By the Civil Aeronautics Board:[4]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-34979 Filed 12-14-78; 8:45 am]

[6320-01-M]

[Docket 3216]

LOUISVILLE-KANSAS CITY NONSTOP ROUTE INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 23, 1979, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 11, 1978.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 78-34980 Filed 12-14-78; 8:45 am]

[6320-01-M]

[Order No. 78-12-48; Docket No. 30452; Agreements CAB 26433 and CAB 26433-A1]

MEMBERS OF THE UNIVERSAL AIR TRAVEL PLAN 1976

Order Instituting Proceeding and Disclaiming Jurisdiction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of December, 1978. Application of the members of the Universal Air Travel Plan—1976 for prior approval of agreements under Section 412 of the Federal Aviation Act of 1958, as amended.

Parties to the Universal Air Travel Plan (UATP) Agreement—1976 (the parties will be referred to as UATP or UATP members)[1] have submitted for prior approval under Section 412 of the Act, two agreements (Agreements CAB 26433 and 26433-A1, referred to as UATP Agreement—1976).[2] The UATP Agreement—1976 is designed to replace the existing UATP agreement and in most respects readopts existing provisions. As discussed more fully below, the UATP Agreement—1976 substantially changes the existing program in three areas.

Lufthânsa German Airlines, Swiss Air Transport Co. Ltd, American Airlines, Trans World Airlines, and United Air Lines have filed answers in support of the UATP Agreement 1976. American Express Company, Carte Blanche Corporation, Interbank Card Association, VISA U.S.A., Inc. and the U.S. Department of Justice answered in opposition. The UATP members, American, United and Lufthansa filed consolidated replies.[3]

UATP is a credit card program in which airline parties of every class participate as Ticketors, Contractors, or both. UATP Contractors issue credit cards known as Air Travel Cards to customers (UATP Subscribers). Ticketor carriers do not issue Air Travel Cards, but accept the Air Travel Cards issued by all UATP Contractors.

The Plan is administered by the UATP Committee, consisting of eight members. Four are designated by the UATP Contractors that are members of the International Air Transport Association (IATA), and one is designated by each of the four Contractors that are Air Traffic Conference members having the largest number of subscribers. Actions by the Committee require a unanimous vote of the Committee members. Under the new agreements, the Committee would have authority to propose changes to the UATP Agreement—1976, which would be adopted if not more than 7.5 percent of UATP members representing at least 7.5 percent of Subscriber Contracts object.

Any carrier legally permitted to engage in passenger air transportation on a scheduled basis to, from, or between points in the continental United States can become a Ticketor party to UATP; airlines can become Contractors if they are certificated by the Board or if no objection is raised by any other UATP party. Withdrawal from UATP is permitted on notice, and is automatic upon bankruptcy, but does not relieve a carrier from obligations incurred while a UATP party. The UATP Agreement can be terminated as to a specific carrier by the vote of three-fourths of all the members of the Committee.

Under the new proposal, UATP Contractors would pay Ticketor carriers the proceeds from tickets sold on UATP cards less a one-percent discount, which is designed to reimburse them for the expense of processing charges made on their respective cards. In the case of interline ticket charges on a UATP card, the Ticketor carrier may at its option apply the discount on a pro rata basis to other carriers when reimbursing them for their share of the interline ticket.

The UATP Subscriber's Contract provides that the Subscriber pay a deposit of $425. Interest is required to be paid on accounts of Subscribers whose mailing addresses are within the United States, its territories and possessions, and Puerto Rico. The Subscriber can designate any individual or individuals to receive its UATP cards. The Contractor bills the Subscriber once a month, or more often at the Contractor's election, and the Subscriber must remit in full in 10 days. Under the Subscriber's Contract, Subscribers can change Contractors upon 30 days' notice, but a new Contractor cannot issue an Air Travel Card until the Subscriber has paid the balance due on the previous account.

Section 7 of the UATP Trade Practice Manual sets forth the procedures for the UATP Silver Card Program. This program would permit individual UATP members to enter into agreements with vendors of related services (currently limited to hotels, motels and car rental agencies), under which the Vendors would accept UATP Silver Cards issued by any Contractor as payment for services. Carriers making these agreements are called Central Settlement Carriers. The new Silver Card Program would not establish a standard Vendor Contract, but would impose certain requirements on Vendor-Central Settlement Carrier relationships. In general, each Central Settlement Carrier would be responsible for providing Vendors the promotional materials and supplies (such as charge forms) necessary to permit and encourage the use of the Silver Card. Also, each Central Settlement Carrier would be responsible for unauthorized use of the Silver Cards by Vendors with whom it contracts, but would be permitted to take a variety of steps to prevent such use.

The Central Settlement Carrier would receive billings from its Vendors and invoice them to Contractors on a daily basis. Contractors would remit to Central Settlement Carriers the amount of charges less a two-percent service charge. Reimbursement procedures between Central Settlement Carriers and Vendors are not set out in the Silver Card Vendor Program and are to be left to individual Carrier-Vendor agreements.

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[4] All Members concurred.

[1] Current parties are listed in the Appendix. Appendix filed as part of original.

[2] Agreements CAB 26433 and 26433-A1 constitute the UATP Manual. Section 1 of the Manual is the UATP Agreement; the remaining sections contain the operating rules of UATP.

[3] The comments of the individual air carriers largely echo those contained in the reply of the UATP members and will not be discussed unless a specific point which was not discussed by UATP is raised.

Carte Blanche and UATP filed additional comments accompanied by motions for leave to file otherwise unauthorized documents. These motions will be denied. The filings represent efforts by each party to have the final word in this matter and do not augment the existing record.

The UATP Agreement represents a departure from the existing agreement in three areas. The first is the 7.5-percent voting rule. Under the existing rule, a unanimous vote of UATP members is required to carry a measure. The use of the Ticketor discount is the second change. Under the existing agreement, Ticketors are reimbursed the full amount of charges, rather than 99 percent. Finally, the new Silver Card Program, departs from the one previously adopted in that, under the old program, UATP members as a group, through the UATP Committee, would have contracted with Vendors and a standard Vendor Contract would have been used.

