

Date: January 6, 1978.

EDWARD E. THOMAS,  
Assistant Administrator for  
Land Resources, Soil Conser-  
vation Service.

[FR Doc. 78-967 Filed 1-12-78; 8:45 am]

# [6320-01]

## CIVIL AERONAUTICS BOARD

[Docket 30777, Agreement CAB 27063, R-1  
through R-12]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order

JANUARY 4, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The agreement was adopted at the Composite Passenger Traffic Conference held in Cannes during October/November 1977.

The agreement is limited in nature and applies only to passenger air transportation between Japan and Korea and within the South Asian subcontinent.<sup>1</sup> In general, the agreement would increase first-class, normal economy-class, and promotional fares by various amounts, and is intended for effectiveness April 1, 1978 through March 31, 1979. We will approve those portions of the agreement which govern fares which are combinable with fares to/from U.S. points and thus have indirect application in air transportation as defined by the Act. We will disclaim jurisdiction on the remaining portions of the agreement, which govern noncombinable fares between foreign points and thus have no application in air transportation.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Accordingly, *It is ordered That:*

1. Those portions of Agreement CAB 27063 described in finding paragraph 1 above be approved; and

Agreement IATA CAB No.	Title	Application
27063:		
R-1	001b1 TC3 Special effectiveness resolution (tie-in).....	3.
R-2	001bb Special escape for TC3 supersonic fares .....	3.
R-3	001d Special emergency escape for TC3 agreements (readopting and amending).....	3.
R-4	001e Special effectiveness resolution (new).....	3.
R-5	002ss Special readoption resolution.....	3.
R-6	014a Construction rule for passenger fares (readopting and amending).....	3.
R-7	053 TC3 First-class fares .....	3.
R-8	063 TC3 Economy-class fares .....	3.
R-12	281e Sale of tickets under instalment plans in Bangladesh, India, Pakistan, Sri Lanka and Nepal (readopting and amending).....	3.

2. It is not found that the following resolutions affect air transportation within the meaning of the Act:

Agreement IATA CAB No.	Title	Application
27063:		
R-9	070a TC3 Excursion fares (readopting and amending).....	3.
R-10	077f TC3 Individual fares for ships' crews (readopting and amending).....	3.
R-11	084k TC3 Group inclusive tour fares (readopting and amending).....	3.

2. Jurisdiction be disclaimed with respect to those portions of Agreement CAB 27063 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such

period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-875 Filed 1-12-78; 8:45 am]

<sup>1</sup> The area comprised of Afghanistan, Bangladesh, India, Nepal, Pakistan, Republic of Maldives, and Sri Lanka.

# [6320-01]

[Docket Nos. 31574, etc.; Order 78-1-16]

## AIR CALIFORNIA et al.

## Order Regarding California-Nevada Low-Fare Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of January 1978.

California-Nevada Low-Fare Route Proceeding, Docket 31574; applications of Air California, Docket 31722; American Airlines, Inc., Docket 31723; Braniff Airways, Inc., Docket 31710; Delta Air Lines, Inc., Docket 31720; Frontier Airlines, Inc., Docket 31775; Hughes Air Corp. d.b.a. Hughes Airwest, Docket 31718; National Airlines, Inc., Docket 31706; Northwest Airlines, Inc., Docket 31725; Trans World Airlines, Inc., Docket 31724; United Air Lines, Inc., Docket 31717; Western Air Lines, Inc., Docket 31719; under section 401 of the Federal Aviation Act of 1958, as amended.

Order 77-10-136, October 28, 1977, instituted a proceeding to determine whether the public convenience and necessity require the certification of an air carrier or carriers to engage in the air transportation of persons, property, and mail between Reno and Las Vegas, Nev. on the one hand and San Diego, Los Angeles, Long Beach, Burbank, Ontario, Fresno, Stockton, San Jose, San Francisco, Oakland, and Sacramento, Calif. on the other hand. Consolidated into the proceeding was the application for such authority of Pacific Southwest Airlines in Docket 30659. Petitions for reconsideration of the Board's order, a motion to modify the scope of the proceeding, applications, and motions to consolidate, and answers to those documents have been filed.<sup>1</sup> The pleadings are to delay the investigation, expand its scope, and consolidate applications into the proceeding.

Upon consideration of the pleadings, we have decided (1) not to delay the investigation, (2) to expand the proceeding to include Orange County-Santa Ana-Anaheim and Palm Springs among the California points to be considered, and (3) to consolidate applications to the extent they conform to the scope of the proceeding.

## DELAY OF INVESTIGATION

United Air Lines, Inc., asks us to delay this investigation. It contends that there is no need to go forward with this case at this time because, not only has the Board inaugurated two other proceedings to explore the need for low-fare services,<sup>2</sup> but also United has filed to provide low-fare services in essentially similar markets.

United is asking for the opposite of the priority consideration we have adopted for this proceeding.<sup>3</sup> Its contentions raise little new matter and are unpersuasive.

See footnotes at end of document.



The board's order instituting this proceeding referred to the other cases noted by United containing low-fare services proposals. The order reflected the Board's decision to take advantage of a third opportunity to investigate the need for low-fare services and the question of whether they can be provided economically.

Accordingly, the only new factor presented by United is its recently filed tariffs. These are limited to the Reno-San Francisco/Oakland/Los Angeles markets, that is, three markets compared with the 22 which the Board determined to scrutinize. Furthermore, United's fare proposal does not pertain to any of the Las Vegas markets. While United describes its proposed low-cost, high-frequency service as the operation of an airline within an airline, it was our intention in initiating this proceeding to examine a proposal made by a potentially new entrant to the federally certificated system, an airline which on its existing system appears to have a cost structure consonant with the fares it proposes. Therefore, United's tariff proposal evokes the issues we wish to evaluate only to a minor degree.

