federal register

Monday
August 11, 1980

Part V

Civil Aeronautics Board

Removal of Limitations on Off-Route and Cargo Charters and Elimination of Schedule T-41

CIVIL AERONAUTICS BOARD

14 CFR Part 207

[Economic Regulations Dockets 31788 and 36113; Amdt. No. 26 of Part 207; Regulation ER-1190]

Charter Trips and Special Services; Removal of Limitations on Off-Route and Cargo Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB removes all limitations on cargo charters, and permitting charters of cargo on scheduled flights. It also removes restrictions on off-route flights, which were the subject of a separate notice of proposed rulemaking. The Board makes these amendments under its procompetitive policy to permit maximum competition in charter services.

DATES: Adopted: August 1, 1980. Effective: September 6, 1980.

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SUPPLEMENTARY INFORMATION: In EDR-351B/SPDR-73, 44 FR 50607, August 29, 1979, and in EDR-383, 44 FR 41828, July 18, 1979, the Board proposed to eliminate a variety of restrictions on air carriers providing charter transportation. The proposals involved both certificated route carriers and charter-only carriers, since both may provide charter service. EDR-351B proposed to eliminate virtually all remaining restrictions on cargo charters for both U.S. and foreign carriers. It proposed to: (1) allow cargo to be carried on the main deck along with passengers on charter flights, (2) eliminate the requirement that all the available cargo space be engaged before a charter flight is operated, (3) allow scheduled route carriers to carry charter cargo on scheduled flights ("part charters" of cargo) and (4) permit foreign charter-only carriers to operate split charters (flights shared by more than one charterer) to the same extent as other carriers. In addition, it proposed a consumer protection provision for passenger charter participants, under which baggage limitations and excess baggage charges would be printed in boldface type in the operator-participant contract.

EDR-383 proposed to eliminate the few remaining volume and frequency limitations on charters by scheduled route carriers. Under current regulations, passenger charters by all-cargo carriers with § 401(d)(1) certificates (Airlift, Seaboard, Flying Tiger, Federal Express, and Rich) are limited to 10 percent of the carrier's scheduled route operations for the preceding year; total passenger and cargo off-route charters by combination carriers are limited to 10 percent of the preceding year's scheduled operations; and all charters to countries to which the carrier has no scheduled route authority are limited to roughly eight flights per month. EDR-383 proposed to allow all carriers certificated under section 401 to operate charters without limit as to number or frequency.

As discussed in the notices of proposed rulemaking, these changes were suggested to permit maximum competition in charter services. Restrictions on charter operations were initially designed to protect two more or less separate classes of carriers—those that operated only charter flights and those that concentrated on scheduled service—from diverting traffic from each other's operations. Now, under the Board's procompetitive policies, carriers have been permitted to engage in both types of operations and to vie with each other for whatever mix of services the public desires. We no longer consider it necessary to protect either type of operation, or to assure the economic viability of any carrier.

Nine persons filed comments on EDR-351B/SPDR-73.[1] No one opposed the proposal to permit operation of less-than-fully-engaged charter aircraft, and this change was specifically supported by Polaroid and IAS. The proposal to allow cargo to be carried on the main deck along with charter passengers was supported by Polaroid and TIA/World, and the proposal to grant foreign charter-only carriers the same flexibility as other carriers was supported by IAS and Wardair. The Department of State argued that foreign air carriers should be required to apply for permission to operate each "combination charter" flight (presumably, a charter flight carrying both passengers and cargo) that they seek to offer in foreign air transportation, and that the Board should not grant such permission unless it finds that a foreign carrier's home government provides substantially equivalent authority to U.S. air carriers. Thus, State did not oppose in substance the latter two changes mentioned above, but suggested requiring prior Board approval for flights by foreign carriers whose governments do not grant reciprocal privileges to U.S. carriers. There were no objections in principle to a requirement that some notice as to baggage limitation be provided in charter contracts, although Sunflight argued against the boldface type requirement and warned against requiring overly-detailed baggage limitation information. Seaboard and IAAA supported the idea to allow charter cargo on scheduled flights, while TIA/World opposed it.

Four persons filed comments on EDR-383.[2] All suppported eliminating the off-route restrictions. AFFA asked the Board to go further and amend its regulations to allow section 418 all-cargo carriers to perform passenger charters.

We are adopting the proposals in EDR-383 to eliminate restrictions on off-route charters by scheduled air carriers. These proposals were unopposed and, as discussed in the notice of proposed rulemaking, the restrictions serve no purpose in the present regulatory scheme. The restrictions are therefore being eliminated as unnecessary restraints on carrier operations.

The removal of limits on off-route authority creates the potential for many carriers to substantially change the nature of their operations. We have no objection in principle to such developments, but we note that all carriers are subject to a continuing fitness requirement under section 401(r) of the Act. Any carrier planning to use off-route charter authority to substantially change its operations should comply with recently-adopted 14 CFR Part 204 (Data to Support Fitness Determinations)[3] and consult the Board to be sure that it meets appropriate fitness standards for continued operations.

We cannot, however, extend passenger charter authority to section 418 carriers as AFFA suggested, since section 418 certificates are restricted by statute to all-cargo operations. Also, the fitness evaluation leading to a section 418 certificate is limited to cargo operations, and any passenger authority sought by section 418 carriers would require a new and more extensive finding of fitness.

We are adopting the proposals in EDR-351B to permit cargo on the main deck of passenger charters, to permit

[1] International Airforwarder and Agents Assocation (IAAA), International Aviation Services (U.K.) (IAS), Polaroid, Seaboard World Airlines, Sunflight Holidays, Transamerica Airlines (TIA) and World Airways (jointly), United States Department of State (State) and Wardair Ltd.