We first considered the Silver Card concept in Order 75-8-35, August 8, 1975, and disclaimed jurisdiction over it. We noted that under Section 412 of the Act, the Board has authority to approve certain categories of intercarrier agreements affecting air transportation; that the Silver Card Program is an agreement among carriers relating to non-air transportation activities; and that we have asserted jurisdiction in such circumstances only where the non-air transportation activities had a substantial, rather than a peripheral or incidental, effect on air transportation. We concluded that assertion of jurisdiction over the Silver Card would go beyond our prior reading of the scope of the "affecting air transportation" clause of Section 412. The Silver Card Program was never implemented following our disclaimer of jurisdiction.

The UATP members claim that their failure to initiate the Silver Card scheme resulted from their hesitancy to proceed without Section 414 antitrust immunity. The carriers assert that changes in the Silver Card Program eliminate the grounds for the Board's previous disclaimer of jurisdiction. They stress that while prior Silver Card amendments provide for a standard Vendor agreement, including a prescribed Vendor discount, the program now before the Board provides that all contractual relationships between the carriers and the Vendors are to be negotiated on an individual basis. These individual contracts, going to the heart of the non-air transportation activities, would not be intercarrier agreements requiring Section 412 approval. The UATP members argue that since the current Agreement includes the Silver Card Vendor Program only to the extent necessary to provide for an extended services UATP card and to establish proceedings for the settlement of billings *inter se* among the airlines, the Board by approving this Agreement, will not be assuming any regulatory responsibility for the Vendor Program or the individual airline's arrangements with its Vendors.

As to the proposed abandonment of the unanimity rule, the UATP members assert that the rule was functional when the UATP was first established, but that it is no longer practical with membership numbering 191 parties. UATP asserts that it is virtually impossible to get unanimous consent from all 191 parties and that the unanimity rule permits a single party to prevent the adoption of changes in the UATP agreements that the vast majority of members recognize as beneficial and necessary to the continued vitality of the Plan.

Finally, UATP argues that the uniform Ticketor discount is necessary to eliminate inequities in the distribution of the cost of the plan. The applicants assert that the 1-percent discount will not fully reimburse Contractor carriers for the cost of processing charges for tickets, but that the remainder of the costs are offset by commercial benefits from the use and distribution of the Contractor's cards. They note that the Board approved the Ticketor discount concept, as part of the approved air transportation coverage of the Silver Card Program, in Order 75-8-35.

Carte Blanche, American Express, Interbank, VISA (the Credit Card Companies) and the Justice Department oppose Board approval of all or part of the UATP Agreements. All of the above parties urge the Board to disclaim jurisdiction over the Silver Card Program, stressing that the changes to the program do not affect the fundamental reason for the Board's disclaimer, i.e., that Silver Card is not an agreement affecting air transportation.

Some of the Credit Card Companies also assert that part or all of the basic UATP Agreement is adverse to the public interest and should be disapproved, or that, at minimum, can only be approved after an evidentiary hearing. They assert that UATP contains significant anticompetitive features and consequently should not be approved absent a clear showing that the program is required by a serious transportation need, or in order to secure important public benefits.[4] The Credit Card Companies note that at the time UATP was first approved as a credit card plan,[5] it was the only means available to purchase air transportation on credit. They assert, however, that with the availability of a variety of credit systems for the purchase of air transportation, the program is no longer necessary.[6]

The Credit Card Companies argue that UATP is an anticompetitive joint venture under the standards of *U.S.* v. *Penn-Olin Chemical Co.*, 378 U.S. 158 (1964), reducing the probability of individual UATP members entering the credit market. The Credit Card Companies also claim that, the joint venture question aside, many of the provisions of the UATP program would be anticompetitive combinations or conspiracies in restraint of trade. They allege that the standard Subscriber Contract, which establishes all terms and conditions for issuance of credit unreasonably restrains competition in the credit card market. The Credit Card Companies also view the standard Ticketor discount as an anticompetitive agreement fixing the price of Contractors' credit services to Ticketors.

In addition, the Credit Card Companies assert that several of UATP's provisions constitute group boycotts. They include the rule that permits, but does not require, a Ticketor to refuse to honor an Air Travel Card issued by a Contractor that is delinquent in reimbursing it. Other provisions of UATP that the opponents characterize as anticompetitive group boycotts include: the rule that a new Contractor cannot issue an Air Travel Card until the Subscriber has paid the balance due to its previous Contractor; the requirement that a carrier be a UATP member in order to deal as a Ticketor; the terms specifying UATP members' control over entry as a Contractor; and the UATP membership termination provisions. These parties also note that one of the stated reasons for the extension of UATP into nonair transportation uses is to stop the decline in UATP's share of the travel credit market and to regain previously lost ground. They allege that because UATP had a monopoly on air travel credit at one time, the UATP Agreement therefore represents a con-

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[4] See *Local Cartage Agreements Case*, 15 CAB 851, 855.

[5] *Universal Air Travel Plan*, 12 CAB 601 (1951).

[6] We note that the new Airline Deregulation Act of 1978, P.L. 95-504, 92 Stat. 1705, which became effective when the President signed it into law on October 24, 1978 includes a new standard for the approval of Section 412 agreements. In this respect, Section 412 (c)(2)(A)(i) of the new Act provides in pertinent part:

[T]he Board may not approve, or after periodic review, continue its approval of [an] . . . agreement, or any modification or cancellation thereof, which substantially reduces or eliminates competition, unless it finds that the . . . agreement . . . is necessary to meet a serious transportation need or to secure important benefits and it does not find that such need can be met or such benefits can be secured by reasonably available means having materially less anticompetitive effects."

Allocation of the burden of proof in Section 412 cases is stated at Section 412 (c) (2) (B) of the new Act. We also note that we must act on all pending agreements, including the UATP Agreement at issue in this case, in accordance with the standards and procedures set forth in the new law.

spiracy to monopolize the market for air travel credit.

In its joint reply, the UATP members again assert that the use of individual carrier-Vendor contracts in the Silver-Card Program would not be subject to Board approval under Section 412, and that it seeks approval only for the intercarrier settlement procedures under that program. UATP also requests that, if the Board does decide to disclaim jurisdiction over the Silver Card Program, it do so in such a way as to protect UATP carriers that are not active Silver Card participants from antitrust liability for actions of those carriers that are.