For these reasons, we shall deny United's petition for reconsideration.<sup>4</sup>

#### SCOPE OF PROCEEDING

Air California asks that Orange County and Palm Springs be included among the California points to be considered. Western Air Lines, Inc., also requests that Orange County be considered, describing the point as Orange County-Santa Ana-Anaheim,<sup>5</sup> limited to service to Las Vegas.

Hughes Air Corp. d.b.a. Hughes Airwest, which provides service in all the newly-proposed markets except Reno-Palm Springs, is the only party resisting the inclusion of the additional markets.<sup>6</sup> With respect to service at Orange County, Hughes Airwest contends the matter is extremely complex and would substantially complicate the issues and delay the proceeding. It maintains the question of improved service is hopelessly bogged down in environmentally related matters which have been the subject of court proceedings and which have resulted at the Orange County Airport in limitations on the number of daily operations, the hours of operation, and the types of aircraft that may be used, complex approach and departure regulations, and material terminal facility handicaps. The carrier asserts that, as a consequence of these circumstances, Continental Air Lines, Inc., and Aeromexico de Mexico, S.A., have been unable to implement route awards for service at Orange County.<sup>7</sup>

We are not convinced that the contentions of Hughes Airwest justify ex-

cluding Orange County from this proceeding. While we are concerned with substantial civic opposition to the authorization of additional service on environmental grounds (see Order 78-1-20), the communities can weigh the environmental ramifications of the proposals made by the applicants against the service and fare advantages to be gained through the grant of additional authority in the particular markets.<sup>8</sup> We believe the most effective and fairest ways of assessing Hughes Airwest's claims are on the record developed at the hearing. At this juncture, it is our judgment that including the Orange County-Las Vegas/Reno markets will not unduly complicate the proceeding.

Hughes Airwest also submits no showing has been made that there is a need for additional service in any of the proposed additional markets and that traffic volumes are quite small in all the markets except Orange County-Las Vegas.

Our order instituting this proceeding was not founded on the premise of need for additional service in the terms Hughes Airwest appears to contemplate. Rather, as we have already indicated, it was grounded on " \* \* \* the opportunity to explore the need for low-fare services and whether such services can be economically provided, \* \* \* " particularly where a proposal has been made by a potentially new entrant to the federally certificated air transportation system that appears to possess a low-cost structure for its existing operations.

As regards the volume of traffic, based on the twelve months ended June 30, 1976, the Las Vegas-Orange County market with 140,240 origin and destination (O&D) passengers would be the fourth largest market in this proceeding. Even the smallest proposed market, Reno-Palm Springs, 1,520 O&D passengers, outranks four markets which are already in issue. And, of course, to be determined in this proceeding is whether, and the extent to which, low fares would stimulate traffic in the markets in issue.

It is our conclusion that the addition to this proceeding of the four markets proposed by Air California will be conducive to the proper dispatch of the Board's business and to the ends of justice and will not unduly delay the proceeding.

#### CONSOLIDATION

Motions to consolidate applications in the dockets listed hereinafter have been filed by Air California (Docket 31722), American Airlines, Inc. (Docket 31723), Braniff Airways, Inc. (Docket 31710), Delta Air Lines, Inc. (Docket 31720), Frontier Airlines, Inc. (Docket 31775), Hughes Airwest (Docket 31718), National Airlines, Inc. (Docket 31706), Northwest Airlines,

Inc. (Docket 31725), Trans World Airlines, Inc. (Docket 31724), United (Docket 31717), and Western (Docket 31719).<sup>9</sup> The motions to consolidate will be granted. However, the applications of American, Braniff, and Frontier will be consolidated only in part, for reasons discussed below.

The Board's order instituting this proceeding did not, and was not intended to, consider granting authority to carry local traffic between points in California. The proceeding involves only authority between the two Nevada points, on the one hand, and the listed California points, on the other hand. The applications of American, Braniff, and Frontier do not fully conform to this scope.

American's application requests the addition of a new segment to its route 4 between the "co-terminal points San Diego, Los Angeles-Burbank-Ontario, and San Francisco-San Jose-Oakland, Calif., on the one hand, and the co-terminal points Reno and Las Vegas, Nev., on the other hand."<sup>10</sup> Similarly, Frontier's application asks for a new segment between the "terminal point Las Vegas, Nev., and the co-terminal points San Diego, Los Angeles, Burbank, Ontario, Fresno, Stockton, San Jose, Oakland, and Sacramento, Calif."<sup>11</sup> As phrased, the applications bring into issue authority for the transportation of local traffic between the California cities listed, and, in the case of American, between Reno and Las Vegas.<sup>12</sup> Such issues, as indicated previously, are outside the ambit of the investigation instituted by the Board.<sup>13</sup> Accordingly, American's application will be consolidated only to the extent it involves service between Reno and Las Vegas, on the one hand, and the California points in the application, on the other hand. Frontier's application will be consolidated to the extent it involves service between Las Vegas, on the one hand, and the points in California listed in its application, on the other.

