on-route charter trips or special services.

* * * * *

"On-route" shall refer to service performed by an air carrier between points between which said carrier is authorized to provide service pursuant to its certificate of public convenience and necessity, certificate for all-cargo air service, or exemption authority:* * * *Provided.*

* * * * *

3. § 207.5 is amended to read as follows:

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

A combination carrier shall during any calendar year limit the aggregate of its off-route charter trips, at its option, to either 10 percent of the base revenue plane-miles, or 10 percent of the base revenue seat-miles, flown by it during the preceding calendar year.

4. § 207.6 is amended to read as follows:

§ 207.6 All-cargo carriers: Limitation on amount of charter trips which may be performed.

(a) Notwithstanding any other provisions of this part, there are no restrictions on the volume, frequency, or regularity of off-route cargo charters flown by all-cargo carriers.

(b) An all-cargo carrier shall not during any calendar year perform passenger charters that in the aggregate exceed 10 percent of the base revenue plane-miles flown by it during the preceding calendar year.

5. § 207.7a is amended to read as follows:

§ 207.7a Restriction on frequency of off-route charter trips and other special services in foreign air transportation.

(a) An air carrier certificated to perform scheduled service to any point in a foreign country may perform off-route charter trips or other special services without limitation as to frequency between any point in the United States and any point in that foreign country.

(b) Except as provided in paragraph (a) of this section, an air carrier shall not perform more than eight off-route charter trips or special services in any one direction during any 4 successive calendar weeks between any single pair of points, one of which is in the United States and the other in a foreign country.

(Sec. 204, 401, 418, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 91 Stat. 1278. 49 U.S.C. 1326, 1371, 1388.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-26455 Filed 9-20-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Revision of Validated License Control on Exports of Sporting Shotguns

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: On June 23, 1978, validated license control over commodities particularly useful in crime control and detection was extended to cover shipments of these commodities to all destinations except Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Turkey, and the United Kingdom. Previously, these controls were applicable only to the USSR, East European communist countries (except Yugoslavia), the People's Republic of China, the Republic of South Africa, and Namibia. Included in the list of commodities to which this revision applied was CCL entry No. 5998B, "Nonmilitary shotguns, barrel length 18 inches or over; and nonmilitary arms, discharge type (for example, stunguns, shock batons, etc.), except arms designed solely for signal, flare, or saluting use; and parts, n.e.s." The Department of Commerce, with the concurrence of the Department of State, has now determined that it is not necessary to control the export of sporting shotguns to most destinations for foreign policy reasons, unless they are for consignment or resale to police or law enforcement agencies. Sporting shotguns are defined as shotguns with a barrel length of 24 inches or more. This revision amends CCL entry No. 5998B to reflect this determination.

EFFECTIVE DATE OF ACTION: September 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-4196.

Accordingly, the Commodity Control List, incorporated by reference at 15 CFR 399.1, is amended to revise the footnote to entry No. 5998B to read as follows: A validated license is not required for export of these commodities to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Turkey, and the United Kingdom. Also, a validated license is not required for export of shotguns with barrel length 24 inches or over, and parts, n.e.s., to other destinations in Country Groups T and V, except the Republic of South Africa, Namibia, Botswana, Lesotho, and Swaziland, if for consignment or resale to other than police or law enforcement agencies.

(Sec. 4 Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: September 18, 1978.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 78-26500 Filed 9-18-78; 11:38 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS

Secret Coding in Marketing Research

AGENCY: Federal Trade Commission.

ACTION: Enforcement policy statement.

SUMMARY: The Commission is stating its intention to take appropriate enforcement action against those who use secret coding in marketing research, should it discover the practice to be continuing in the future, and in the event that it may be causing substantial consumer injury. This statement is intended to provide guidance to the marketing research industry.

EFFECTIVE DATE: September 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Barton, Jr., Attorney, Division of Advertising Practices,

Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-724-1499.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends part 14 of title 16, chapter I, of the Code of Federal Regulations by adding new § 14.12 to read as follows:

§ 14.12 Use of secret coding in marketing research.