As to the arguments of the Credit Card Compaines against UATP as a whole, the UATP members note that these same arguments were made in 1973 and ultimately rejected by the Board in Order 75-8-35. UATP further asserts that it is not UATP's intention to compete in the general credit card market, but only to promote the use of the Air Travel Card in the purchase of air transportation and those services logically related to air travel, i. e., hotels, motels and car rentals, and that the Credit Card Companies opposing the Agreement now dominate the general purpose credit card market.[7] UATP asserts that disapproval of the agreement as a whole under these circumstances would result in a lessening, not an increase, in competition.

We have decided to disclaim jurisdiction over those aspects of the Silver Card Program which appear to have little or no effect on air transportation, and to institute an evidentiary proceeding to determine whether any of the remaining elements of the UATP Agreement violate the policies and standards set forth in the new Airline Deregulation Act of 1978. We are particularly interested in determining whether any aspects of the UATP Program conflict with the new Act's emphasis on promoting competition in the air transportation industry. We do not find persuasive UATP's arguments that changes in the Silver Card Program eliminate the grounds for the Board's previous disclaimer of jurisdiction. These arguments, stated above, overlook the fundamental reason for the position the Board took in Order 75-8-35. Section 412 of the Act confers on the Board jurisdiction only over agreements which affect air transportation. The fact that the intercarrier settlement procedure under the Silver Card Program constitutes an agreement among air carriers is not sufficient. What is determinative is that the intercarrier agreement at issue is one which governs non-air transportation activities which do not substantially affect air transportation. Thus, it is beyond the scope of our statutory jurisdiction.[8]

More specifically, we disclaim jurisdiction over the Silver Card Program to the extent it would authorize the use of the UATP Air Travel Card for the non-air transportation purchases discussed in Article 23 of UATP-1976. In particular, we disclaim jurisdiction over the Silver Card Program to the extent it authorizes individual carriers to enter into contracts with non-carrier Vendors; governs contractual relations between carriers and non-carrier Vendors; and establishes and governs the Centeral Settlement Carrier-Contractor relationship with respect to charges accepted by non-carrier Vendors.[9] We do not, however, disclaim jurisdiction over the UATP Agreement to the extent it provides for the use of the Silver Card in purchasing air transportation from UATP members and to the extent it establishes rules governing intercarrier settlement of such transactions.

As to the remainder of the Agreement, the Credit Card Companies have raised questions concerning the competitive effect of UATP which cannot be resolved on the basis of the present record. UATP's reply to their arguments, which relies heavily on the Board's approval of the UATP program three years ago, is not sufficient. In keeping with our reliance on competiton to promote the public interest, we are scrutinizing more carefully all agreements which may impair competition in air transportation markets, and we believe that a closer examination of the anticompetitive charges raised against the UATP is warranted. In this connection, we want to emphasize that we are not responsible for preventing anticompetitive effects in non-air transportation markets, including the credit card market, unless competition in air transportation markets is also adversely affected.[10]

Although UATP does not adequately answer the opposing parties charges, the Credit Card Companies' arguments are likewise insufficient to permit us to resolve the issues in their favor. The Credit Card Companies do, however, raise issues warranting exploration and argument on the record.

As discussed above, see note 6 *supra*, the Airline Deregulation Act of 1978 instructs us to apply a new standard when considering Section 412 agreements. While we have not yet applied this standard, we anticipate that our practice under it will closely parallel our practice under the standards stated in previous Section 412 cases. See notes 12 and 13 *infra*. In evaluating the antitrust implications of a Section 412 agreement, the Board is required to have before it "the materials requisite for a rational decision."[11] In short, we have to make an informed assessment of the public interest under Section 412. The opponents of UATP claim that the program has significant elements which are plainly repugnant to established antitrust principles. If the opponents are correct, our approval of UATP must rest on a clear showing that approval is required by a serious transportation need, or in order to secure important public benefits,[12] and that less anticompetitive alternatives do not exist to meet the same public interest ends.[13]

Moreover, if an agreement is not seriously repugnant to antitrust principles, we must decide, as an element of the public interest, whether approval of the agreement will imperil the existence of a market structure conducive to maximum feasible competition.[14] Of course, where the anticompetitive

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[7] UATP states that in 1976, VISA and Interbank had a total of 75 million cards in circulation; American Express had 7.8 million cardholders; and UATP had 2 million Air Travel Cards in circulation.

[8] *Foremost International Tours, Inc. v. Quantas Limited*, 525 F. 2d. 281 (9th Cir., 1975). Furthermore, it is unclear whether our assertion of jurisdiction and approval of the Silver Card Program would provide the antitrust immunity which the UATP member claim they need.

[9] This constitutes almost all of Section 7 of the UATP Manual. Also see Article 23 of UATP-1976.

[10] Accordingly, in the further proceedings on this matter, we may find it necessary to disclaim jurisdiction over additonal components of the UATP Agreement if we find these components have little or no effect on competition in air transportation markets or on any other air transportation interest which we have authority to regulate, regardless of possible anticompetitive consequences outside the field of air transportation. We want to emphasize, however, that a Board decision to disclaim jurisdiction is clearly distinguishable from a Board decision to disapprove. On the one hand, we must disclaim jurisdiction over agreements, or parts of agreements, which do not affect air transportation and therefore fall outside our statutory authority. On the other hand, we must disapprove any agreement affecting air transportation which we find to be adverse to the public interest, as defined in Section 102 of the Airline Deregulation Act, or in violation of the Act. We must also disapprove any agreement that substantially reduces or eliminates competition unless the agreement meets the standards contained in Section 412(c)(2)(A)(i) of the Act. See Note 6 *supra*.

[11] See, e.g., *Air Line Pilots Assn. v. C.A.B.*, 475 F.2d 900 (1973) and *National Air Carrier Assn. v. C.A.B.*, 442 F.2d 862 (1974).

[12] *Local Cartage Agreements Case, supra.*

[13] See *Capacity Reduction Agreements Case*, Order 75-7-98, July 21, 1975 and *Eastern Air Lines, Inc.*, Order 78-3-108, March 23, 1978.