Braniff's application asks the Board to add a new segment to the carrier's certificate of public convenience and necessity for route 9 between the "terminal point Las Vegas, Nev., the intermediate points San Diego, Ontario, Oakland, and San Jose, Calif., and the terminal point Sacramento, California."<sup>14</sup>

Like the applications of American and Frontier, that of Braniff raises issues of service between the California points. We shall consider the application in this proceeding insofar as it concerns service between Las Vegas, on the one hand, and the California points, on the other.<sup>15</sup>

To the extent the applications of American, Braniff, and Frontier are not consolidated here, they will be dismissed.<sup>16</sup>

<sup>4</sup> See footnotes at end of document.



Two other matters warrant comment. Hughes Airwest's request for consolidation of the portion of its application related to nonstop service between Los Angeles-Ontario and Reno is contingent on the Board determining that the issue should be heard in this case rather than in Docket 31185, where the carrier has requested nonstop authority in the markets in an application filed under Subpart M of the Board's Rules of Practice.<sup>17</sup>

Four carriers in addition to Hughes Airwest are applicants here for Reno-Los Angeles nonstop authority.<sup>18</sup> Five carriers besides Hughes Airwest seek Reno-Ontario nonstop authority.<sup>19</sup> We believe all requests for these authorities should be considered contemporaneously. Therefore, we shall consolidate Hughes Airwest's entire application in Docket 31718 into this proceeding.

Several of the applications request authority for any other or additional points which may be included in applications of other parties for new route operating authority. However, in order to facilitate disposition of the applications, no carrier will be considered for an award in a market for which it has not expressly applied. Any carrier desiring to apply for authority in the markets added by this order shall file an application or amended application and motion to consolidate as contemplated in Rule 915(c) of the Board's Rules of Practice,<sup>20</sup> accompanied by the required environmental evaluation<sup>21</sup> within the ten-day time limit prescribed by Rule 37 (a)<sup>22</sup> for petitions for reconsideration of orders defining the scope of a proceeding.

Accordingly, it is ordered, That: 1. The petition for reconsideration of United Air Lines, Inc., is denied.

2. Order clause 2(a) of Order 77-10-136, October 28, 1977, is amended to insert "Orange County-Santa Ana-Anaheim," and "Palm Springs," after "Ontario";

3. The following applications are consolidated here: Air California, Docket 31722; Delta Air Lines, Inc., Docket 31720; Hughes Air Corp. d.b.a. Hughes Airwest, Docket 31718; National Airlines, Inc., Docket 31706; Northwest Airlines, Inc., Docket 31725; Trans World Airlines, Inc., Docket 31724; United Air Lines, Inc., Docket 31717; and Western Air Lines, Inc., Docket 31719;

4. The application of American Airlines, Inc., in Docket 31723 is consolidated here to the extent authority is sought between Reno and Las Vegas, Nev., on the one hand, and San Diego, Los Angeles, Burbank, Ontario, San Francisco, San Jose, and Oakland, Calif., on the other hand;

5. The application of Braniff Airways, Inc., in Docket 31710 is consolidated here; to the extent authority is sought between Las Vegas, Nev., on

the one hand, and San Diego, Ontario, Oakland, San Jose, and Sacramento, Calif., on the other hand;

6. The application of Frontier Airlines, Inc., in Docket 31775 is consolidated here; to the extent authority is sought between Las Vegas, Nev., on the one hand, and San Diego, Los Angeles, Burbank, Ontario, Fresno, Stockton, San Jose, Oakland, and Sacramento, Calif., on the other hand;

7. To the extent not consolidated here, the applications of American Airlines, Inc., in Docket 31723, of Braniff Airways, Inc., in Docket 31710, and of Frontier Airlines, Inc., in Docket 31775 are dismissed; and

8. Petitions for reconsideration of this order, applications and amended applications and accompanying environmental evaluations, and motions to consolidate shall be filed within ten days after service of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,<sup>23</sup>  
Secretary.

## FOOTNOTES

<sup>1</sup>Persons filing pleadings other than answers are mentioned in the text of this order. The only persons filing answers are Hughes Air Corp. d.b.a. Hughes Airwest, Pacific Southwest Airlines, the Las Vegas Parties, the Oakland Parties, the Reno Parties, and the Board's Bureau of Operating Rights.

<sup>2</sup>Chicago-Midway Low-Fare Route Proceeding, Docket 30277; Transcontinental Low-Fare Route Proceeding, Docket 30356.

<sup>3</sup>Completion Deadlines for High Priority Board Matters, Order 77-11-126, November 23, 1977.

<sup>4</sup>In their answer opposing United's petition for reconsideration, the Oakland Parties ask the Board to place in issue in this proceeding dormant or underused Oakland-Nevada authority of National Airlines, Inc., Trans World Airlines, Inc., United, and Western Air Lines, Inc., pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended. This request is, in effect, a late-filed petition for reconsideration of the scope of the Board's instituting order. The circumstances of the request negative consideration of the proposal which, in any event, would unduly expand the proceeding.

<sup>5</sup>This is the description in the certificate of public convenience and necessity of Hughes Air Corp. d.b.a. Hughes Airwest.

<sup>6</sup>The Board's Bureau of Operating Rights does not object on the assumption that Air California intends to propose low-fare services in the additional markets.

<sup>7</sup>Pacific Northwest-California Investigation, 54 C.A.B. 38 (1970); Aeronaves de Mexico, S.A., Order 71-4-52, served April 13, 1971.

<sup>8</sup>In this case, at least one of the applicants already serves Orange County, and new service may be proposed which will not entail additional flights at the airport.

<sup>9</sup>Order 77-10-136 at 2.

<sup>10</sup>The applications are briefly described in the Appendix.

