

adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified.

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective May 13, 1971:

Lanai City, Hawaii—Lanai Airport; VOR-1, Amdt. 3; Canceled.

2. Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAPs, effective May 13, 1971:

Douglas, Ariz.—Bisbee-Douglas International Airport; VOR R-319, Original; Canceled.

3. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective May 13, 1971:

Yakutat, Alaska—Yakutat Airport; VOR/DME-3, Amdt. 3; Canceled.

4. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective May 13, 1971:

Yakutat, Alaska—Yakutat Airport; LFR-A, Amdt. 9; Revised.

5. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective May 13, 1971:

Bangor, Maine—Bangor International Airport; VOR Runway 15, Amdt. 4; Revised.

Douglas, Ariz.—Bisbee-Douglas International Airport; VOR Runway 17, Original; Established.

Dublin, Ga.—Dublin Municipal Airport; VOR-A, Amdt. 3; Revised.

Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); VOR Runway 3, Amdt. 7; Revised.

Kailua-Kona, Hawaii—Ke-ahole Airport; VOR Runway 17, Original; Canceled.

Kailua-Kona, Hawaii—Ke-ahole Airport; VOR Runway 35, Original; Canceled.

Lanai City, Hawaii—Lanai Airport; VOR-A, Original; Established.

Robbinsville, N.J.—Trenton-Robbinsville Airport; VOR Runway 28, Amdt. 4; Revised.

Santa Rosa, Calif.—Sonoma County Airport; VOR Runway 32, Amdt. 4; Revised.

Yakutat, Alaska—Yakutat Airport; VOR Runway 11, Amdt. 6; Revised.

Yakutat, Alaska—Yakutat Airport; VOR Runway 29, Amdt. 2; Revised.

Annette Island, Alaska—Annette Airport; VORTAC Runway 30, Amdt. 3; Revised.

Douglas, Ariz.—Bisbee-Douglas International Airport; VOR/DME Runway 17, Original; Established.

Kailua-Kona, Hawaii—Ke-ahole Airport; VORTAC Runway 17, Original; Established.

Kailua-Kona, Hawaii—Ke-ahole Airport; VORTAC Runway 35, Original; Established.

Oxnard, Calif.—Ventura County Airport; VOR/DME Runway 7, Original; Established.

6. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective May 13, 1971:

Miami, Fla.—Miami International Airport; LOC (BC) Runway 9R, Amdt. 5; Revised.

Miami, Fla.—Miami International Airport; Parallel LOC (BC) Runway 9R, Amdt. 1; Revised.

Miami, Fla.—Miami International Airport; LOC (BC) Runway 27R, Amdt. 6; Revised.

Miami, Fla.—Miami International Airport; Parallel LOC (BC) Runway 27R, Amdt. 1; Revised.

Morristown, N.J.—Morristown Municipal Airport; LOC Runway 23, Amdt. 1; Revised.

7. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective May 13, 1971:

Bangor, Maine—Bangor International Airport; NDB Runway 33, Amdt. 2; Revised.

Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); NDB Runway 3, Amdt. 5; Revised.

Miami, Fla.—Miami International Airport; NDB Runway 9L, Amdt. 8; Revised.

Morristown, N.J.—Morristown Municipal Airport; NDB Runway 5, Amdt. 7; Revised.

Morristown, N.J.—Morristown Municipal Airport; NDB Runway 23, Amdt. 1; Revised.

Rutland, Vt.—Rutland State Airport; NDB-A, Amdt. 2; Revised.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS, SIAPs, effective May 13, 1971:

Bangor, Maine—Bangor International Airport; ILS Runway 33, Amdt. 5; Revised.

Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); ILS Runway 3, Amdt. 5; Revised.

Keene, N.H.—Dillant Hopkins Airport; ILS Runway 2, Amdt. 3; Revised.

Miami, Fla.—Miami International Airport; ILS Runway 9L, Amdt. 8; Revised.

Miami, Fla.—Miami International Airport; Parallel ILS Runway 9L, Amdt. 2; Revised.

Miami, Fla.—Miami International Airport; Parallel ILS Runway 27L, Amdt. 1; Revised.

Miami, Fla.—Miami International Airport; ILS Runway 27L, Amdt. 8; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a) (1))

Issued in Washington, D.C., on April 7, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 71-5220 Filed 4-16-71; 8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-682; Amdt. 19]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Scope of Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of April 1971.