[14] Section 102 of the new Act, 49 U.S.C. 1302, as amended by P.L. 95-504, October 24, 1978; also see *Texas International-National Acquisition Case Enforcement Investigation; North Central-Southern Merger Case*, Order 78-8-150, August 25, 1978 at 5.

effects are slight, the benefits required to balance them in our public interest determination need not be great.[15]

Finally, as agreements approved by the Board do not automatically receive antitrust immunity under Section 414 of the new Act, parties seeking approval of UATP-1976 will need to specify whether they are seeking antitrust immunity, and if so, why such immunity is required in the public interest.

To narrow and we hope to resolve the issues in this proceeding we intend to follow a flexible procedure to obtain additional facts not available from the pleadings. Our plan is to have BPDA conduct an administrative conference to elicit this information. We believe this process will provide us with a sufficient factual basis to reach a decision without additional formal proceedings. Of course, any issues which cannot be resolved in this manner will be set for oral evidentiary hearing or such other procedures as appear to the Board to be necessary.

In order to expedite these proceedings to the greatest extent feasible, we will instruct the Bureau of Pricing and Domestic Aviation to convene and conduct a conference of all the parties. At the conference the Bureau, as staff to the Board, will determine a precise statement of the issues, will specify the minimum written evidence needed to augment the record, and will establish procedural dates for submission of direct and rebuttal written evidence and briefs. After the Board has received additional information and briefs from the parties, it shall resolve those issues which may be decided on the basis of the written record before it and determine what further proceedings may be necessary to resolve the remaining issues.

Because the determination of the public interest in any proceeding of this type is complex and the evidentiary burden may be great, we have decided to indicate the subissues of particular concern to us.

The first is whether or not UATP is an illegal joint venture under the antitrust laws. In this respect, we note that UATP members do not seem to have a large share of the total number of credit cards in circulation. See note 7 *supra*. We do not know, however, what shares of the air travel credit market are held by the various credit card systems, including UATP. We expect to obtain this information during the course of this proceeding. In the argument on the joint venture question, we also expect a precise identification of the nature and extent of the injury, if any, which may result from the joint venture and of the class of persons who may be injured.

[15] *Bulter Aviation Co. v. C.A.B.*, 389 F.2d 517 (2d Cir. 1968).

Second, the Credit Card Companies have alleged that a number of UTAP's practices are seriously anticompetitive agreements in restraint of trade even if UATP is found to be a legal joint venture.

We wish to explore the following specific allegations by UATP's opponents to determine the effects, if any, of the UATP system on competition in air transportation markets:

(1) That the non-price terms of the standard subscriber Contract are unreasonable restraints of competition in the non-price terms of credit.

(2) That the standard Ticketor discount is an agreement to fix the price of credit management services in restraint of trade.

(3) That the rule that a new Contractor cannot issue an Air Travel Card to any Subscriber who is in arrears to a previous Contractor and the rules governing accreditation and termination of Ticketors and Contractors are anticompetitive group boycotts.

(4) That the current UATP program is a conspiracy to monopolize the air transportation credit market.

Once again, in exploring these allegations we expect a precise identification of the nature and extent of injury, if any, and of persons who may be injured.

Third, we seek advice as to whether we should modify, under the statutory standard of the public interest contained in the new Act, any anticompetitive aspects of the Agreement.

Fourth, we request the parties to submit argument on the issues of whether antitrust immunity should be granted to the UATP Agreement, assuming it is approved in its present or a modified form, and why such immunity is required, nor not required, by the public interest.

We want to emphasize, however, that the above list of issues is not intended to be exclusive. The parties and the Bureau of Pricing and Domestic Aviation should feel free to propose additional issues for our consideration.

ACCORDINGLY, 1. We dismiss Agreements CAB 26433 and 26433-A1, to the extent that they would permit UATP members to sign contracts with hotels, motels and rental car companies which would permit UATP Silver Card holders to bill charges to their UATP accounts, and to the extent that they would provide rules for governing transactions, including intercarrier settlement, which arise out of such contracts;

2. We institute a proceeding, pursuant to Sections 102, 204(a), 412 and 414 of the Act, to consider whether Agreements CAB 26433 and 26433-A1, and the air travel credit sales venture they embody, are adverse to the public interest; whether such Agreements should be approved, with or without conditions; and if approved, whether the Board should exercise its discretionary authority to authority to grant antitrust immunity to such Agreements;

3. We make the UATP member carriers, American Express Co., Interbank Card Association, VISA U.S.A., Inc., Carte Blanche, and the Department of Justice parties to the proceeding instituted by paragraph 2 above.

4. Petitions for intervention shall be filed no later than the date of the conference called for in paragraph 5 below;

5. We direct the Bureau of Pricing and Domestic Aviation to convene a conference of the parties; to determine a precise statement of issues in the proceeding; to establish minumum evidentiary and pleading requirements; and to set procedural dates for the above, all in conformity with this order; and

6. The order shall be served on all parties to the proceeding instituted by paragraph 2 above.

This order shall be published in the FEDERAL REGISTER.[16]

PHYLLIS T. KAYLOR
Secretary.

[FR Doc. 78-34978 Filed 12-14-78; 8:45 am]

[6320-01-M]

[Order No. 78-12-59; Docket 30789, 25997, etc.]

SATURN AIRWAYS, INC., ET AL.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of December, 1978. Transatlantic Cargo Service Case: Applications of Saturn Airways, Inc., Overseas National Airways, Inc., Southern Air Transport, Inc., Evergreen International Airlines, Inc., DHL Airways, Inc., Rosenbalm Aviation, Inc., Southeast Airlines, Inc., Jet Executive International, Inc. for certificates of public convenience and necessity to engage in supplemental air transportation.

Application of DHL Airways, Inc. for a certificate of public convenience and necessity under section 401 of the Act. Docket 31540. Application of DHL Corporation for approval of §§ 408 and 409 relationships. Docket 31542.

By Order 77-4-118, dated April 25, 1977, the Board instituted the *Transatlantic Cargo Service Case*, Docket 30789, to consider certain issues remanded in the *Transatlantic Route Proceeding*, Docket 25908. These included the applications of Seaboard World Airlines, Inc, (Seaboard) for expanded scheduled transatlantic all-cargo authority,[1] and of Overseas Na-

[16] All Members concurred.