## APPENDIX

## BRIEF DESCRIPTION OF APPLICATIONS FOR WHICH CONSOLIDATION IS SOUGHT

1. *Air California*—Docket 31722. Authority between Reno and Las Vegas, Nev., on the one hand, and San Diego, Ontario, Orange County, Palm Springs, Fresno, San Jose, San Francisco, Oakland, and Sacramento, Calif., on the other hand. The authority sought includes the right to carry such traffic on operations performed by Air California in California pursuant to authority issued by the California Public Utilities Commission.

2. *American Airlines, Inc.*—Docket 31723. Authority between the coterminal points San Diego, Los Angeles-Burbank-Ontario, and San Francisco-San Jose-Oakland, Calif., on the one hand, and the coterminal points Reno and Las Vegas, Nev., on the other hand.

3. *Braniff Airways, Inc.*—Docket 31710. Authority between the terminal point Las Vegas, Nev., the intermediate points San Diego, Ontario, Oakland, and San Jose, California, and the terminal point Sacramento, Calif.

4. *Delta Air Lines, Inc.*—Docket 31720. Authority between Reno and Las Vegas, Nev., on the one hand, and San Diego, Los Angeles-Ontario-Long Beach, Calif., on the other hand, and between Reno, on the one hand, and San Francisco-Oakland-San Jose, Calif., on the other hand. Also removal of a long-haul restriction requiring that flights scheduled to serve Las Vegas also serve Fort Worth or Dallas, Tex., or a point east thereof, and of a restriction precluding single-plane service between San Jose and Las Vegas.

5. *Frontier Airlines, Inc.*—Docket 31775. Authority between the terminal point Las Vegas, Nev., and the co-terminal points San Diego, Los Angeles, Burbank, Ontario, Fresno, Stockton, San Jose, Oakland, and Sacramento, Calif.

6. *Hughes Air Corp. d.b.a. Hughes Airwest*—Docket 31718. The removal of one-

<sup>11</sup>Application in Docket 31723, p. 2.

<sup>12</sup>Application in Docket 31775, p. 2.

<sup>13</sup>Pacific Northwest Local-Service Case, 29 C.A.B. 660, 792 (1959); Additional California-Nevada Service, 10 C.A.B. 405, 426-427 (1949).

<sup>14</sup>In fact, the Board's order expressly states that authority between Las Vegas and Reno is not in issue. Order 77-10-136, p. 4, n. 7.

<sup>15</sup>Application in Docket 31710, p. 3.

<sup>16</sup>Pacific Southwest contends that Air California's application is in a form which would include local traffic rights in markets within California. Pacific Southwest does not explain its position. We do not read Air California's application as seeking traffic rights between California points. In any event, we reaffirm that this case does not involve authority to carry local traffic between points in California.

<sup>17</sup>14 CFR 302.12(d).

<sup>18</sup>Id. at 302.1302 et seq.

<sup>19</sup>American, Delta, Northwest, and Pacific Southwest.

<sup>20</sup>Air California, American, Delta, Northwest, and Pacific Southwest.

<sup>21</sup>14 CFR 302.915(c).

<sup>22</sup>Id. at 312.9(a)(1), 312.12(a).

<sup>23</sup>Id. at 302.37(a).

<sup>24</sup>All members concurred.



stop restrictions between Las Vegas, Nev., and San Francisco, Calif., and between Reno, Nev., on the one hand, and Burbank, Los Angeles-Ontario, Oakland, Riverside-Ontario, San Diego, and San Francisco, Calif., on the other hand.

7. *National Airlines, Inc.*—Docket 31706. Removal of a restriction prohibiting single-plane service between San Jose, Calif., and Las Vegas, Nev., and of a restriction requiring that flights scheduled to serve Las Vegas also serve Houston, Tex., or a point east thereof.

8. *Northwest Airlines, Inc.*—Docket 31725. Authority between Reno and Las Vegas, Nev., on the one hand, and San Diego, Los Angeles, Long Beach, Burbank, Ontario, Fresno, Stockton, San Jose, San Francisco, Oakland, and Sacramento, Calif., on the other hand.

9. *Trans World Airlines, Inc.*—Docket 31724. Authority between Las Vegas, Nev., and San Diego, Calif., and removal of restrictions which (a) permit service to Las Vegas and Los Angeles-Ontario, Calif., on the same flight only when such flight originates or terminates at Albuquerque, N. Mex., or a point east thereof; (b) prohibit single-plane service between San Jose, Calif., and Las Vegas; and (c) prohibit single-plane service between Ontario and Las Vegas.

10. *United Air Lines, Inc.*—Docket 31717. Amendment of the carrier's certificate of public convenience and necessity for route 1 so as to authorize the unrestricted nonstop carriage of traffic between Las Vegas, Nev., on the one hand, and Los Angeles, Ontario, San Diego, San Francisco, Oakland, and San Jose, Calif., on the other hand.