[2] Air Freight Forwarders Association of America (AFFA), Flying Tiger Line, Hughes Airwest, and United Air Lines.

[3] ER-1180, 45 FR 42593, June 25, 1980.

operation of less-than-fully-engaged aircraft, and to allow foreign charter-only carriers the same flexibility as other carriers, on the grounds that these changes would enhance competition and reduce government interference in business decisions. We have found that competition in air transportation brings about more efficient and better service, often at lower prices, than government regulation. And these changes received no opposition in the comments, except to the extent that U.S. carriers might not receive equal treatment at the hands of foreign governments.

We will use existing charter flight prior approval procedures to assure that foreign carriers do not employ these changes to gain undue competitive advantage over U.S. carriers. The Board now requires most foreign route carriers to obtain prior authorization for each of their off-route charter flights. 14 CFR 212.4(a). Blanket prior approval of off-route charter flights has been granted to some carriers whose countries grant substantially reciprocal rights to U.S. carriers; however, the blanket approval is subject to withdrawal at the Board's discretion if circumstances change. Order 79–12–205, p. 4, ¶ 5. The Board also has power to require approval for on-route charters on an *ad hoc* basis. 14 CFR 212.4(b). Thus, any charter flight by a foreign route carrier is now or can quickly be made subject to the Board's prior approval review procedures. For any flight subject to prior approval, the Board may deny operating authority if the carrier's home government does not grant a similar privilege to U.S. carriers. 14 CFR 212.6. So if a country did not grant U.S. carriers authority to operate combination passenger/cargo charters, the Board could require prior approval for and deny authority to operate similar flights by that country's route carriers.

For foreign carriers with authority to operate only charter flights, the prior approval situation is somewhat different. Most of these carriers have a provision in their section 402 permits allowing the Board to impose prior approval requirements. Part 214, which governs operations by these carriers, contains no prior approval requirement. We are amending Part 214 in this proceeding to allow the Board to require prior approval for all flights newly permitted by this rule. Thus, Part 214 will permit the Board to require prior approval for such operations by those carriers whose permits do not now contain prior approval provisions.

The Board has issued a proposal to amend some of its prior approval regulations in another proceeding (EDR–394, 45 FR 2331, January 11, 1980), but those amendments, if adopted, will not prevent use of prior approval powers for the purposes discussed here. Also, the changes made here can easily be incorporated into EDR–394 if that proposal is adopted.

We conclude that existing Board procedures are adequate to handle problems of unequal treatment of U.S. carriers that State is concerned about. Existing prior approval procedures can be tailored to fit the needs of particular situations. They are therefore a more flexible and less burdensome means of assuring equal treatment of U.S. carriers than the routine approval requirement suggested by State, as they will be invoked only in those situations where U.S. carriers are denied commensurate authority by foreign governments. We see no reason at present to impose a blanket prior approval requirement for combination passenger/cargo charters by foreign carriers, but we will not hesitate to impose one in the future if circumstances require it.

We are not adopting the proposal to require notice of baggage limitations in charter operator-participant contracts, because it does not seem necessary at present, and might serve only to clutter the documents and inconvenience charter operators in conforming their contracts. The proposal was made out of a concern the passenger charter participants might have their baggage limitations constricted by air carriers who hoped to charter other cargo in the belly of the plane. However, the regulations permitting such belly cargo charters have been in effect since September 1979, and we have encountered no serious problems with baggage allowances. Some charter operators already include a baggage limitation notice in their charter materials, and most restrictions fall within a standard range, and have not caused undue inconvenience. It is likely that many charter passengers are already attentive to the possibility of baggage restrictions, and do not need a mandatory notice to protect their interests. In some cases, too, the charter operator may not know at the time of contracting for a flight the exact baggage limits that the air carrier will allow, so a uniform baggage notice may not be feasible. Thus, a required notice may create more problems than it would solve. Unreasonable or unexpected baggage limitations without adequate notice to participants may, of course, be considered unfair or deceptive practices by the Board, but we see no need at this time for the mandatory notice proposed in SPDR–73.

The most controversial issue in EDR–351B was whether cargo should be permitted to be chartered on scheduled flights. TIA and World strenuously opposed the idea with several arguments. They alleged that the Board did not state its reasons for proposing the change clearly enough to permit the public to file meaningful comments, especially since it did not cross-reference a pending hearing case in which a legal issue relevant to such charters had been argued. They claimed that the pendency of that case, the *Cargo Charter Transfer Rate Investigation*, Docket 27557, precluded rulemaking on the instant proposal until the hearing case was finally decided. They also asserted that such charters would allow carriers to charge different rates for like goods receiving the same service, resulting in unfair discrimination against some shippers. TIA and World said that chartering cargo on scheduled service should not be allowed without express Congressional approval, and that it would be wiser to grant such authority, if at all, in exchange for liberalized charter rights for U.S. carriers in international negotiations. If such charters were permitted, they saw charter carriers being put at an unfair competitive disadvantage by not being able to compete with scheduled service while the scheduled carriers drew away charter traffic.

Seaboard supported the concept, saying that it would increase operating efficiency by allowing increased load factors on scheduled flights. IAAA, an association of air freight forwarders and air cargo agents, welcomed the change as a new source of competitive pressure on air carriers, which it expected to result in lower rates. Also, IAAA saw the proposal as consistent with deregulation policy to leave business decisions to the discretion of management as much as possible.

We have decided to adopt the proposal to allow charter cargo to travel on scheduled flights. We are convinced that it would allow more efficient aircraft operations and induce more competition in the charter market. These results are consistent with our procompetitive policies and would benefit consumers of cargo services.