[1] Seaboard's remanded application included expanded scheduled transatlantic all-

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tional Airways, Inc. (ONA), Saturn Airways, Inc. (Saturn) Trans International Airlines, Inc. (TIA), and World Airways, Inc. (World) for transatlantic charter cargo authority.[2] A decision on the merits of these all-cargo issues was never reached in the *Transatlantic* case because of weaknesses in the evidentiary record. Additional consolidations include the applications of Alaska International Air, Inc. (AIA) in Docket 29237,[3] Evergreen International Airlies, Inc. (Evergreen) in Docket 29342, and Southern Air Transport, Inc. (SAT) in Docket 29332.[4] Finally, the Board specified that the issues would include the terms, conditions, or limitations to be imposed in connection with any new award, and that any new authority awarded shall be ineligible for subsidy.

BACKGROUND

The purpose of this order is to reactivate the *Transatlantic Cargo Service Case* and specifically define its scope. At the time this case was instituted, the Board's principal concern was to complete its investigation of U.S.-flag transatlantic air services as quickly as possible. After carefully reviewing the record, the Board concluded that transatlantic charter cargo authority for the charter air carrier applicants and expanded all-cargo authority for Seaboard would require additional hearing. Because the resulting delay to the other important issues was unacceptable, these matters were severed for later consideration.

Since this case was instituted, the Board has been striving to promote a more competitive transatlantic aviation environment. The results of these efforts should ultimately increase the available opportunities for all-cargo services as well as provide additional consumer benefits. For example, the Board's decision in the *Transatlantic Route Proceeding,* completed in January 1978,[5] provided for new competitive opportunities for U.S. air carriers and improved transatlantic services to many regions of the United States. Substantial efforts have also been devoted to promoting the availability of low-fare scheduled services and to more flexible charter rules in transatlantic markets and elsewhere. The Board has been an active participant in the recent transatlantic negotiations which produced procompetitive agreements with the Netherlands and Belgium this year, and a proceeding has been instituted to consider the issue of additional U.S.-flag service to these points and Luxembourg.[6] Other procompetitive agreements have been concluded with the United Kingdom, Israel, Poland, and the Federal Republic of Germany which have resulted in a substantial liberalization of aviation relations in terms of expanding charter opportunities, liberalizing Fifth Freedom services, and relaxing other unilateral operating restrictions. Most recently, this country has arrived at a liberal cargo agreement with Belgium (November 8, 1978) which would provide for essentially deregulated cargo operations between the United States and Belgium. The Board's objectives in these negotiations have been to eliminate restrictions on existing international air services and to promote additional opportunities for the carriers of all involved countries. While much remains to be done to increase competitive opportunities, it is now time to proceed with the transatlantic cargo markets which are the focus of this investigation.

SUMMARY OF CONCLUSIONS

Conditions today differ markedly from those that existed when the Board instituted this investigation. As a result, a review of the instituting order is clearly necessary. The case as originally instituted had limited objectives: the investigation of the service needs in the transatlantic cargo markets remanded in the *Transatlantic Route Proceeding.* Many months have now passed and the original limitations no longer seem necessary. We have decided therefore, to expand the scope of this proceeding to include new and amended applications for scheduled and charter-only transatlantic cargo authority between any point in any state of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia as far east as (and including) India, on the other.[7] In an order issued today we are also granting the applications of AIA, Evergreen, ONA, SAT, TIA, and World for interim exemption authority to provide all-cargo charter service in the transatlantic market until 90 days after the Board renders its final decision in this case.

COMPETITION IN THE TRANSATLANTIC CARGO MARKETS

As we recently concluded in the *Oakland Service Case,*[8] we are inclined today to view increased competition as the best method of assuring that the public is provided with the air services required by the public convenience and necessity consistent with our responsibilities under the Act. Although that proceeding concerned domestic, rather than foreign air transportation, it is important that the same declaration of policy (section 102) and certification review criteria (section 401) that then applied to domestic air transportation—subsequently changed by the Airline Deregulation Act of 1978[9]—still apply to foreign air trans-

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cargo authority between Atlanta, Baltimore, Boston, Chicago, Dallas/Ft. Worth, Denver, Detroit, Hartford, Houston, Kansas City, Mo., Las Vegas, Los Angeles, Miami, Minnespolis-St. Paul, New Orleans, New York, Philadelphia, Phoenix, Pittsbugh, Portland, St. Louis, San Diego, San Francisco-Oakland, San Juan, P.R., Seattle, Tampa, and Washington, D.C., on one hand, and the cities and areas of Afghanistan, Algeria, Austria, the Azores, Bangkok, Burma, Bulgaria, Casablanca, Ceylon, (now Sri Lanka), Czechoslovakia, Egypt, Estonia, Finland, France, Germany, Greece, Hanoi, Hong Kong, Hungary, Latvia, Lebanon, Leningrad, Libya, Lithuania, Luxembourg, Moscow, Oman, Pakistan, Poland, Portugal, Rumania, Saudi Arabia, Spain, Syria, Tunisia, Turkey, United Kingdom, Yeman and Yugoslavia (Docket 24825). (*a*) *Appendices filed as part of original.*

[2]The charter-only cargo authority at issue included the foreign air transportation of property between any point in any State of the United States or the District of Columbia, Puerto Rico or the Virgin Islands, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa and Asia, as far east as (and including) India, on the other, Orders 73-9-83, September 21, 1973 and 73-11-96, November, 1973. The applications of Capitol (Docket 25979), ONA (Docket 25973 as amended), Saturn (Docket 25997 as amended), TIA (Docket 25991 as amended), and World (Docket 25985) sought the entirety of this authority and, with the exception of Capitol which did not specify Puerto Rico or the Virgin Islands, were consolidated into the *Transatlantic Cargo Service Case* by Order 77-4-118. We are formally dismissing Docket 25997 by this order, since all of the authority requested by Saturn can now be pursued by TIA with whom Saturn merged in 1977.

[3]In addition to the application of AIA, the applications of ONA (Docket 28984) and Saturn (Docket 28730) also were severed from the *Alaska International Air Certification Proceeding,* and deferred for consideration in the *Transatlantic Cargo Service Case* to the extent transatlantic cargo authority was requested, Order 76-8-48, August 10, 1976. These deferred applications were not consolidated into this proceeding by Order 77-4-118 because they duplicated requests contained in the applications of ONA (Docket 25973) and TIA (Docket 25991) remanded from the *Transatlantic Route Proceeding.* We are dismissing Dockets 28730 and 28984 by this order.