11. *Western Air Lines, Inc.*—Docket 31719. Authority between the terminal point Las Vegas, Nev., and the terminal point Orange County-Santa Ana-Anaheim, Calif. Removal of restrictions which prohibit (a) single-plane service between San Jose, Calif., on the one hand, and Las Vegas and Reno, Nev., on the other hand, and (b) deplaning at Las Vegas traffic enplaned at San Bernardino, Calif., or deplaning at San Bernardino traffic enplaned at Las Vegas.<sup>1</sup>

[FR Doc. 78-1005 Filed 1-12-78; 8:45 am]

# [6320-01]

[Docket Nos. 31955, etc.; Order 78-1-201]

## HUGHES AIR CORP. ET AL

### Order Regarding Twin Cities—Las Vegas/Phoenix/San Diego Route Proceeding

Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding, Docket 31955; Applications of Hughes Air

<sup>1</sup>In the *Western Route Realignment* case, Order 77-11-74, November 17, 1977, Western's domestic certificates of public convenience and necessity were consolidated into one certificate. Previously existing restrictions were modified to require (1) at least one intermediate stop at a point other than Oakland, Calif. (otherwise at least two stops), between San Jose and Las Vegas, (2) at least one intermediate stop other than Los Angeles-Long Beach or Palm Springs, Calif. (otherwise at least two stops) between Ontario-San Bernardino and Las Vegas, and (3) at least two intermediate stops between San Jose and Reno. Certificate for route 19, p. 3.

Corp. d.b.a. Hughes Airwest, Docket 30550; North Central Airlines, Inc., 30937 and 30942; Allegheny Airlines, Inc., 30630; Northwest Airlines, Inc., 30548; United Air Lines, Inc., 31074.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of January 1978.

On February 25, 1977, Hughes Air Corp. d.b.a. Hughes Airwest filed an application for authority to provide nonstop service between Las Vegas, Nevada, and Phoenix, Ariz., on the one hand, and Minneapolis/St. Paul (Twin Cities), on the other hand. A motion for hearing on the application was filed on March 10. Similar authority has also been requested by North Central Airlines. In addition, North Central seeks authority in the Las Vegas-Burbank/Orange County and Phoenix-Orange County markets. Applications and motions for hearing were filed by North Central on May 27 and May 31. Applications for new authority have also been filed by Allegheny Airlines (Twin Cities-Las Vegas/Phoenix-San Diego/Burbank/Orange County; St. Louis-Las Vegas), Northwest Airlines (Twin Cities-Las Vegas/Phoenix-San Diego) and United Air Lines (Twin Cities-Las Vegas/Phoenix/San Diego).

In support of its motion for hearing Airwest alleges that it will provide first competitive service in two of the largest domestic monopoly markets—Twin Cities-Las Vegas and Twin Cities-Phoenix. In addition to the valuable service improvements it claims it will provide in these markets, Airwest points out that its proposal will result in first single-plane service between Twin Cities and Tucson, Arizona, and between Twin Cities and Hollywood/Burbank, and first competitive service between Twin Cities and San Diego. In addition, Airwest states that it will provide economy-class fares for all Twin Cities through-plane markets and night coach fares in the Twin Cities-Las Vegas/San Diego markets. It states further that the proposed Twin Cities service will reduce its subsidy need by \$2.3 million and improve its efficiency without any serious diversionary effect on other carriers.

North Central, in support of its motions for hearing, alleges that it would provide first competitive service in five of the largest monopoly markets in the United States—Las Vegas-Orange County, Phoenix-Orange County, Las Vegas-Burbank, Twin Cities-Las Vegas, and Twin Cities-Phoenix. It contends that its proposals will produce substantial public benefits, including improved service to the Burbank and Orange County satellite airports, first single-plane service between Twin Cities and Orange County, and improved service to numerous beyond-

<sup>1</sup>Santa Ana-Orange County.

market points on its system. Further, it states that as a result of the service it will substantially reduce its subsidy need with little impact upon incumbents.

Western Air Lines, the incumbent in the Twin Cities-Las Vegas and Twin Cities-Phoenix markets, filed answers in opposition to the motions of Airwest and North Central. Western states that the Twin Cities markets are not of sufficient size to warrant a hearing at this time, particularly in light of marked seasonal variations in traffic; that its service in the markets has been and will continue to be responsive to their needs; and that the future of growth in scheduled traffic between Twin Cities and Las Vegas is clouded by the advent of OTC and ABC charters. Western also questions the meaningfulness of Airwest's reduced fare proposals since Airwest does not now offer economy-class fares over any interstate segment on its system, and could offer night coach fares on only one of its proposed Twin Cities-Las Vegas flights. Western also contends that Airwest's proposed fare savings in the Las Vegas market would be minimal in any case, considering the large amount of traffic that already moves at group discount fares substantially lower than Airwest's proposed fares.

With respect to North Central's proposals, Western notes that they depend on the institution of operations at Orange County Airport, a highly speculative proposition in view of substantial civic opposition and other obstacles to obtaining landing rights there.

The County of Orange, Calif., and the City of Newport Beach also filed answers in opposition to North Central's motions. Orange County contends that the Orange County Airport is unable to handle additional traffic; that additional airline leases cannot be acted upon until completion of an environmental study now underway; and that further expansion of commercial air service at this time would have a direct impact on litigation now in progress concerning jet noise at the Orange County Airport.

Allegheny Airlines and North Central Airlines also filed answers to Airwest's motion for hearing. Northwest Airlines, Frontier Airlines, Allegheny and Airwest filed answers to North Central's motions. Northwest and Frontier support a hearing in the Twin Cities-Las Vegas-Phoenix markets, but oppose consideration of the Los Angeles satellite markets in the same proceeding. Airwest takes the same position. Generally these carriers contend that consideration of the Los Angeles markets along with the Twin Cities would unduly complicate the proceeding.