In ER-659¹ the Board determined in substance that uniform charter regulations should be established applicable to all types of charters (except inclusive tour charters) performed by all classes of carriers pursuant, in the case of air carriers, to their basic certificate authority or section 401(e) (6) of the Act. So far as Part 207 is concerned, this determination was implemented by ER-660.²

It is noted, however, that our implementation of this determination may have been ambiguous in light of the provisions of § 207.3 which were not revised. Until the recent revision, Part 207 arguably governed only those operations which were conducted pursuant to section 401(e) (6) of the Federal Aviation Act. Irrespective of the past coverage of the part, the Board has now determined that those charter trips which are conducted pursuant to certificate authority likewise should be governed by Part 207 for purposes of determining the types of services which properly can be afforded to the public as charter services over the carriers' regular routes. Section 207.3 fixed the prior scope of Part 207 by specifying that an air carrier shall not perform any air transportation other than as specified by § 207.3 "except in conformity with its certificate of public convenience and necessity, or with a special or general exemption issued by the Board." To carry out our intent to subject all charter services to the provisions of Part 207, it is appropriate to amend § 207.3 to specify that charter trips conducted under certificate authority shall likewise be deemed to constitute "on-route" charters for purposes of this part.³

Since the rule herein is interpretive and of clarifying character, notice and

¹ Adopted Jan. 29 and effective Apr. 6, 1971.

² Id.

³ By ER-683, issued contemporaneously herewith, § 212.4 (Scope of authorization) of Part 212 is being amended for similar reasons.

public procedure is unnecessary, and the rule will be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 207.3 of Part 207 of its Economic Regulations (14 CFR Part 207) effective April 13, 1971, to read as follows:

§ 207.3 Scope of authorization.

Off-route charter trips and other special services, and on-route charters, may be performed by air carriers, subject, however, to the limitations and regulations set forth in this part. The limitations and regulations herein specified as applicable to charter trips shall be applicable to all charter trips irrespective 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.

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

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary

[FR Doc.71-5408 Filed 4-16-71; 8:50 am]

[Reg. ER-683; Amdt. 11]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Scope of Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of April 1971.

Foreign air carrier permits have always been deemed to authorize on-route charters.¹ And in the Foreign Off-Route Charter Investigation² the Board amended outstanding foreign permits to authorize the holders to engage in off-route charter trips subject to the terms, conditions and limitations prescribed by Part 212. Permits issued since that time authorize the holder to engage in "charter trips" subject to Part 212, without specifying that only off-route charters are so subject.³ Nevertheless, on-route charters have been regulated under Part 212 to only a minimal extent.⁴

In ER-659⁵ the Board determined, *inter alia*, that uniform charter regulations should be established applicable to all types of charters (except inclusive tour charters) performed by all classes of carriers and applicable to on-route as well as off-route charters. So far as Part 212 is concerned, this determination was implemented by ER-661.⁶

It is noted, however, that in implementing this determination § 212.2 (Scope of authorization) was not appro-

riately revised. This section, in brief, provides that off-route charter trips may be performed by foreign air carriers subject to the limitations and regulations set forth in this part. Irrespective of the past coverage of the part, it was the Board's manifest intent that authorization to conduct on-route charters, as well as off-route charter trips, should be subject to the new charter regulations. Accordingly, a clarifying amendment will be made to § 212.2.

Since the rule herein is interpretive and clarifying in character, notice and public procedure thereon are not required and the rule will be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 212.2 of Part 212 (14 CFR Part 212), effective April 13, 1971, to read as follows:

§ 212.2 Scope of authorization.

Off-route charter trips may be performed by foreign air carriers, subject to the limitations and regulations set forth in this part, by all direct foreign air carriers who hold currently effective foreign air carrier permits issued by the Board pursuant to section 402 of the act authorizing such carriers to engage in charter trips in foreign air transportation without regard to the points named in such permits. The limitations and regulations specified as applicable to charter trips shall be applicable to all charter trips irrespective of whether the authority to conduct such trips derives from the linear route authority described in the carrier's permit or from any additional authority conferred in such permit to engage in off-route charter trips.

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

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5409 Filed 4-16-71; 8:50 am]

[Reg. ER-680; Amdt. 3]

PART 213—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

Applicability

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February, 1971.