We first note that varying prices for shipment of like goods is not necessarily undesirable. Shippers have long taken advantage of charter arrangements to ship relatively large amounts of cargo at prices below scheduled rates. Charters allow a shipper and a carrier to form an individualized contract for carriage, without pre-existing requirements as to

price, obligation to serve, or other typical scheduled service requirements. By this means, shippers can negotiate lower prices and specially-tailored service, while carriers can attract and plan for efficient large-volume freight movements. To date, charter arrangements have been restricted to unscheduled charter-only flights, not held out to the public as available without special arrangements. Some carriers, however, have expressed a desire to offer charter capacity on their regularly scheduled flights, which may also be held out for routine service to the general public. Permission to charter cargo on scheduled flights will allow carriers to make arrangements to fill scheduled capacity that would otherwise fly empty. By making more charter capacity available, it will increase rivalry for charter traffic. By permitting more efficient operations, it will save fuel. Thus, such arrangments will promote energy efficiency and stimulate competition.

We reject TIA/World's allegation that the discussion in the proposal was inadequate to provide a basis for meaningful comments. They complained that the Board did not provide "the underlying data and legal and policy considerations that motivated the change." We disagree. The type of change contemplated, and the type of operations it would permit, were stated clearly, along with the Board's expectation that it "would allow even greater flexibility in offering reduced rates and service alternatives in international cargo transportation." The notice also discussed the similarities and differences between part charter service and high-weightbreak scheduled service. The change proposed was not a complicated or technical one, requiring a detailed explication to make the reader aware of the issues involved. The Administrative Procedure Act, 5 U.S.C. 553(b)(3), requires that notices of proposed rulemaking "shall include . . . either the terms or substance of the proposed rule or a description of the subjects and issues involved." This standard has been interpreted to require notice that is "sufficiently descriptive of the 'subjects and issues involved' so that interested parties may offer informed criticism and comments." *Ethyl Corp. v. EPA*, 541 F.2d 1, 48 (D.C. Cir. 1976), cited in *National Small Shipments Traffic Conference, Inc. v. CAB*, No. 78–2163 (D.C. Cir., Feb. 11, 1980), p. 29. This proposal stated the terms and substance of the proposed change, and its purpose was clear, especially when read in the context of other cargo charter changes proposed and adopted in the same docket. We conclude that our notice fully satisfied APA requirements.

We also conclude that it was proper for the Board to have initiated this proceeding before the *Cargo Charter Transfer Rate Investigation* was finally decided, and that it is proper, and desirable, to adopt a final rule now. In the hearing case, the administrative law judge found that the cargo charter transfer concept—a concept similar to unrestricted charter carriage on scheduled flights—was inherently discriminatory under section 404 of the Act. But there is nothing improper about deciding in this legislative-type proceeding the legal question of whether charters on scheduled service are inherently discriminatory, even if that issue is also involved in the pending proceeding on cargo charter transfers. Just as Congress may change the law in the midst of court litigation, so the Board may separately decide a legal issue that may be applicable to a parallel proceeding. This is in no sense a "prejudgment," because prejudgment occurs only when the decisionmaker "has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it." *Gilligan, Will & Co. v. SEC*, 267 F. 2d 461, 469 (2d Cir.), *cert. denied*, 361 U.S 896 (1959). Accord, *Association of National Advertisers, Inc. v. FTC*, No. 79–1117 (D.C. Cir. Dec. 29, 1979).

There are no longer any facts at issue in the *Cargo Charter Transfer* proceeding. The case began in 1975 with an investigation of the lawfulness of high-weightbreak scheduled tariffs. It was expanded to include the issue of whether the carriage of charter cargo on scheduled service was lawful, in response to a petition for rulemaking to allow such service. Later, Seaboard filed a tariff to allow charter shipments that had already been contracted for to be transferred to scheduled flights on a space-available basis. This was the charter transfer concept. The investigation into high-weightbreak scheduled tariffs was mooted and removed from the case as a result of subsequent agreements between the carriers. Also, Seaboard's charter transfer tariff was found unlawful and rejected by Order 78–6–165 as a violation of Board regulations. Thus, the only issue still alive in the case at the time of the ALJ's initial decision was the lawfulness of cargo charters on scheduled service. The ALJ found such operations to be unjustly discriminatory under section 404 of the Act, and the Board took discretionary review of that issue in Order 79–4–33. In taking review, the Board stated:

> We note that finding of the ALJ that the cargo charter transfer concept does, in theory, have merit, "in that it would reduce direct operating expenses for chartered services, improved scheduled service load factors, result in substantial fuel savings, and provide benefits with respect to the quality of the environment and airport congestion." [Initial Decision at p. 11] Because of these potential benefits we are not disposed to equate the discrimination which the judge found inherent in this concept with the "unjust discrimination" prohibited by Section 404(b) without some reason to believe that the discrimination may result in harm to a protected interest which requires our intervention.
>
> We are, however, concerned about the lack of attention paid to demonstrating the nature and extent of harm which would flow from the discrimination found to inhere in this concept and on whom the harm would fall. As the air transportation industry becomes more competitive we are rethinking our traditional approach to the question of what makes discrimination "unjust" under Section 404(b) of the Act. (Order 79–4–33, p. 2).

The Board later proposed in EDR–351B to amend its regulations to permit such operations. We see no reason why we should not dispose of the discrimination question in this proceeding. The issue is purely legal, since no tariff proposals or other adjudicatory matters remain to be decided in the hearing case. In their comments on EDR–351B, TIA and World incorporated by reference their brief to the Board on discretionary review in the hearing case, and we have considered that brief, Trans World Airlines' brief, and the ALJ's initial decision in reaching our decision here. No other parties opposed the cargo charter transfer concept on discretionary review.

