

therefore adopt these levels as the guideline minima for the seasons and aircraft capacities indicated to be used in evaluating individual carrier tariff filings for transatlantic charter services operated during calendar 1975.

We are aware of the fact that a per seat-mile minimum rate inherently creates an impetus toward operation with less than normal cabin density as a means of obtaining a competitive price advantage. This would be particularly true with respect to the operator of conventional equipment and would, of course, undermine the purpose of insuring adequate compensation for the services provided. To forestall this possibility our guideline rates charged for aircraft with less than 230 seats will be based on a minimum of 160 seats regardless of the number of seats actually available for sale in a given aircraft on a given flight.¹⁴ Above the 160-seat minimum for regular jet aircraft, the charter price is computed in terms of the number of seats in the aircraft.

Since this rule is a statement of policy it may be made effective immediately. Accordingly, in light of the foregoing findings and after careful consideration of all comments and data received, the Board hereby amends Part 399 of the Statements of General Policy (14 CFR 399), effective October 18, 1974 as follows:

1. Amend the Table of Contents by adding a new § 399.45, to read as follows:

Sec.
399.45 Minimum charter rates.

2. Add a new § 399.45 to read as follows:

§ 399.45. Minimum charter rates.

For charter services between the United States and Europe originating in the United States during 1975, it is the policy of the Board to evaluate tariff rates against the standards set forth below. Tariff filings not conforming to these standards must be accompanied by a full and adequate justification.

(a) For eastbound legs of U.S.-originating charters, the minimum rates based on season and aircraft seating capacity are:

	Aircraft with less than 230 seats	Aircraft with more than 229 seats
	Cents per seat-mile	Cents per seat-mile
Low:		
Jan. 1 to Mar. 14.....	3.1	2.4
Nov. 16 to Dec. 31.....	3.1	2.4
Shoulder:		
Mar. 15 to May 23.....	3.4	2.7
Aug. 1 to Nov. 15.....	3.4	2.7
Peak: May 24 to July 31.....	4.1	3.4

¹⁴ The agreement reached by the majority at the North Atlantic Charter Fare Conference specified an add-on charge for aircraft with less than 160 seats, and we consider this to be a reasonable minimum density for conventional aircraft in all-economy-class configuration.

(b) For westbound legs of U.S.-originating charters, the minimum rates based on season and aircraft seating capacity are:

	Aircraft with less than 230 seats	Aircraft with more than 229 seats
	Cents per seat-mile	Cents per seat-mile
Low:		
Jan. 1 to Mar. 14.....	3.1	2.4
Nov. 16 to Dec. 31.....	3.1	2.4
Shoulder:		
Mar. 15 to June 30.....	3.4	2.7
Sept. 11 to Nov. 15.....	3.4	2.7
Peak: July 1 to Sept. 10.....	4.1	3.4

(c) For aircraft with less than 230 seats, the charter rate will be based on the actual number of seats available for sale on the aircraft or 160 seats whichever is higher.

(d) The above rates are exclusive of agent's commissions.¹⁵

(e) For round-trip charters, the minimum rate shall be the sum of the applicable directional minimum determined in accordance with paragraphs (a) and (b) of this section.

(f) Each charter tariff shall specify the maximum number of seats available for the use of the charterer in each configuration for the type of aircraft to which each rate applies.

(g) Each tariff transmittal shall show the rate per available seat-mile and the basis for calculation.

(h) The minimum rates set forth herein shall be applied to the great circle, nonstop, distance between the point of origin of the charter flight, via any intermediate points served at the request of the charterer, and the point of termination of the charter flight.

(Sections 102, 204(a), 403(a), 404(a)(2), 416(a) and 1002(j) of the Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 758, 760, 771 and 788; 49 U.S.C. 1302, 1324, 1373, 1374, 1386 and 1482; and sections 3 and 4 of the Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552 and 533.)

By the Civil Aeronautics Board.

Effective: October 18, 1974.

Adopted: October 18, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: Tables 1A through 4, illustrating certain commercial charter costs and operating revenues, are filed as part of the original document.

[FR Doc.74-24886 Filed 10-25-74; 8:45 am]

[Reg. PS-58, Amdt. 37]

PART 399—STATEMENTS OF GENERAL POLICY

Oral Confirmed Reservations To Include Foreign Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 13, 1974.

¹⁵ In the case of commissionable charters, the rates will need to be increased to reflect the carrier's commission for purposes of its tariff filing.

