dealers is a customer of the member and shall be protected with respect to such account or accounts without regard to the protection available for any other account or accounts he may have with the member.

§ 300.201 Accounts introduced by same or different broker or dealer.

All accounts of a person which are introduced by the same broker or dealer shall be combined and protected as the single account of a separate customer, unless such accounts are maintained in different capacities as specified in §§ 300.100-300.105; accounts introduced by different brokers or dealers shall be protected separately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 17, 1979.

[FR Doc. 79-2623 Filed 1-24-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. 4993]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With No Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh St., S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 of coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For