TIA and World alleged that charters of cargo on scheduled flights were contrary to Congressional intent. However, they cite no statutory authority or legislative history to support this claim. The language of the statute is quite plain: "[N]o air carrier * * * shall commingle, on the same flight, *passengers* being transported in interstate, overseas, or foreign charter air transportation with *passengers* being transported in scheduled interstate, overseas, or foreign air transportation. * * *" [emphasis added]. Section 401(n)(1). That provision has been limited to passenger charters since its adoption in Pub. L. 95–504 (the Airline Deregulation Act of 1978). The recent International Air Transportation Competition Act of 1979, Pub. L. 96–192, enacted after this rule was proposed, left the passenger limitation intact, even though Congress specifically amended section 401(n)(1) to apply to foreign air transportation. However, Congress did not take that

opportunity to expand the prohibition to include cargo charters. The fact that Congress effectively permitted any combination of charter and scheduled cargo service in the United States by deregulating domestic cargo transportation in Pub. L. 95–163 further convinces us that its attitude with respect to cargo charters on scheduled flights is different from that with respect to passenger charters on scheduled flights.

We also reject TIA/World's suggestion that we should hold authority to carry charter cargo on scheduled flights in reserve, to trade for more liberal charter operating rights. We will continue to press for liberalized charter flights with other countries, but in our view, the shipping public and the industry would be better served by permitting the additional operating efficiencies of allowing cargo charters on scheduled service than by using them exclusively as a bargaining tool. The Board can still control authority to operate cargo charters on scheduled flights by the prior approval mechanism, should it become necessary to do so from a foreign aviation relations point of view.

TIA and World complained that "for the time being [they] must depend on charter capacity as the primary means of providing cargo services in international markets," and that "access of Transamerica and World to the transoceanic cargo markets as scheduled all-cargo carriers will be strictly circumscribed by foreign policy constraints." We are not convinced that cargo charters on scheduled service would be as devastating to TIA and World's business as they imply, even under the worst circumstances. In 1979, international civilian cargo charters accounted for less than 10 percent of TIA's total operating revenues, and World did not operate even a single civilian cargo charter flight. Clearly, cargo traffic is not the lifeblood of these two carriers. Nevertheless, we recognize that various foreign governments impose restrictions on TIA and World that would limit their opportunities to compete with cargo charters on scheduled flights. But those disadvantages are not so substantial as to outweigh the significant cost savings and competitive benefits that cargo charters on scheduled flights would make possible. In a number of important markets, TIA and World have substantial competitive opportunities. For example, Belgium, the Netherlands, Finland, Israel, Jordan, Syria, Korea, and Singapore have been liberal in issuing scheduled authority, which would enable TIA and World to offer cargo charters on scheduled service of their own in direct competition with other scheduled carriers. In other markets where scheduled authority is not so easily obtainable, TIA and World can compete using the extremely flexible passenger-cargo charter operations permitted by this rule. To be sure, in Japan TIA and World have disadvantages in competing for cargo traffic. We have decided, however, that it is more consistent with the public interest to permit the substantial consumer benefits of cargo charters on scheduled service now than to defer those benefits until foreign governments adopt more procompetitive policies.

TIA and World argued that allowing cargo charters on scheduled flights would effectively destroy the statutory system of regulated international cargo rates by allowing carriers to deviate from tariff rates by merely calling a shipment "chartered." We are not persuaded that charters on scheduled service present any threat to the tariff system. The likelihood that in the future more traffic will travel as chartered rather than as individually-waybilled shipments does not undermine the tariff system. If the public prefers charter service, we will not preclude that choice simply because tariffs do not govern that service. We believe that the public should be allowed to choose whatever mix of charter and scheduled service it desires. Tariffs are designed to enable the Board to regulate the prices that carriers hold out to the general public for routine, scheduled service, and there is no indication that they will cease to serve that function.

TIA and World's remaining argument, which relies in part on the analysis of the judge in the *Cargo Charter Transfer* case, hinges on the alleged discriminatory consequences of allowing charter cargo to be carried on scheduled service. TIA and World assert that such operations could permit scheduled carriers to give preference to some customers, who would get charter space at low rates, at the expense of other shippers, who would have to pay higher scheduled rates and would not receive any loading priority over charter shipments. They said that these practices violate the "rule of equality"—that like shipments receiving the same service may not be charged different rates—and that such practices cannot be adequately policed by the Board without a flat prohibition against charters on scheduled service. They also contended that charters on scheduled flights could be discriminatory if they resulted in shipments tendered under scheduled rates being refused for lack of space.

We have recently been reviewing our traditional restrictive attitude toward carriers that appear to offer like service for similar traffic at different rates.[4] It has become apparent that in some cases we have unnecessarily restricted practices that may have a sound economic basis and do not have significant destructive potential. We have also found that apparently similar services may in fact differ significantly as to the costs they impose on the aviation system, and particular, the carriers that offer the services.

In PS–93 the Board adopted a policy for domestic air transportation of not considering a rate to constitute unjust discrimination or unreasonable preference or prejudice (referred to there and hereafter as "unreasonable discrimination") unless several factors can be shown. Not only must the rate be out of proportion to the cost of service, when compared to other rates (the traditional definition of economic discrimination), but it must involve a reasonable probability of significant long-run economic injury to consumers that cannot be eliminated by competitive forces within a reasonable time. Even then, it will be held unjustly dicriminatory only if it lacks compensating benefits. Thus the "rule of equality" is not a decisive test of unjust discrimination.