By notice of proposed rulemaking, PS-36,¹ the Board invited comment on a proposal to amend Part 399 of its Statements of General Policy (14 CFR Part 399) so as to make applicable to foreign air carriers the Policy Statement on unfair or deceptive reservations practices involving orally confirmed reservations.² The Policy Statement was to the effect that the Board considers it is an unfair or deceptive practice for an air carrier or ticket agent to purport to confirm reserved space by any means not provided for by the carrier's tariff.

Simultaneously, with the adoption of the foregoing Policy Statement the Board amended its "denied-boarding compensation" rule (14 CFR Part 250) so as to apply not only to confirmed reservations noted on a passenger's ticket, but also to reservations confirmed by any other means provided for in an air carrier's tariff.³

As indicated in the Explanatory Statement to PS-36, the Board's purpose in adopting these amendments was to protect the public against employees and agents of carriers representing that telephone reservations for scheduled flights made by prospective passengers are "confirmed" when, in fact, under the terms of the carrier's tariff, they are not, and, on the other hand, to extend the remedy of denied-boarding compensation to passengers holding reservations confirmed in any manner provided for by the carrier's tariff, even if not evidenced by a ticket notation.

By EDR-248 the Board proposed a further amendment of the denied-boarding regulations to make them applicable to foreign air carriers.⁴ To complement that action, we proposed in PS-36 to amend our Policy Statement on unfair or deceptive reservation practices under section 411 of the Act to also encompass foreign air carriers. We also indicated this proceeding was separate from the rulemaking under EDR-248, but that we would expect to consider the two matters simultaneously when taking final action. We are following that course.

By ER-880, published contemporaneously herewith, we have determined to amend Part 250 so as to extend its application to certain foreign air carriers on a limited basis, in light of comments received on EDR-248.

Pursuant to the notice in this proceeding, we have received five separate comments, four from foreign air carriers in opposition to the amendment,⁵ and a comment from the American Society of Travel Agents, Inc., favoring the proposal on the grounds, principally, of furthering uniformity of reservation and boarding practices between U.S. and foreign carriers. On consideration of these

¹ July 20, 1973, 38 FR 19415, Docket 25708.

² PS-52, adopted May 23, 1973; 14 CFR § 399.83.

³ ER-804, adopted May 23, 1973; 14 CFR § 250.1.

⁴ EDR-248, 38 FR 15083, June 8, 1973.

⁵ Comments were received from Qantas Airways, Ltd. (Qantas), British Airways (BOAC), Swissair, and Lufthansa.

comments,* the tentative findings in PSDR-36, our findings in PS-52 (see note 2, *supra*), and our related findings in ER-880, the Board has determined to adopt the rule as proposed, and to deny all contrary requests contained in the comments. We turn to a consideration of the principal comments.

Qantas, Swissair, and Lufthansa treat the subject amendment as an integral part of the denied-boarding compensation scheme and object to it not on practical grounds, as the U.S. carriers objected to PS-52, but rather because of the Board's alleged lack of authority to extend Part 250 to foreign air carriers. We have rejected that view in our companion determination in ER-880. In pursuing this course, the carriers assume that the proposed policy statement is otherwise unnecessary because it merely states the obvious. We disagree with this judgment. Where substantial uniformity of practice is significant, as we deem it to be here, a statement of policy interpreting a general regulatory statute like section 411 is not only justified but necessary.

On the other hand, BOAC raises two objections applicable to PSDR-36 "as an administrative action independent of EDR-248." First, it argues that no evidence is cited in the Explanatory Statement to justify the proposal, and that the reservation practices of foreign air carriers do not in fact provide such a factual predicate. BOAC specifically states that it always advises callers that reserved space will be held subject to the ticket's being picked up at a specified time. While this may be true in the case of BOAC, no other carrier made this claim. Similarly, the Board's finding of a factual basis in support of PS-52 was not challenged by U.S. carriers, and it would be difficult to argue that the latter follow uniformly different practices from the former. In any event, carriers such as BOAC which do not orally confirm reservations, will not be affected by the proposed policy statement.

BOAC's second argument is that PSDR-36, alone or in conjunction with EDR-248, should at least be limited to oral reservations made in the United States. Otherwise, it argues the policy constitutes an invasion of sovereignty in that it dictates a particular form of communication with a foreign public. That is not persuasive, however, since all that is required is that the foreign air carriers conform their reservations practices to the tariff rules which they choose to file with the Board. This is nothing less than what is required by the Act; and, indeed, the Board could hardly provide or imply otherwise.