Allegheny supports both Airwest's and North Central's motions. Howev-



er, it requests that the Board consider all markets discussed in the various motions in a single proceeding, and, in addition, that it consider the Twin Cities-San Diego and St. Louis-Las Vegas markets. It alleges that these markets are also large monopoly markets which receive an insufficient level of service from the nonstop incumbents, and that consideration of these along with the ones proposed by Airwest and North Central would be an efficient use of the Board's limited resources.<sup>2</sup>

Airwest and North Central filed replies to the various answers to their motions, accompanied by motions for leave to file unauthorized documents. We again express our concern about the increasing number of unauthorized replies being filed in Board proceedings. More often than not, replies are filed primarily as a vehicle for having the last word. The Board's rules provide that unauthorized documents shall be received only for good cause shown. Thus, we have decided not to accept North Central's reply. It raises no matter which could not have been brought before the Board in its initial pleading, and, for the most part, repeats facts and arguments already presented to the Board. Airwest, on the other hand, has demonstrated good cause for acceptance of its reply.

<sup>2</sup>Trans World Airlines filed a motion to dismiss the portion of Allegheny's answer which requests inclusion of the St. Louis-Las Vegas market in any investigation instituted in response to North Central's motions. TWA alleges that Allegheny should have filed a motion to consolidate its St. Louis-Las Vegas application with North Central's applications or a separate motion for hearing of this market, with appropriate supporting data. Allegheny answered TWA's motion, stating that it has not failed to comply with any of the Board's Procedural Regulations, and that it is not improper to advocate the appropriate scope of a case in an answer to a motion for hearing. We will deny TWA's motion. Under the Board's existing rules, any party may answer a motion for hearing and suggest the appropriate scope of a prospective proceeding. Any party wishing to respond to such an answer may do so by way of a reply accompanied by a motion for leave to file an unauthorized document. However, absent detailed supporting data as would be provided in a motion for hearing or motion to consolidate, the Board may not have sufficient information before it to justify inclusion of a given market in a proceeding. In many instances, therefore, it would be advantageous to the carrier to provide the Board with detailed economic and operating data with respect to additional markets requested to be included in a proceeding. See Notice of Proposed Rulemaking, PDR-47, October 20, 1977, in which the Board has proposed that all applications for route authority be accompanied by a motion for hearing, and all petitions to consolidate, which seek to enlarge or expand the route authority in question in another carrier's application, be accompanied by specific operational and economic data.

It presents revised exhibit material correcting serious flaws in its exhibits, which were caused by a traffic reporting error that was pointed out by Western's answer to Airwest's motion. In addition, Airwest's reply responds to matters raised by Allegheny and North Central which could not have been anticipated by Airwest at the time of its initial pleading, namely, the expansion of the proceeding to include markets not the subject of Airwest's motion.

Civic parties answering in support of Airwest's motion are the Las Vegas Parties,<sup>3</sup> the Phoenix Parties,<sup>4</sup> the Minnesota Department of Transportation and the Minneapolis/St. Paul Metropolitan Airports Commission. The Las Vegas Parties also filed in support of North Central's motion, but noted the possibility of considering the Las Vegas-Burbank/Orange County markets in a separate proceeding.

Finally, North Central filed two motions to consolidate various portions of applications pending before the Board.<sup>5</sup> Essentially, North Central requests the Board to institute two proceedings—one to consider the Twin Cities-Las Vegas-Burbank/Orange County markets, and the other to consider the Twin Cities-Phoenix-Orange County markets. Answers were filed by Northwest, United and Airwest.<sup>6</sup> In addition, Western filed a motion to consolidate all applications pending before the Board seeking authority to provide nonstop service between Twin Cities, on the one hand and Dallas/Ft. Worth, Houston, Phoenix and Las Vegas, on the other hand. Answers were filed by Airwest and Northwest.

We have decided to grant Airwest's motion for hearing, and in part, North Central's motions for hearing, and institute the "Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding," Docket 31955, to consider the need for additional nonstop service between the Twin Cities, on the one hand, and Las Vegas, Phoenix and San Diego, on the other hand.<sup>7</sup> We

<sup>3</sup>Clark County, Nev., the Greater Las Vegas Chamber of Commerce, the City of Las Vegas, the Nevada Resort Association, and the Las Vegas Convention/Visitors Authority.

<sup>4</sup>City of Phoenix, Ariz., and Phoenix Metropolitan Chamber of Commerce.

<sup>5</sup>Applications of North Central (Dockets 30937 and 30942), Northwest (Docket 30548), Airwest (Docket 30550), Allegheny (Docket 30630) and United (Docket 31074).

<sup>6</sup>Airwest's answer was accompanied by a motion for leave to file an unauthorized document since it was not filed prior to the date provided for by the Board's rules. Good cause has been shown for the delay, and we will grant the motion.

<sup>7</sup>We will not consider, in this proceeding, the award of new authority in the Las Vegas-Phoenix, Las Vegas-San Diego, or Phoenix-San Diego markets.

<sup>8</sup>Docket 31574.

have decided not to consider at this time the markets involving Los Angeles satellite airports. Las Vegas-Burbank and Orange County authority will be in issue in the "California-Nevada Low-Fare Route Proceeding."<sup>8</sup> We are also concerned with the substantial civic opposition to the authorization of an additional carrier at the Orange County Airport. It appears that even if a new carrier is authorized at Orange County, it may not be able to operate at least until the county's many environmental problems are resolved. We have therefore decided not to hear this market in this more limited case. We also will not consider the St. Louis-Las Vegas market in this proceeding. Consideration of this market would unduly expand the scope of this proceeding. Unlike Twin Cities-San Diego, this market is unrelated to the Twin Cities markets being considered in this proceeding.