We now decide that these criteria are appropriate for evaluating whether cargo charter shipments on international scheduled service are unreasonably discriminatory. As we said in issuing the domestic policy statement, many of these fundamental policy considerations are applicable to foreign air transportation. And the International Air Transportation Competition Act of 1979, P.L. 96–192, is a mandate from Congress to extend procompetitive policies to the international scene. TIA and World commented that the lack of open entry in international cargo markets will prevent competition from policing discrimination. We disagree. Under current conditions, we are confident that market forces will continue to restrain carriers' pricing policies. There are many carriers already authorized to offer cargo service in international markets, and the United States has established liberal cargo entry arrangements with a number of important countries, including Belgium, the Netherlands, Finland, Israel, Jordan, Syria, Korea, and Singapore. All-cargo flights by more than one carrier are now offered in most major international

[4] PS–93, 45 36059, May 29, 1980.

cargo markets. Further, directly-competitive cargo capacity is available on main deck "combi" aircraft and in the bellies of passenger aircraft, which are operated by a large number of carriers. Thus, competing carriers will be available to move in on profitable business opportunities. And at points where direct air service is not available, opportunities for intermodal (air/land) transportation provide a competitive stimulus.

TIA and World have not made a convincing showing of any of the factors that would lead us to find unreasonable discrimination. First, we disagree with their claim that charter rates will be out of proportion to the cost of service, exemplified by their statement that charter shipments would receive the same service as scheduled shipments at lower prices. Charter shipments do not receive the same service as scheduled shipments, because the acceptance of a charter shipment is discretionary with the carrier, while the scheduled shipment cannot be unreasonably refused. Therefore, higher capacity costs are incurred for scheduled shipments, because the volume of cargo cannot be as closely regulated to suit available capacity. Also, the carrier has far less control over the type of cargo it must carry on scheduled service, since it has a duty to carry whatever is tendered to it. On charter service the carrier can limit its costs by giving preference to those shipments that it can most efficiently handle. Thus, charter rates are not necessarily disproportionate to costs. Furthermore, shippers can opt for whichever form of service—charter or waybilled—meets their cargo needs.

Second, TIA and World have not made the necessary showing of likelihood of long-run economic injury to consumers that cannot be eliminated by competitive forces. They claimed that carriers would discriminate between charter shippers by preferring their most important customers first if charter space were limited. But the fact that carriers have some discretion in accepting charter shipments does not mean that they will act unfairly. The existence of competing carriers is a strong incentive to allocate cargo space fairly. Commercial shippers tend to be well informed about market conditions and alternatives and able to protect their own interests. Notably, no shippers or consumers opposed our proposal, and the IAAA, an association of air freight forwarders and cargo agents, supported it. We are not ready to assume that carriers will discriminate unjustly in allocating scarce space, and the energy and competitive benefits of cargo charters on scheduled flights are too important to be prohibited without much more persuasive evidence of harm to shippers.

TIA and World also warned that shippers wishing to use regular scheduled rates might not be able to obtain space on a flight if capacity had already been engaged for charter shipments. They argue that it would be discrimination to refuse service to shippers under scheduled tariffs if space would have been available but for prior charter contracts. We disagree. It is not in the business interest of a carrier to provide inadequate capacity for any of its customers, especially when it would mean losing a higher-rated shipment than what otherwise is carried. Carrier managements are clearly in the best position to allocate space in the most efficient manner, and we will leave them free to do so. If charter shipments might sometimes take up space that could have been used for scheduled shipments tendered later, that is not on its face a matter of discrimination. Even under the existing system, there is no guarantee that there will always be available space for every shipment tendered before flight time. We see no evidence that consumers will suffer serious long-run injury.

Neither the ALJ nor TWA raised any points in Docket 27557 that were not presented by TIA/World. We conclude that there is no basis for finding that cargo charters on scheduled service will lead to unreasonable discrimination. We will reverse the ALJ's holding on discrimination in Docket 27557 and terminate that proceeding.

Technical Changes

We take this opportunity to simplify and make technical changes to affected portions of our regulations. The language of the final rule will therefore differ from that of the proposal, although the substance of the changes is the same. The sections governing charter flight limitations, § 207.11, 208.6, 212.8, and 214.7, are being revised to deal separately with passenger and cargo charters. Thus, paragraphs (a) and (b) will govern passenger charters, following the language and restrictions that have heretofore applied to both passengers and cargo. Split and planeload passenger charters are dealt with in a single paragraph, instead of separately as under the existing regulations. A new paragraph (c) is being added to each of the sections. It applies to cargo charters, making clear that there are no limitations on cargo charters, and that part charters of cargo are permitted. Cross-references to § 207.11, 208.6, 212.8, and 214.7 in § 207.10, 208.5, 212.14, and 214.5, respectively, have been changed to conform to the new amendments.

U.S. carriers have been required in the past to file reports on their off-route charter operations, primarily to enable the Board to police off-route charter restrictions. This information is contained in Schedule T–41, described in Section 25 of 14 CFR Part 241. Since we are removing all restrictions on off-route charter operations, Schedule T–41 is no longer necessary, and we are eliminating it. The revocation of this provision is a technical change that flows from the decision to remove off-route charter restrictions. We therefore find for good cause that noticed and public procedure on this change are unnecessary.

We note that the permits of some foreign charter-only carriers do not specifically incorporate the provisions of Part 214 by reference. However, all such permits are by their terms subject to such reasonable terms, conditions, and limitations as the Board may impose. Since the provisions of Part 214 are terms, conditions, and limitations, these amendments apply to all foreign charter-only carriers regardless of whether their permits are specifically conditioned on compliance with Part 214.