In its comment in opposition to EDR-248, the Chinese Ministry of Communications suggested that if the proposed policy were adopted, telephone confirmations would be reduced or abandoned entirely because the concomitant applicability of Part 250 would foster contro-

versies over evidence of confirmations. We believe that this is unlikely because of competitive considerations. Moreover, the Board in PS-52 acknowledged the propriety of allowing U.S. carriers to file reasonable provisions in their tariffs protecting themselves against such problems. Nearly all U.S. carriers have done so, and certainly the foreign air carriers would have the same option. We do not foresee, and the carriers have not alleged, that the proposed extension of Part 250 would result in problems of proof peculiar to foreign air transportation.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective December 28, 1974, as follows:

1. Amend the Table of Contents of Part 399 by changing the heading of § 399.83, the table as amended to read as follows:

Sec.
399.83 Unfair or deceptive practice of air carrier, foreign air carrier, or ticket agent in orally confirming to prospective passenger reserved space on scheduled flights.

2. Revise § 399.83 to read as follows:

§ 399.83 Unfair or deceptive practice of air carrier, foreign air carrier, or ticket agent in orally confirming to prospective passenger reserved space on scheduled flights.

It is the policy of the Board to consider the practice of an air carrier, foreign air carrier, or ticket agent, of stating to a prospective passenger by telephone or other means of communication that a reservation of space on a scheduled flight in air transportation is confirmed before a passenger has received a ticket specifying thereon his confirmed reserved space, to be an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof within the meaning of section 411 of the Act, unless the tariff of the particular air carrier or foreign air carrier provides for confirmation of reserved space by the means so used.

(Secs. 102, 204(a), 402, 403, 404, 411, 1002, Federal Aviation Act of 1958, as amended (72 Stat. 740, 743, 757, 758, 760, 769, 788; 49 U.S.C. 1302, 1324, 1372, 1373, 1374, 1381, and 1482))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25099 Filed 10-25-74; 8:45 am]

Title 16—Commercial Practices CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8929]

PART 13—PROHIBITED TRADE PRACTICES

Dahlberg Electronics, Inc.; Correction

In FR Doc. 74-23514 appearing on page 36326 of the issue for Wednesday,

October 9, 1974 in the left-hand column, 61st line insert after the word "copy" the words "of Appendix A, and a copy".

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25077 Filed 10-25-74; 8:45 am]

[Docket No. 8889]

PART 13—PROHIBITED TRADE PRACTICES

Sun Oil Co. and William Esty Co.;
Correction

In FR Doc. 74-23516 appearing on page 36327 of the issue for Wednesday, October 9, 1974, the following corrections should be made:

1. Right-hand column, immediately preceding the first ordering paragraph, insert the following:

No appeal from the initial decision of the administrative law judge having been filed, and the Commission having determined that the case should not be placed on its own docket for review and that pursuant to § 3.51 of the Commission's rules of practice (effective August 15, 1971), the initial decision should be adopted and issued as the decision of the Commission:

It is ordered that the initial decision of the administrative law judge shall, on the 19th day of August, 1974, become the decision of the Commission, with the following slight modifications:

On p. 5, final paragraph, delete second sentence;

On p. 4, line 32, substitute "Rhythm" for "Rythm";

On p. 5, line 1, delete "s" from "advertisements";

On p. 5, line 18, insert "that" before "by";

On p. 10, line 12, substitute "of any" for "than any other".

It is further ordered that Sun Oil Company, a corporation, and William Esty Company, Inc., a corporation, shall within sixty (60) days and at the end of six (6) months after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

2. Delete the last ordering paragraph in the middle column.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25074 Filed 10-25-74; 8:45 am]

[Docket No. C-2526]

PART 13—PROHIBITED TRADE PRACTICES

Pay'N Save Corp.; Correction

In FR Doc. 74-23247 appearing on page 36001 of the issue for Monday, October 7, 1974 in the middle column, 3rd line from the bottom, insert before the word "be" the following "surveyed or when the stores will be".

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25076 Filed 10-25-74; 8:45 am]

* The Board has also considered statements relating to PSDR-36 contained in comments filed in EDR-248.

[Docket No. 6-2524]

PART 13—PROHIBITED TRADE PRACTICES**Wasem's Inc., et al.; Correction**

In FR Doc. 74-22657 appearing on page 35139 of the issue for Monday, September 30, 1974, the following corrections are made:

1. In the right-hand column, 39th line after the word "other" insert the words "material of similar nature concerning Wasem's Super B Vitamins".
2. In the right-hand column, after line 62 insert the following words "Vitamins. advertisements. Such adver-".