We note that Airwest has proposed minimal reductions in fares in the Twin Cities-Las Vegas and Twin Cities-Phoenix markets. We solicit additional reduced fare proposals from the other applicants, as well as the incumbent. In accordance with the policy announced in our order instituting the "Chicago-Albany/Syracuse-Boston Competitive Service Investigation" (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the instituted proceeding to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50. We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, and whether multiple awards are consistent with encouraging real priced competition under the Federal Aviation Act.

Finally, any applicant having not already done so should file an environmental evaluation of its service proposal in accordance with Part 312 of the Board's Procedural Regulations. We will allow 30 days from the date of service of this order for the filing of these environmental evaluations.

Accordingly, it is ordered, that: 1. The motions for hearing of Hughes Airwest in Docket 30550 and North Central Airlines in Dockets 30937 and 30942, to the extent indicated in this order, be granted;



2. To the extent not granted by paragraph 1 above, the motions for hearing of North Central Airlines be denied;

3. A proceeding to be known as the "Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding," Docket 31955, be instituted, and be set for hearing before an administrative law judge of the Board at a time and place to be designated later;

4. The issues in the proceeding instituted in paragraph 3, above, shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in additional nonstop air transportation in the following markets: Twin Cities-Las Vegas; Twin Cities-Phoenix; and Twin Cities-San Diego;

(b) If the answer to (a) is in the affirmative, which carrier(s) should be authorized to engage in such transportation; and

(c) What terms, conditions, and limitations, if any, should be placed upon the operation of such carrier(s)?

5. Any authority awarded in this proceeding shall be ineligible for subsidy;

6. The applications of Hughes Airwest in Docket 30550, North Central Airlines in Dockets 30937 and 30942, Allegheny Airlines in Docket 30630, Northwest Airlines in Docket 30548, and United Air Lines in Docket 31074, be consolidated into the proceeding instituted by paragraph 3, above, to the extent they conform to the scope of the proceeding as described in paragraph 4(a), above; to the extent not consolidated, they be dismissed;

7. The motions to consolidate of North Central Airlines be granted to the extent indicated by paragraph 6, above; otherwise, they be denied;

8. The motion to consolidate of Western Air Lines be denied;

9. Hughes Airwest, North Central Airlines, Allegheny Airlines, Northwest Airlines, United Air Lines, the Minneapolis-St. Paul Metropolitan Airports Commission, and the Minnesota Department of Transportation be made parties to this proceeding;

10. The petitions for leave to intervene of the County of Orange, California, and the City of Newport Beach, Calif. be dismissed;

11. The motion of Trans World Airlines to dismiss a portion of Allegheny's answer be denied;

12. The motions of Hughes Airwest to file unauthorized documents be granted; the motion of North Central Airlines to file an unauthorized document be denied;

13. All carriers filing applications in this proceeding shall file environmen-

tal evaluations pursuant to section 312.12 of the Board's Procedural Regulations, if they have not already done so, within 30 days from the date of service of this order; and

14. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 20 days from the date of service of this order, and answers to these pleadings shall be due 15 days thereafter.

This order shall be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,\*  
Secretary.

[FR Doc. 78-1006 Filed 1-12-78; 8:45 am]

[6320-01]

[Docket No. 31915; Order 78-1-27]

# **K.L.M. ROYAL DUTCH AIRLINES AND FINNAIR OY**

## **Order of Investigation and Suspension Regarding Transatlantic Economy-Class Budget Fares**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1977.

The Board has been following a policy of suspending transatlantic low-fare filings in cases where negotiation of special intergovernmental agreements are necessary to permit suspension of these fares after they become effective.<sup>1</sup> K.L.M. Royal Dutch Airlines (KLM) has filed tariffs for effect January 8, 1978, to introduce economy-class budget fares between New York and Amsterdam at a level of \$149.50 for one-way travel and twice that amount for round-trip travel. Fin-

\*All Members concurred

<sup>1</sup>On September 16, 1977, the Board adopted an order suspending, pending investigation, super-APEX (advance-purchase excursion) fares proposed by several carriers in the New York-London market. The order was submitted to the President pursuant to section 801 of the Federal Aviation Act and, by letter dated September 26, 1977, the President notified the Board that he was disapproving its proposed suspension for reasons of foreign economic policy.

The Board had proposed suspension of the super-APEX fares based on its view that they would have a predatory impact on charter services, whether or not so intended. In his letter, the President stated that, if the Board obtained new evidence after the fares became effective that they were indeed predatory, he would consider a suspension under terms of the ad hoc agreement negotiated on September 19, 1977, with the United Kingdom. The ad hoc agreement gives either party the right to suspend the super-APEX fares on six weeks' notice, and was necessary since the terms of some bilateral air transport agreements do not provide for suspension of tariffs already in effect.

nair Oy (Finnair) has filed to match KLM's budget fares effective January 30, 1978. The United States does not have agreements with the Governments of the Netherlands and Finland which would permit us to suspend the budget and other low fares once they become effective, although such agreements are in effect with the two governments covering super-APEX fares. In these circumstances, the Board finds that KLM and Finnair's proposed budget fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated and, pending investigation, should be suspended. Upon conclusion of suitable ad hoc agreements with the Netherlands and Finland, covering the budget and other low-fare proposals, the suspension will be vacated.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), 403, 801, and 1002(j):

*It is ordered, That:* 1. An investigation be instituted to determine whether the fares and provisions set forth in appendix A hereof, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in appendix A hereof be suspended and their use deferred from January 8, 1978, to and including January 7, 1979, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President<sup>2</sup> and shall become effective on January 8, 1978;

4. The investigation ordered here shall be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed in the aforesaid tariffs and be served upon Finnair Oy and K.L.M. Royal Dutch Airlines.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,\*  
Secretary.