By Regulation ER-624, adopted April 23, 1970, effective June 4, 1970, 35 F.R. 8880, the Board enacted new Part 213, Terms, Conditions and Limitations of Foreign Air Carrier Permits. The Board made the regulation applicable only to those carriers who were parties to the Part 213 Proceeding (Foreign Air Carrier Permit Terms Investigation, Docket 12063), or whose permits were issued after June 3, 1970. By Order 70-6-105, dated June 18, 1970, the Board directed 37 foreign air carriers (who were not parties to the Part 213 Proceeding) to show cause why Part 213 should not be made applicable to them. The order also directed the foreign carriers to show

cause why their permits should not be amended so as to make the permits subject to the provisions of Part 213, as amended. For the reasons stated in Order 71-4-64, effective April 8, 1971, we have decided to make final our tentative findings and conclusions stated in the order to show cause and to make Part 213 generally applicable to all foreign scheduled air carriers (except those holding Canadian transborder permits).¹⁴

In consideration of the foregoing, the Board hereby amends Part 213 of the economic regulations (14 CFR Part 213), effective April 8, 1971, to read as follows:

1. Amend § 213.1 to read as follows:

§ 213.1 Applicability.

This regulation sets forth terms, conditions, and limitations applicable to section 402 permits authorizing foreign direct air carriers to engage in scheduled foreign air transportation. Unless such permits or the orders issuing such permits otherwise provide, the exercises of the privileges to engage in scheduled foreign air transportation granted by any such permit shall be subject to the terms, conditions, and limitations as are set forth in this part, and as may from time to time be prescribed by the Board. Notwithstanding the foregoing, this regulation shall not apply to permits of Canadian air carriers authorizing casual, occasional, and infrequent flights with small aircraft across the Canada-United States border or the Canada-Alaska border; and those permits shall not be subject to the terms, conditions, and limitations in this part.

2. Delete Appendix A of Part 213.

(Secs. 204(a), 402, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-5410 Filed 4-16-71; 8:50 am]

[Reg. ER-681; Amdt. 2]

PART 250—PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Public Disclosure of Reports Covering International Operations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of April 1971.

In a notice of proposed rule making, EDR-18, dated October 2, 1970,¹ the Board announced that it had under consideration amendment of Part 250 to revise the rule prohibiting disclosure of unaccommodated passenger reports covering international operations. In EDR-188, the Board noted that § 250.10 of Part 250 requires carriers to file two reports of unaccommodated passengers. Form 250 covers, in specified markets,

¹⁴ List of Foreign Air Carriers filed as part of the original document.

¹ 35 F.R. 15764.

¹ See 30 CAB 1547, 1548 (1960).

² 27 CAB 196 (1958).

³ See e.g., Compagnie Nationale Air France, Foreign Permit, 30 CAB 981, 983 (1960).

⁴ E.g., § 212.3a (Written contracts with charterers) and § 212.7 (Records and record retention).

⁵ Adopted Jan. 29 and effective Apr. 6, 1971.

⁶ Id.

the total revenue passengers boarded and the number of unaccommodated passengers in three categories: denied boarding on aircraft, downgrades and upgrades. In addition, in Form 251 carriers report the number of passengers² who received denied boarding compensation, who qualified for such compensation but did not accept compensation offered, and who did not qualify for compensation due to specified reasons. In addition, Form 251 includes the number of passengers enplaned at reported stations.

The Board also noted that § 250.10 provides that carriers with both domestic and international operations shall file separate reports for each and that "Reports covering international operations shall be protected from public disclosure." It proposed that § 250.10 be revised to provide that the information contained only in Form 250 covering international operations shall continue to be withheld from public disclosure, but that international data contained in Form 251 would no longer be withheld.

In explaining the reasons for the proposal the Board stated that, unlike the case with respect to Form 250, public disclosure of information on international operations contained in Form 251 would not reveal sensitive market information, and it would also permit a carrier-by-carrier comparison of their performance in honoring confirmed reservations. Although foreign air carriers do not provide similar information, the Board stated that it did not appear that foreign air carriers could derive any competitive advantage from access to such data.

Pursuant to the notice, comments have been received from Eastern Air Lines, Pan American World Airways, and Trans World Airlines, and all object to the proposal to permit public disclosure of international data in Form 251. Pan American asserts that the proposal would provide foreign carriers with an official record that on occasion American carriers are unable to accommodate all passengers holding confirmed reservations. It adds that such information is capable of being used in a variety of forms by the foreign carriers in their efforts to sell against U.S. airlines. It contends that this can be done subtly by indications to the effect that the performance of an American carrier is less reliable than that of a foreign airline, or, on the other hand, such usage of official CAB records may not be subtle at all.³ According to Pan American,

it appears that the public interest will derive little benefit from disclosure of the denied boarding experience of the U.S.-flag carriers and that the best interests of the U.S.-flag carriers can suffer substantial harm.