[4]These applications, summarized in Appendix A, were consolidated to the extent that each seeks authority to engage in the charter air transportation of cargo between points in the 48 contiguous states and Alaska, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other.

[5]Opinion and Order 78-1-118, dated January 11, 1978.

[6]*United States/Benelux Low-Fare Route Proceeding,* Order 78-6-97, dated June 13, 1978.

[7]Petitions for reconsideration still outstanding in this case are disposed of in Appendix B.

[8]Order 78-4-121, dated April 19, 1978; Order 78-9-96, dated September 21, 1978.

[9]PL 95-504, 92 Stat. 1705, signed by the President on October 24, 1978.

portation. We have already indicated that our international air transportation policy also favors competition as the best mechanism for fostering and promoting a sound air transportation system responsive to the public's needs:

It is our policy—both domestically and internationally—to develop a system of air transportation that places principal reliance on actual and potential competition to determine the variety, quality and price of air services. Essential components of this policy are greater competitive opportunities for airlines and the promotion of low/fare transportation options for travelers and shippers.[10]

This procompetitive policy is fully consistent with this country's international aviation objectives set forth by the President.[11] Further, we cannot disregard the strongly procompetitive emphasis of the Congress in enacting the Airline Deregulation Act, although by its terms the new Act mainly concerns domestic and overseas air transportation.

We also draw support for a procompetitive international cargo policy from the passage of PL 95-163 substantially deregulating the domestic air cargo industry. Clearly, Congress intended that the forces of competition be given greater freedom in assuring that cargo services are made available, as necessary, to meet shipper demand. We have acted to implement this statutory directive as quickly as possible in domestic cargo markets consistent with our general confidence in competition to assure the development and continuation of efficient and economical cargo services in the public interest. While there are limits to our ability to encourage freer entry and rates in international cargo services as discussed below, we feel generally that the same benefits should be pursued with equal vigor.

Viewed in the context of our overall international aviation policy and the substantial deregulation of cargo domestically, the Board's historic transatlantic cargo policies have been restrictive and protectionist. Except for occasional flights by other carriers pursuant to *ad hoc* exemptions and the Board's recent out-size cargo exemptions,[12] U.S.-flag competition in these cargo markets has been limited to certificated combination carriers and Seaboard's authorized all-cargo services.[13] Even if these policies were justified in the past, the time has come to examine whether they remain so today. Accordingly, this proceeding will explore the feasibility of multiple new entry into the transatlantic cargo markets, both scheduled and charter. Further, we will explore whether any awards should be authorized on a noncomparative basis assuming the applicant demonstrates that it is fit, willing, and able to perform properly the proposed air transportation.[14] An additional issue will be whether any new or existing scheduled all-cargo authority, including Seaboard's Route 119, should be made permissive.

In considering the authority requested in this investigation, we must consider also the attitudes of foreign governments. We recognize that the international services involved in this proceeding require the acceptance of United States air carriers by foreign governments before authorized operations can begin. We simply cannot assume that each applicant, if certificated for these transatlantic markets, will be permitted to commence services immediately. We do not feel, however, that the absence of a prearranged acceptance should limit this proceeding. We would be extremely shortsighted if we were to limit the scope of the proceeding to the currently existing opportunities for U.S.-flag carriers in the face of our national commitment to attain further competitive opportunities. As we have recently done with respect to liberalized charter rules and trans-Pacific services, we propose to consider first the need for additional authority and then to pursue the necessary international agreements.

Nevertheless, the fact remains that this proceeding concerns international markets in which we cannot be certain that all of the U.S.-flag services we might otherwise determine to authorize will be acceptable to foreign governments. As a result, we reluctantly conclude that the potential need for carrier selection cannot be disregarded. We cannot identify today those markets which will require carrier selection, because international air relationships are changing rapidly. Accordingly, the parties are advised that evidence will be necessary to determine a priority among applicants for the markets at issue in order to establish a record for selection—a difficult and unwelcome exercise which we hope will later prove unnecessary.[15] Backup authority, and a ranking of carriers for it, is also at issue in this proceeding.

SCOPE OF THE INVESTIGATION

This investigation currently includes only the applications of Seaboard and the transatlantic charter air carriers remanded in Docket 25908, and the applications AIA, Evergreen, and SAT filed for transatlantic charter cargo authority prior to April 1977. This limitation upon new authority would clearly frustrate our international aviation objectives if retained. In addition to the new applications already filed for transatlantic cargo authority addressed in this order, *infra*, potential applicants for such authority in both the *Former Large Irregular Air Service Investigation* and the *U.S.-Benelux Low-Fare Proceeding* have been directed to request certification in this proceeding. Denying these applicants access to this case would serve neither the public interest nor our goal of administrative economy. We therefore encourage all persons to file new or amended applications within the geographic boundaries of this proceeding.

For the same reason we have reexamined the geographic scope of this case. On reconsideration, we find no need to change the geographic scope for charter-only cargo authority used

[10] *United States-Benelux Low-Fare Proceeding*, supra at 4, n.6.

[11] United States Policy for the Conduct of International Air Transportation Negotiations; August 21, 1978.

[12] Order 77-6-138, dated June 28, 1977; Order 78-3-86, dated March 20, 1978.

[13] Route 119 authorizes Seaboard to engage in foreign air transportation with respect to property and mail between the coterminal points Los Angeles, Calif.; San Francisco-Oakland-San Jose, Calif., Chicago, Ill.; Detroit, Mich.; Cleveland, Ohio; Washington, D.C.-Baltimore, Md. (to be served through Dulles International Airport or Baltimore-Washington International Airport); Philadelphia, Pa.; New York, N.Y.-Newark, N.J.; Boston, Mass.; and Bangor, Maine (permissive); intermediate points in Newfoundland; Canada; Ireland; the United Kingdom; France; The Netherlands; Belgium; Western Germany; Denmark; Norway; Sweden; Switzerland; and Italy; and terminal points in Italy. At this time, Seaboard actually provides only limited service, compared to its authority. The following summarizes Seaboard's official November 1978 single-plane transatlantic cargo schedules filed with the Board:

	In weeks	
	Eastbound	Westbound
Amsterdam/Brussels	....	1
Frankfurt	7	8
London	8	8
Milan	7	7
Paris	6	3
Pisa	3	3
Zurich	1	2

By order 77-7-111, effective July 26, 1977, Seaboard was suspended at all domestic points except New York, N.Y.-Newark, N.J., Boston, Mass., and Bangor, Maine for a period of two years.