(a) The Federal Trade Commission has determined to close its industry-wide investigation of marketing research firms that was initiated in November 1975, to determine if the firms were using questionnaires with invisible coding that could be used to reveal a survey respondent's identity. After a thorough investigation, the Commission has determined that invisible coding has been used by the marketing research industry, but it is neither a commonly used nor widespread practice. Moreover, use of the practice appears to have diminished in recent years. For these reasons, the Commission has determined that further action is not warranted at this time.

(b) However, for the purpose of providing guidance to the marketing research industry, the Commission is issuing the following statement with regard to its future enforcement intentions. The Commission has reason to believe that it is an unfair or deceptive act or practice, violative of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to induce consumers to provide information about themselves by expressly or implicitly promising that such information is being provided anonymously, when, in fact, a secret or invisible code is used on the survey form or return envelope that allows identification of the consumer who has provided the information.

(c) While the Commission has made no final determination regarding the legality of the foregoing practice, the Commission will take appropriate enforcement action should it discover the practice to be continuing in the future, and in the event that it may be causing substantial consumer injury. Among the circumstances in which the Commission believes that the use of secret coding may cause significant consumer harm are those in which: (1) A misleading promise of anonymity is used to obtain highly sensitive information about a consumer that such consumer would not choose to disclose if he or she were informed that a code was being used that would allow his or her name to be associated with the response; and (2) information of any sort is used for purposes other than those of the market survey.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended (5 U.S.C. 552).)

By direction of the Commission, dated September 12, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-26565 Filed 9-20-78; 8:45 am]

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 190—INCENTIVE PAYMENTS FOR CONTROLLING OUTDOOR ADVERTISING ON THE INTERSTATE SYSTEM

Revision

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This document constitutes a revision of the regulation on incentive payments for controlling outdoor advertising on the Interstate System. The revision is a consolidation and simplification of the existing regulations. There are no substantive changes contained in the revision.

EFFECTIVE DATE: September 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James V. Daughtry, Chief, Accounting Policy and Procedures Branch, 202-426-0515; or Mr. Durward E. Timmons, Jr., Office of the Chief Counsel, 202-426-0800, Federal Highway Administration. Office hours are from 7:45 a.m. to 4:15 p.m., e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: Existing regulations appear as part 190 of Chapter I, Title 23, Code of Federal Regulations, and codify material contained in volume 1, chapter 4, section 7 of the Federal-Aid Highway Program Manual.[1]

This revision is made in accordance with the philosophy and criteria recommended by the Federal Highway Administration (FHWA) Regulations Reduction Task Force. Reduction and simplification of the existing regulations was achieved.

NOTE.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

This rule is issued under the authority of 23 U.S.C. 131(j) and 315, and the delegation of authority by the Secretary at 49 CFR 1.48(b).

Issued on: September 6, 1978.

KARL S. BOWERS,
Federal Highway Administrator.

In consideration of the foregoing, chapter I of Title 23, Code of Federal Regulations is amended by revising part 190 to read as follows:

Sec.
190.1 Purpose.
190.3 Agreement to control advertising.
190.5 Bonus project claims.
190.7 Processing of claims.

AUTHORITY: 23 U.S.C. 131(j) and 315; 49 CFR 1.48(b).

§ 190.1 Purpose.

The purpose of this regulation is to prescribe project procedures for making the incentive payments authorized by 23 U.S.C. § 131(j).

§ 190.3 Agreement to control advertising.

To qualify for the bonus payment, a State must have entered into an agreement with the Secretary to control outdoor advertising. It must fulfill, and must continue to fulfill its obligations under such agreement consistent with 23 CFR 750.101.

§ 190.5 Bonus project claims.

(a) The State may claim payment by submitting a form PR-20 voucher, supported by strip maps which identify advertising control limits and areas excluded from the claim and form FHWA-1175, for the one-half percent bonus claim.

(b) The bonus payment computation is based on projects or portions thereof for which (1) the section of highway on which the project is located has been opened to traffic, and (2) final payment has been made. A bonus project may cover an individual project, a part thereof, or a combination of projects, on a section of an Interstate route.

(c) The eligible system mileage to be shown for a bonus project is that on which advertising controls are in effect. The eligible system mileage reported in subsequent projects on the same Interstate route section should cover only the additional system mileage not previously reported. Eligible project cost is the total participating cost (State and Federal share of approved preliminary engineering (PE), right-of-way (R-O-W), and construction) exclusive of any ineligible costs.

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.