CHARLES A. TOBIN,
Secretary.

[FR Doc. 74-25075 Filed 10-25-74; 8:45 am]

Title 21—Food and Drugs**CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****SUBCHAPTER B—FOOD AND FOOD PRODUCTS****PART 121—FOOD ADDITIVES****Subpart D—Food Additives Permitted in Food for Human Consumption****ASPARTAME****Correction**

FR Doc. 74-17093, which appeared at page 27317 of the issue for Friday, July 26, 1974, was corrected at 39 FR 34651, September 27, 1974. In that correction, the first line of the paragraph headed "Vials" in § 121.1258(b)(3) was incorrectly printed as "2 dram size with tetrafluoroethylene". This line should read "2-dram size with tetrafluoroethylene".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES****Exempt Chemical Preparations**

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing

agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Pre-

vention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
E. R. Squibb & Sons, Inc.	Barbital Buffer Mixture for use with Digoxin Immutope Kit No. 09360.	Vial: 2.4 g per 5 ml vial.	Aug. 6, 1974
Helena Labs	Electra HR Buffer Catalog No. 5805	Packet: 18.1 g, 10 packets per box.	Dec. 28, 1973
Do.	Electra B ₁ Buffer Catalog No. 5016	Packet: 12.14 g, 10 packets per box.	Do.
Do.	Electra B ₂ Buffer Catalog No. 5017	Packet: 18.21 g, 10 packets per box.	Do.
Do.	Titan III Agar Catalog No. 5023	Vial: 2 ml.	Do.
Do.	Titan IV IE Plate (small)	Package: plates, 1 by 3 in.	Do.
Do.	Titan IV IE Plate (large)	Package: plates, 3 by 4 in.	Do.
Do.	Titan IV IE Plate Kit	Kit: 12 small (1 by 3 in.) IE Plates, 1 box B ₁ Buffer.	Do.
Do.	Titan IV IE Plate Kit	Kit: 10 large (3 by 4 in.) IE Plates, 1 box B ₁ Buffer.	Do.
Mallinckrodt Chemical Works	Res-O-Mat ETR Solution	Bottle: 16 oz and imperial gallon.	Aug. 28, 1974
Do.	Res-O-Mat T4 Solution	do.	Do.
Medi-Chem, Inc.	Thymol-Barbital Buffer Concentrate pH 7.55.	Vial: 10 ml.	July 11, 1974
Do.	Thymol-Barbital Buffer Concentrate pH 7.8.	do.	Do.
Syva Corp.	Emit AED-No. 1 Calibrator	Vial: 3 ml, lyophilized.	Aug. 27, 1974
Do.	Emit AED-No. 2 Calibrator	do.	Do.
Do.	Emit AED-No. 3 Calibrator	do.	Do.
Do.	Emit AED-No. 4 Calibrator	do.	Do.
Do.	Emit AED-No. 5 Calibrator	do.	Do.
Do.	Emit AED-No. 1 Calibrator	Vial: 10 ml, lyophilized.	Do.
Do.	Emit AED-No. 2 Calibrator	do.	Do.
Do.	Emit AED-No. 3 Calibrator	do.	Do.
Do.	Emit AED-No. 4 Calibrator	do.	Do.
Do.	Emit AED-No. 5 Calibrator	do.	Do.
Do.	Antiepileptic Drug Control	Vial: 10 ml, lyophilized.	Do.
Do.	Emit Phenobarbital Enzyme Reagent B.	Vial: 5.5 ml, lyophilized.	Do.

Effective date. This order is effective October 29, 1974. Any interested person may file written comments on or objections to the order on or before November 29, 1974. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: October 21, 1974.

JOHN R. BARTELS, Jr.,
Administrator,

Drug Enforcement Administration.

[FR Doc. 74-24979 Filed 10-25-74; 8:45 am]

Title 23—Highways**CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION****SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS****PART 620—ENGINEERING****Engagement of Consultants for Engineering Services; Correction**

The document published at 39 FR 36328 on Wednesday, October 9, 1974, is corrected by revising the last sentence of § 620.309 to read as follows: "Therefore, a full-time publicly employed engineer must be assigned to be in responsible charge of the project at all times, although the publicly employed engineer need not be assigned solely to that project."