[14] Each applicant for scheduled all-cargo authority will be expected to demonstrate that it is "fit, willing, and able to provide air service in a particular market" and to present a credible service plan dersigned to meet at least some of the demand in that market "even if the applicant requests nonexclusive, permissive authority," *Las Vegas-Dallas/Ft. Worth Nonstop Service Investigation*, Order 78-7-116, July 21, 1978 at 2, n.2.

[15] The precise nature and extent of the evidence to be required of the applicants will, of course, be subject to the discretion of the administrative law judge.

in the *Transatlantic Route Proceeding*. Specifically, we will consider the issue of certificate authority of charter transatlantic cargo transportation between any point in any State of the United States, the District of Columbia, Puerto Rico or the Virgin Islands, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia as far east as (and including) India, on the other. The charter cargo authority at issue is coextensive with the outstanding certificated charter transatlantic passenger authority held by Capitol, ONA, TIA, and World.[16]

Turning to the issue of scheduled cargo authority, however, Order 77-4-118 limited our inquiry to the transatlantic markets contained in Seaboard's remanded application for additional authority and excluded many other points, including those contained in Seaboard's current transatlantic certificate. We will therefore expand the scope of our review into scheduled all-cargo service to equal the geographic boundaries of our charter service inquiry. We will not, however, consider the issue of scheduled all-cargo service to Hanoi, Bangkok, Burma, and Hong Kong although these points were included in Seaboard's remanded application. Service to Hanoi is excluded for foreign policy reasons [17] and transpacific cargo authority to Bangkok, Burma, and Hong Kong is in issue in the *Transpacific* case, Docket 33068. [18] While including points in the Far East has the appealing feature of permitting round-the-world service when combined with existing or new transpacific authority, such an expansion would further extend this already large proceeding without substantial public benefit. Consistent with our practice in several recent cases, we will not predetermine domestic coterminals in order to allow each applicant to establish service patterns which are the most economical and efficient for its particular capabilities. [19] This proceeding will not include the issue of domestic or overseas scheduled or charter cargo rights except as these rights may be included on a fill-up basis for scheduled foreign air transportation. [20] Any person seeking domestic 'and overseas cargo authority may apply for such authority pursuant to section 418 of the Act.

We remain concerned about the potentially enormous burdens in terms of time, effort, and costs which a route case of this magnitude typically requires of the parties, the Board, and the Board's staff. As we have in other recent route cases, we invite the parties and the administrative law judge here to explore, at the prehearing conference, innovative approaches to exhibit material, with a view toward reducing its quantity, eliminating duplication and superfluous detail, standardizing methodology, and focusing only upon significant facts and assumptions. In addition, the possibility of stipulating facts and eliminating certain types of evidence should also be explored. We leave the resolution of these matters to the admininstrative law judge.

INTERVENTION AND CONSOLIDATION

We have received a number of petitions for intervention and consolidation. Leave to intervene was requested by petition of the City of Philadelphia and the Greater Philadelphia Chamber of Commerce. We will grant the petition. Evergreen and SAT have requested consolidation of their applications in Docket 29342 and 29332, respectively, as amended after our instituting order. Rosenbalm Aviation, Inc. has filed a motion to consolidate its application for supplemental transatlantic cargo authority in Docket 33168 accompanied by a motion for leave to file an otherwise unauthorized document. [21] Southeast Airlines, Inc., and Jet Executive International, Inc. have filed motions to consolidate their respective applications for charter transatlantic cargo authority in Dockets 33651 and 33964.[22] No person has objected to any of these motions and they will be granted.

We have also received a joint motion from DHL Airways and DHL Corporation requesting consolidation of DHL Airways' applications for transatlantic cargo charter authority in Docket 31540 and transatlantic cargo scheduled authority in Docket 31539. These consolidation requests are granted. DHL Corporation's motion for consolidation of Docket 31542 concerning its request for board approval of its control and interlocking relationships with DHL Airways and Air Polynesia, Inc. in Docket 31542, however, is denied since the issues involved will reach earlier board decision in the *U.S.-Benelux Low-Fare Proceeding*, Docket 30790. Similarly, we will not consider the issues of control and interlocking relationships raised by the application of AIA since these issues are to be decided earlier in the *AIA Conrol Case*, Docket 29237, pursuant to Order 78-9-153, dated September 29, 1978.

PROCEDURES

Consistent with these determinations, we invite the carrier parties to this proceeding to amend pending applications for transatlantic cargo authority and other interested persons to file new applications within the geographic boundaries established by this order. We will also entertain petitions by civic parties wishing to obtain such service. Although we are interested in deciding this case promptly, we are also interested in encouraging new competitors and broader public participation. We will therefore allow such amendments, applications, and petitions for intervention to be filed within 31 days from the date of service this order. [23] All parties will be expected to proceed expeditiously through final decision after that date.

Finally, applicants whose applications are consolidated into this proceeding, or who seek subsequent consolidation of new applications are directed to submit environmental evaluations (312.12), including the data required by 312.12(c)(1) through (5), by the date set for the submission of direct exhibits by the administrative law judge [notwithstanding 312.12 (a)(3)]. [24] The Bureau of International Aviation will calculate the tests called for in 312.12(e)(5).

Accordingly,

1. This proceeding, known as the *Transatlantic Cargo Service Case* (Docket 30789) is set for hearing before an administrative law judge at a time and place to be designated after petitions for reconsideration have been acted upon by the Board;

2. The proceeding named in paragraph 1 shall include consideration of the following issues:

a.(1) Do the public convenience and necessity require in whole or in part, that all fit, willing, and able applicants be authorized to engage in the scheduled foreign air transportation of property and mail between any point in any state of the United States, the

[16] Order 77-1-100, dated January 6, 1977.

[17] *See also*, Order 78-3-112, dated March 23, 1978 at 3 (air service to Cuba).