In voluntary compliance with Executive Order 12044 on improving government regulations, the Board has adopted a policy of stating its plans for evaluating all final rules that it issues.[5] The Board will evaluate this rule if complaints from U.S. and foreign air carriers, air freight forwarders, shippers, and other persons affected by it indicate need to do so.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 207, *Charter Trips and Special Services,* as follows:

1. The table of contents is amended to read:

Sec.
* * * * *
207.5 [Reserved]
207.6 [Reserved]
* * * * *

§ 207.1 [Amended]

2. The definitions of "Off-route" and "On-route" in § 207.1 are revoked.

3. Section 207.3 is amended by eliminating the references to off-route and on-route charters, so that it reads:

§ 207.3 Scope of authorization.

Charter trips and other special services may be performed by air carriers, subject to the limitations and regulations set forth in this part. The

[5] PS–88, 44 FR 65052, November 9, 1979.

limitations and regulations herein specified as applicable to charter trips shall be applicable to all charter trips regardless of whether the authority to conduct such trips derives from section 401(e)(6) of the Act or the carrier's certificate of public convenience and necessity or from a special or general exemption issued by the Board.

4. Sections 207.5, 207.6, and 207.7a are revoked and reserved.

5. The introductory paragraph in § 207.10 is revised to read:

§ 207.10 Reports of emergency commercial charters for other direct carriers.

Each air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Domestic Aviation within 30 days following each charter trip, containing the following information:

* * * * *

6. Section 207.11 is amended by revising paragraphs (a) and (b)(1), revoking and reserving paragraph (b)(2), amending paragraph (b)(3), and adding new paragraphs (b)(4) and (c), to read:

§ 207.11 Charter flight limitations.

(a) Passenger charter flights (trips) in air transportation shall be limited to the following:

(1) Air transportation pursuant to contracts with the Department of Defense where all of that portion of the capacity configured for passengers of an aircraft has been engaged by the Department;

(2) Air transportation performed on a time, mileage, or trip basis where all or part of the capacity of an aircraft has been engaged by any of the following persons, except that the passenger charterers must together engage all of that portion of the capacity of the aircraft configured for passengers other than any portion intended by the carrier for direct sales to the general public under paragraph (a)(3) of this section;

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter.

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(3) Air transportation performed on a time, mileage, or trip basis by a direct air carrier in accordance with Subpart E. Any person may engage all or any portion of an aircraft from a direct carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft configured for passengers, the remaining seats must be engaged as provided in paragraph (a)(2) of this section.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2) of this section shall contract and pay for 20 or more seats.

(2) [Reserved]

(3) This section permits the carriage of charter cargo on the main deck or in the belly of a passenger charter flight.

(4) Charter passengers shall not be transported on flights carrying individually-waybilled or individually-ticketed traffic.

(c) Cargo charter flights in air transportation are permitted without limitation, except that emergency charters of commercial traffic by a direct air carrier or a direct foreign air carrier shall be reported in accordance with § 207.10. Charter cargo may be transported both on schedule flights carrying individually-ticketed and/or individually-waybilled traffic and on flights carrying charter traffic only.

7. Section 207.20 is amended by deleting the phrase "both on-route and off-route," to read:

§ 207.20 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters.

(Sec. 102, 204, 401 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 92 Stat. 1710, 49 U.S.C. 1302, 1324, 1371)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-24041 Filed 8-8-80; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 208

[Economic Regulations Dockets 31788 and 36113; Amdt. No. 26 of Part 208; Regulation ER-1191]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Removal of Limitations on Cargo Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is removing all limitations on cargo charters, includng the requirements that the entire capacity of the aircraft be engaged and that cargo not be carried on the main deck with passengers. The Board makes these amendments under it procompetitive policy to permit maximum competition in charter services. The reasons for the changes are explained in ER-1190 (FR Doc. 80-24041), dated August 1, 1980, issued simultaneously in Part V of this issue of the Federal Register.

DATES: Adopted: August 1, 1980. Effective: September 6, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia T. Szrom, Special Authorities Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5088.

The Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation,* as follows;

1. The introductory paragraph in § 208.5 is revised as follows:

§ 208.5 Reports of emergency commercial charters for other direct carriers.

Each charter air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Domestic Aviation within 30 days following each charter flight, containing the following information:

* * * * *

2. Section 208.6 is amended by revising paragraphs (a) and (b)(1), revoking and reserving paragraph (b)(2), amending paragraph (b)(3), and adding a new paragraph (c), to read:

§ 208.6 Charter flight limitations.

(a) Passenger charter flights in air transportation performed by charter air carriers shall be limited to the following:

(1) Air transportation pursuant to contracts with the Department of Defense where all of that portion of the capacity configured for passengers of an aircraft has been engaged by the Department;

(2) Air transportation performed on a time, mileage, or trip basis where all or

part of the capacity of an aircraft has been engaged by any of the following persons, except that the passenger charterers must together engage all of that portion of the capacity of the aircraft configured for passengers other than any portion intended by the carrier for direct sales to the general public under paragraph (a)(3) of this section.

(i) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial traffic: *Provided,* That emergency charters for commercial traffic shall be reported in accordance with § 208.5);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(3) Air transportation performed on a time, mileage or trip basis by a direct air carrier in accordance with Subpart F. Any person may engage all or any portion of an aircraft from a direct carrier. However, the direct carrier must specifiy in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft configured for passengers, the remaining seats must be engaged as provided in paragraph (a)(2) of this section.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(2) of this section shall contract and pay for 20 or more seats.