In its comment TWA states that the public will have a very distorted base from which to form their judgment in light of the fact that foreign flag carriers do not report statistics on unaccommodated passengers, and therefore nothing can be disclosed about their denied boarding performance. With a basis that is unrepresentative of the performance mix being offered in a general or specific market place the unsophisticated public cannot make meaningful comparisons. Moreover, according to TWA, the proposed "one-sided picture" will result in serious bias against the U.S. international carriers; and publication of any denied boarding, no matter what the degree, would place the carriers in a light that is particularly unfair and unfounded. Eastern takes essentially the same position as Pan American and TWA.

Upon consideration, the Board has decided to adopt the proposed rule and incorporate herein the tentative findings made in EDR-188.

The gist of Pan American's opposition to the proposal is its belief that foreign air carriers may use Form 251 data to put competing U.S. carriers in a bad light and do them substantial harm. We consider the argument speculative and unpersuasive.

Assuming that certain foreign air carriers keep a record of the number of passengers denied boarding by them,⁴ we regard it as highly unlikely that they would advertise the fact that they fail to honor their commitments to passengers holding confirmed reserved space, even for comparative purposes with their competitors.⁵ Moreover, a further deterrent to use of the data by foreign air carriers in the manner envisioned by Pan American is that it would expose them to counter measures by U.S. carriers pointing out that they provide no compensation to denied boarding passengers.⁶

TWA's position differs from Pan American's in that it is concerned that the public, rather than foreign air carriers, will draw unfavorable and distorted comparisons between U.S. and foreign air carriers if the data are released, since foreign-flag carriers do not report statistics on unaccommodated passengers. The Board intends, however, to accompany release of the data with a statement that foreign carriers do not make

such information available to the Board. Moreover, as the Board stated in promulgating Part 250: "Far from being a competitive disadvantage, it would appear to us that if U.S.-flag carriers do provide denied boarding compensation and their foreign competitors do not, the competitive disadvantage lies with the latter."⁷ Release of the data will assist in calling attention to the public the different standards the Board requires in this area as between U.S. and foreign carriers.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 250.10 of Part 250 of its economic regulations (14 CFR Part 250), effective May 18, 1971, as follows:

§ 250.10 Reports of unaccommodated passengers.

Carriers shall file with the Bureau of Accounts and Statistics, in CAB Form 250 (Appendix A of this part),⁸ with respect to the applicable markets specified hereinafter, of the total number of revenue passengers boarded and the number of unaccommodated passengers in three categories: denied boarding on aircraft, downgrades and upgrades. The markets for which such reports shall be filed are those for which on-time reporting is filed in accordance with Part 234 of the Board's economic regulations and, in addition, New York-San Juan. Local service carriers shall, in addition to reports which may be required by Part 234, file such data for the five top-ranking markets of each. The reports shall cover the third month in each calendar quarter and shall be filed within 45 days after the month covered by the report. In addition, carriers shall file, on a monthly basis, the information requested in Appendix B of this part (CAB Form 251).⁹ These reports may be on a system basis or limited to those stations accounting for 67 percent of the carrier's total enplanements, or the top 15 stations, whichever number is greater. The information in Item 4 shall be limited to the passengers enplaned at the reported stations and not the system total. Further, a list of the stations included should be appended to each report. These reports are to be submitted within 30 days after the month covered by the report. Those carriers with both domestic and international operations shall file separate reports for each. The information contained in CAB Form 250 covering international operations shall be withheld from public disclosure.

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

By the Civil Aeronautics Board.*

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc.71-5411 Filed 4-16-71; 8:50 am]

⁴ Of course, if they employed false or misleading figures, they could run afoul of section 411 of the Act.

⁵ So far as we are aware, this has never been the case with respect to U.S. carriers and the domestic data which has been disclosed.

⁶ Apparently only two foreign air carriers, both Canadian, provide such compensation.

⁷ ER-503, Aug. 3, 1967.

⁸ Appendices A and B filed as part of the original document.

⁹ Dissenting statement of Vice Chairman Gilliland and Member Timm filed as part of the original document.

² On a system basis or limited to those stations accounting for 67 percent of the carrier's total enplanements, or the top 15 stations, whichever is greater.

³ To illustrate this point, Pan American has attached a copy of an advertisement of a foreign air carrier to show how a foreign airline can combine official CAB records and mass media advertising to publicize that its American competitors have a less than perfect on-time performance record. Pan American states that without similar official data with respect to this foreign carrier's on-time performance, there appears to be little that the American carriers can do to rebut such advertising and show the traveling public that the foreign carrier's on-time performance record is less than perfect.