[18] Transatlantic scheduled and charter carrier cargo authority to Sri Lanka is included in the investigation because service to that country is customarily considered via both transatlantic and transpacific routings. *Compare*, TWA Route 147 and Route 164.

[19] *U.S.-Bahamas Service Investigation*, Docket 32294; *U.S.-Benelux Low-Fare Route Proceeding*, Docket 30790; *Transpacific Low-Fare Route Proceeding*, Docket 33068.

[20] See section 401(d)(6) of the Federal Aviation Act as amended by PL 95-504. We will, however, consider removing the one daily flight limitation contained in the Act.

[21] We will grant the motion. Rosenbalm's application is summarized in Appendix A.

[22] Both applications are summarized in Appendix A. Jet Executive also requests Board permission or, alternatively, a § 416 exemption to allow it to continue air taxi operations. We will consider these requests.

[23] Petitions for reconsideration will be due no later than 21 days from the date of service of this order and answers must be filed within 10 days thereafter.

[24] The Board's energy regulation (Part 313) contemplates that an energy statement, if required, is to be incorporated within the body of the administrative law judge's decision. This presents no unusual procedural problem here, and we perceive no need to modify the requirements of Part 313.

District of Columbia, Puerto Rico, or the Virgin Islands, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, Asia as far east as (and including) India, on the other;

(2) If the answer to a.(1) is negative, in whole or in part, do the public convenience and necessity require the authorization of one or more fit, willing, and able carrier or carriers to engage in scheduled foreign air transportation of property and mail between any point in any state in the United States, the District of Columbia, Puerto Rico or the Virgin Islands, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia as far east as (and including) India, on the other;

(3) Whether the applicants for such authority are fit, willing, and able to perform the foreign air transportation found to be required by the public convenience and necessity;[25]

(4) If the answer to (1) is negative, in whole or part, and to (2) is positive, in whole or part, which carrier or carriers qualified under (3) should be authorized to provide the required service;

(5) Should all or part of the authority awarded be permissive;

b.(1) Do the public convenience and necessity require, in whole or in part, that all fit, willing, and able applicants be authorized to engage in charter-only foreign air transportation of property between any point in any state in the United States, the District of Columbia, Puerto Rico or the Virgin Islands, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa and Asia, as far east as (and including) India, on the other;

(2) If the answer to b.(1) is negative, in whole or in part, do the public convenience and necessity require the authorization of a fit, willing, and able carrier or carriers to engage in charter-only foreign air transportation of property between any point in any state in the United States, the District of Columbia, Puerto Rico or the Virgin Islands, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa and Asia, as far east as (and including) India, on the other;

(3) Whether the applicants for such authority are fit, willing, and able to perform the charter-only foreign air transportation found to be required by the public convenience and necessity;[26]

(4) If the answer to (1) is negative, in whole or part, and to (2) is positive, in whole or part, which carrier or carriers qualified under (3) should be authorized to provide the required service;

c. What terms, conditions, and/or limitations, if any, should be attached to any new authority which may be awarded;[27]

d. Should the authority of Seaboard World Airlines, Inc. to operate over Route 119 be made permissive;

3. No new authority awarded in this proceeding shall be eligible for federal subsidy;[28]

4. We grant the petition of Alaska International Air, Inc. for reconsideration of Order 77-4-118, and direct that ordering paragraph 3 of that Order be amended to read in relevant part, "applications by Alaska International Air filed originally in Docket *25296 . . .* ";

5. We deny the petitions of Seaboard World Airlines, Inc., Capitol International Airways, Inc. and Overseas National Airways, Inc. for reconsideration of Order 77-4-118;

6. We grant the petitions to consolidate the applications of Evergreen International Airlines, Inc. amendment No. 1 to Docket 29342, Southern Air Transport, Inc. amendment No. 1 to Docket 29332, Rosenbalm Aviation, Inc. in Docket 33168, Southeast Airlines, Inc. in Docket 33651 and DHL Airways, Inc. and DHL Corporation in Dockets 31539 and 31540 with Dcket 30789 to the extent that each conforms to the scope of the proceeding established here;[29]

7. We deny the motion of DHL Corporation to consolidate its application in Docket 31542;

8. We grant the petition to intervene of the City of Philadelphia and the Greater Philadelphia Chamber of Commerce;

9. To the extent deferred in Order 76-8-48, we dismiss without prejudice the application of Saturn Airways, Inc. in Docket 25997, and the applications of Overseas National Airways, Inc. in Docket 28984 and Saturn Airways, Inc. in Docket 28730;

10. Applications, amendments to applications, motions to consolidate and petitions for leave to intervene shall be filed no later than January 12, 1979;[30]

11. Each applicant for authority within the scope of this proceeding shall file an environmental evaluation, under section 312.12 of the Board's Regulations, by the date set for the submission of direct exhibits by the administrative law judge;

12. Petitions for reconsideration of this order shall be filed no later than January 2, 1979; answers shall be filed no later than January 12, 1979; and

13. To the extent not specifically granted in this order, we deny all motions, petitions and all other requests for relief in all dockets contained in the caption to this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[31]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-34981 Filed 12-14-78; 8:45 am]

[25] This will include such issues as may arise under other sections of the Act, including section 408 and 409.

[26] *Id.*

[27] The issue concerning whether the Board should grant fill-up rights to authorized carriers in addition to those provided for in section 401(d)(6) of the Act is included.

[28] If the authority in this proceeding is awarded to a local service carrier, the authority will fall in category II for purposes of subsidy computations.

[29] We also grant the motion of Rosenbalm Aviation, Inc. in Docket 33168 for leave to file an otherwise unauthorized document.

[30] We delegate to the presiding administrative law judge the authority to consolidate by order applications which conform to the scope of this proceeding.

[31] All Members concurred.

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

IOWA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that, a planning meeting of the Iowa Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 2:00 p.m. on January 9, 1979, Holiday Inn South, 2101 Fleur Drive, Room 286, Des Moines, Iowa 50315.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to receive report from Regional SAC Conference, continue project planning for Fiscal Year 1980; and review status of current projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 11, 1978.

JOHN I. BINKLEY,
Advisor Committee Management Officer.

[FR Doc. 78-34976 Filed 12-14-78; 8:45 am]

[6335-01-M]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Com-