(2) [Reserved]

(3) This section permits the carriage of charter cargo on the main desk or in the belly of a passenger charter flight.

(c) Cargo charter flights in air transportation are permitted without limitation, except that emergency charters of commercial traffic by a direct air carrier or a direct foreign air carrier shall be reported in accordance with § 208.5.

(Sec. 102, 204, 401 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 92 Stat. 1710, 49 U.S.C. 1302, 1324, 1371)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-24042 Filed 8-8-80; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 212

[Economic Regulations Dockets 31788 and 36113; Amdt. No. 36 of Part 212; Regulation ER-1192]

Charter Trips by Foreign Air Carriers; Removal of Limitations on Cargo Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is removing all limitations on cargo charters, including the requirements that the entire capacity of the aircraft be engaged and that cargo not be carried on the main deck with passengers. Transportation of charter cargo on scheduled flights is also permitted. The Board makes these amendments under its procompetitive policy to permit maximum competition in charter services. The reasons for these changes are explained in ER-1190 (FR Doc. 80-24041), dated August 1, 1980, issued simultaneously in Part V of this issue of the Federal Register.

DATES: Adopted: August 1, 1980. Effective: September 6, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Lofts DePuy, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5878.

The Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers,* as follows:

1. Section 212.8 is amended by revising paragraph (a) and (b)(1), revoking and reserving paragraph (b)(2), amending paragraph (b)(3), and adding new paragraphs (b)(4) and (c) to read:

§ 212.8 Charter flights limitations.

(a) Passenger charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually-ticketed or individually-waybilled basis—

(1) Where all or part of the capacity of an aircraft has been engaged on a time, mileage, or trip basis by any of the following persons, except that the passenger charterers must together engage all of that portion of the capacity of the aircraft configured for passengers other than any portion intended by the carrier for direct sales to the general public under paragraph (a)(2) of this section:

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or for the transportation of commercial traffic, except that emergency charters of commercial traffic shall be reported in accordance with § 212.14.);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an oversea military personnel charter operator as defined in Part 372 of this chapter.

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter.

(2) Where transportation is performed on a time, mileage, or trip basis in accordance with Subpart E. Any person may engage all or any portion of an aircraft from a direct foreign air carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft configured for passengers, the remaining seats must be engaged as provided in paragraph (a)(1) of this section.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(1) of this section shall contract and pay for 20 or more seats.

(2) [Reserved]

(3) This section permits the carriage of charter cargo on the main deck or in the belly of a passenger charter flight.

(4) Charter passengers shall not be transported on flights carrying individually-waybilled or individually-ticketed traffic.

(c) Cargo charter flights in foreign air transportation by a foreign air carrier holding a permit issued under section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually-ticketed or individually-waybilled basis are permitted without limitation, except that emergency charters of commercial traffic by a direct air carrier or a direct foreign air carrier shall be reported in accordance with § 212.14. Charter cargo may be transported both on scheduled flights carrying individually-ticketed and/or

individually-waybilled traffic and on flights carrying charter traffic only.

2. The introductory paragraph in § 212.14 is revised to read:

§ 212.14 Reports of emergency charters for other carriers.

Each foreign air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of International Aviation within 30 days following each charter flight, containing the following information:

* * * * *

(Sec. 102, 204, 402 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 757, 49 U.S.C. 1302, 1324, 1372)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-24043 Filed 8-8-80; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 214

[Economic Regulations Dockets 31788 and 36113; Amdt. No. 32 to Part 214; Regulation ER-1193]

Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only; Removal of Limitations on Cargo Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is permitting foreign charter-only carriers to operate cargo charter flights without restriction within the scope of their permits, except that the Board is retaining the right to require prior approval for such flights where a carrier's home government does not provide similar opportunities to U.S. air carriers. The Board makes these amendments under its procompetitive policy to permit maximum competition in charter services. The reasons for the changes are explained in ER-1190, (FR Doc. 80-24041) dated August 1, 1980, issued simultaneously in Part V of this issue of the Federal Register.

DATES: Adopted: August 1, 1980. Effective: September 6, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Lofts DePuy, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5878.

The Civil Aeronautics Board amends 14 CFR Part 214, *Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only,* as follows:

1. Section 214.1 is amended to encompass both passenger and cargo transportation, to read:

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

2. The definition in § 212.2(a) is amended to eliminate the limitation to passengers, as follows:

§ 214.2 Definitions.

(a) "Charter foreign air transportation" means charter flights of persons and/or property in air transportation * * *

3. The introductory paragraph in § 214.5 and paragraph (d) are revised to read:

§ 214.5 Reports of emergency commercial charters for other direct carriers.

Each foreign charter air carrier that performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of International Aviation within 30 days following each charter flight, containing the following information:

* * * * *

(4) Number of passengers and/or tons of cargo transported;

* * * * *

4. Section 214.7 is revised to read:

§ 214.7 Charter flight limitations.

(a) Passenger charter flights shall be limited to foreign air transportation performed by a direct foreign air carrier—

(1) Where all or part of the capacity of an aircraft has been engaged on a time, mileage, or trip basis by any of the following persons, except that the passenger charterers must together engage all of that portion of the capacity of the aircraft configured for passengers other than any portion intended by the carrier for direct sales to the general public under paragraph (a)(2) of this section:

(i) By a person for his own use (including a direct air carrier or direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or for the transportation of commercial traffic; except that emergency charters of commercial traffic shall be reported in accordance with § 214.5);

(ii) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(iii) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(iv) By a charter operator or foreign charter operator as defined in Part 380 of this chapter;

(2) Where transportation is performed on a time, mileage, or trip basis in accordance with Subpart D. Any person may engage all or any portion of an aircraft from a direct foreign carrier. However, the direct carrier must specify in its charter prospectus (§ 380.28) the number of seats available for sale directly to the general public, and if that number is less than the entire capacity of the aircraft configured for passengers, the remaining seats must be engaged as provided in paragraph (a)(1) of this section.