<sup>2</sup>This order was submitted to the President on December 27, 1977.

<sup>3</sup>All Members concurred.



PASSENGER FARES TARIFF NO. PF-4, CAR NO. 44  
ISSUED BY AIR TARIFFS CORPORATION, AGENT

On original, 1st and 2nd Revised Pages 50-  
C, all provisions in Rule 157.

On 7th, 8th, and 9th Revised Pages 222-C,  
all fares and provisions in Table 157.

[FR Doc. 78-1007 Filed 1-12-78; 8:45 am]

[3510-07]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

#### SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request

and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1976, for which tabulations were completed between December 1, 1977, and December 31, 1977.

Dated: January 9, 1978.

MANUEL D. PLOTKIN,  
Director,  
Bureau of the Census.

State/place or special area	County	Date of census	Population
Alabama:			
Livingston City .....	Sumter .....	Oct. 4, 1977 .....	3,276
Arkansas:			
Jonesboro City—annexed areas only ...	Craighead .....	Oct. 25, 1977 .....	1,364
Idaho:			
Chubbuck City .....	Bannock .....	Sept. 26, 1977 .....	6,137
Kuna City .....	Ada .....	Oct. 10, 1977 .....	1,492
Illinois:			
Braidwood City .....	Will .....	Oct. 5, 1977 .....	3,169
East Peoria City .....	Tazewell .....	May 23, 1977 .....	21,710
Fox Lake Village .....	Lake and McHenry .....	Sept. 22, 1977 .....	5,811
German Valley Village .....	Stephenson .....	Oct. 3, 1977 .....	320
Hoffman Estates Village .....	Cook .....	Sept. 9, 1977 .....	33,575
Matteson Village .....	do .....	Sept. 28, 1977 .....	8,350
Normal Town .....	McLean .....	Sept. 27, 1977 .....	34,716
Raleigh Village .....	Saline .....	do .....	335
South Barrington Village .....	Cook .....	Oct. 5, 1977 .....	777
Indiana:			
Zionsville Town .....	Boone .....	Oct. 10, 1977 .....	2,708
North Carolina:			
Forest City Town .....	Rutherford .....	Oct. 3, 1977 .....	7,348
Pennsylvania:			
Cranberry Township .....	Venango .....	Oct. 11, 1977 .....	7,519
East Brandywine Township .....	Chester .....	do .....	3,338
Washington Township .....	Franklin .....	Sept. 21, 1977 .....	9,123
Texas:			
South Padre Island Town .....	Cameron .....	Sept. 26, 1977 .....	590
Wisconsin:			
Richfield Town .....	Washington .....	Sept. 8, 1977 .....	7,883

[FR Doc. 70-815 Filed 1-12-70; 8:45 am]

[3510-07]

### CENSUS ADVISORY COMMITTEE ON SPANISH ORIGIN POPULATION FOR 1980 CENSUS

#### Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp V, 1975)), notice is hereby given that the Census Advisory Committee on the Spanish Origin Population for the 1980 Census will convene on February 3, 1978, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Committee is composed of 21 members appointed by the Secretary of Commerce. It was established in

February 1975 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, developing definitions for classification of the Spanish-origin population, recommending subject content and tabulations of especial use to the Spanish-origin population, and expanding the dissemination of census results among present and potential users of census data in the Spanish-origin population.

The agenda for the meeting, which is scheduled to adjourn at 5 p.m., is: (1) Current status of 1980 census planning, (2) Affirmative Action Program, (3) testing and selection aids, (4) instructions for processing race and ethnic origin items, (5) data publica-

tion plans, (6) Committee discussion, and (7) Committee recommendations and plans for next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md. (Mailing address: Washington, D.C. 20233) Telephone: 301-763-5169.

Dated: January 9, 1978.

MANUEL D. PLOTKIN,  
Director,  
Bureau of the Census.

[FR Doc. 78-947 Filed 1-12-78; 8:45 am]

[3510-25]

### Industry and Trade Administration

#### YOSHIHIRO NAYA, AND NICHIMEN INTERNATIONAL, S.A.

#### Export Privileges Restored in Part; Order

In the matter of Yoshihiro Naya, and Nichimen International, S.A., P.O. Box 6-494, Eldorado, Panama, Republic of Panama, Respondents.

The above named respondents failed to answer the allegations of a September 2, 1977 charging letter that respondents reexported American made linotype equipment to Cuba without prior authorization from the U.S. government, all in violation of the Export Administration Regulations. The failure to answer was deemed an admission of the truth of the charges. By Order of August 8, 1977, they were denied all export privileges until May 31, 1980 (42 FR 41465 (Aug. 17, 1977)). Respondents petitioned for reinstatement.

The Hearing Commissioner reports that respondents' evidence in support of the petition, when considered with the prior evidence of record, discloses the following pertinent facts. Naya, with but 2 years of export sales experience, was appointed president of the then (1974) newly formed Nichimen S.A. of Panama, a wholly owned subsidiary of Nichimen International. Naya had been fully instructed concerning American export laws and was enjoined to comply with all U.S. export regulations. It appears that his naiveness, lack of understanding, or overzealousness induced Naya to sell (cash in advance) non-sensitive linotype equipment without prior identification of the purchaser or end-user. Had Naya made appropriate inquiry he would have learned of the ultimate