(b)(1) Each person engaging less than the entire capacity of an aircraft for the movement of persons and their personal baggage pursuant to paragraph (a)(1) of this section shall contract and pay for 20 or more seats.

(2) This section permits the carriage of charter cargo on the main deck and in the belly of a passenger charter flight.

(c) Cargo charter flights in foreign air transportation by foreign air carriers holding permits to engage in charter transportation only are permitted without limitation, except that emergency charters of commercial traffic by a direct air carrier or a direct foreign air carrier shall be reported in accordance with § 214.5.

5. Paragraph (a), (b) and (c) of § 214.9a are revised to delete the word "passenger" wherever it appears and to add further provisions for prior approval, to read:

§ 214.9a Statement of Authorization; application.

(a)(1) A foreign air carrier shall not perform any charter for the transportation of commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 214.7(a)(1)) unless specific authority in the form of a Statement of Authorization to conduct such charter flights has been granted by the Board, except that no Statement of Authorization shall be required for the performance of such charter flights in cases of emergency. Emergency charters shall be reported in accordance with § 214.5. An emergency charter within the meaning of this section shall not include such circumstances as cancellation of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired

aircraft, and a foreign air carrier may not provide emergency charter trips on any day in each of three or more successive calendar weeks for any single direct carrier without a Statement of Authorization.

(2) The Board, if it finds that the public interest so requires, may at any time, with or without hearing, notify a foreign air carrier subject to this part that it shall not perform charter trips transporting cargo traffic (which may include trips that also transport passengers) in the absence of prior Board authorization. The Board's notification shall be effective for such periods and with respect to such operations as the Board may specify in the notice. Beginning not earlier than 30 days after the date of the notice, the foreign air carrier shall obtain prior authorization as provided in paragraph (b) of this section before operating flights described in the notice. Whenever the Board fails to approve the whole or part of an application for prior approval required under this paragraph, and the application was timely and properly filed, it will notify the President of the United States of its decision at least 10 days before the date of the proposed flight, and the decision shall be subject to stay or disapproval by the President within 10 days after the date of the notification.

(b) Application for a Statement of Authorization shall be submitted on CAB Form 433 to the Civil Aeronautics Board, addressed to the attention of the Director, Bureau of International Aviation. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone; *Provided, however,* That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier, as provided in § 214.7(a)(1), must be submitted on CAB Form 433 and a copy thereof shall be served upon the Federal Aviation Administration, marked for the attention of Director, Flight Standards Service, and each U.S. certificated air carrier which is authorized to serve the same general area in which the proposed charter trips are to be performed. Each applicant shall keep on file with the Director, Bureau of International Aviation, a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any; a description of the proposed operations; type aircraft to be flown; and, if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers. A true copy of the charter agreement actually consummated shall be transmitted to the Director, Bureau of International Aviation, as soon as practicable but in no event later than 15 days after consummation.

(c)(1) Applications pertaining to charters of commercial traffic for another direct air carrier or direct foreign air carrier shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights.

(2) Applications under paragraph (a)(2) of this section shall be filed with the Board at least 30 days in advance of the date of the commencement of the proposed flights.

(3) Upon a showing that good cause exists for failure to adhere to the requirements of this paragraph and that waiver of these requriements is in the public interest, applications later submitted may be considered by the Board.

* * * * *

(Sec. 102, 204, 402 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 757, 49 U.S.C. 1302, 1324, 1372)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-24044 Filed 8-8-80; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 241

[Economic Regulations Dockets 31788 and 36113; Amendment No. 40 to Part 241; Regulation ER-1194]

Uniform System of Accounts and Reports for Certificated Air Carriers; Elimination of Schedule T-41

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating Schedule T-41, in which certificated carriers reported their off-route charter operations. This report is no longer necessary, because it was designed mainly to allow the Board to police limitations on off-route charter operations, and those limitations are being removed. The reasons for this change are discussed in ER-1190 (FR Doc. 80-24041), dated August 1, 1980, issued simultaneously in Part V of this issue of the **Federal Register.**

DATES: Adopted: August 1, 1980. Effective: October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Bernard Davis, Data Requirements Division, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-6042.

The Civil Aeronautics Board amends 14 CFR Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers,* as follows:

1. Section 22(a) is amended by (A) Removing the entry for Schedule No. T-41 from the table entitled "List of Schedules in CAB Form 41 Report" and by (B) revising the entries for due dates January 30 and October 30 in the table entitled "Due Dates of Schedules in CAB Form 41 Report" to read as follows:

Section 22—General Reporting Instructions

(a) * * *

Due Dates of Schedules in CAB Form 41 Report

Due date	Schedule No.
* * *	
Jan. 30.....	P-1(a), T-1, T-2, T-3, T-3.1, T-6, T-7, T-9.
* * *	
Oct. 30.....	P-1(a), T-1, T-2, T-3, T-3.1, T-6, T-7, T-9.

2. Section 25 is amended by revoking the *Charter and Special Service Revenue Aircraft Miles Flown; Calculation of Limitation of Charter Trips* title and reporting instructions for Schedule T-41.

(Sec. 204, 401, 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 92 Stat. 1710, 72 Stat. 766, 49 U.S.C. 1324, 1371, 1377)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-24045 Filed 8-8-80; 8:45 am]

BILLING CODE 6320-01-M