

The Board recognizes, however, that mandatory interlining and attendant regulation of the joint fare level and revenue division may be unnecessary because of Hawaii's unique situation. Hawaii's unique geography and dependence on air travel, the highly competitive nature of the mainland-Hawaii and intra-Hawaii markets, the large proportion of vacation tourist travel to and among the islands, the importance of multi-island itineraries to the majority of visitors, and the fact that the current voluntary joint fare involves the participation of all certificated carriers and at least one commuter, all indicate that mandatory interlining may not be necessary in Hawaii to assure equal competitive access for its commuters. See, generally, our tentative findings in Order 82-4-13.

Moreover, a rigid application of the mandatory interlining alternative to Hawaii might undercut some of the utility and value of the existing joint fare arrangement, a voluntary plan permitted by the Board to go into effect *pendente lite* by Order 81-9-22. In particular, restricting the level of joint fares in each market to the sum of the basic on-demand fares could conceivably cause a conflict with the uniform intra-Hawaii flight add-on in a few markets. See, Order 81-9-22, p. 10, note 19. The problem is not the particular level of the add-on, but rather its uniformity in all markets. Yet, to the extent that this uniformity makes the computation of multi-island itineraries easier and more certain, it makes marketing sense in Hawaii and may provide service and price benefits to both visitors and local travelers. On the other hand, given the high proportion of joint fare users in many Hawaii markets, restricting the add-on to the level of the basic on-demand fare may simply act as an incentive to raise the local fares.

We invite public comment on these and other possible considerations relating to the transitional needs of Hawaii carriers and consumers. The effect of not taking action on this proposal would be to leave in place the final decision in the accompanying "Hawaii Common Fares Investigation." Under that decision as proposed (it also could be changed if objections were filed with which the Board agreed), the Board would no longer regulate joint fares in Hawaii. The proposal in this supplemental notice will in no way determine what final action will be taken in the comprehensive domestic joint fares rulemaking.

Regulatory Flexibility Act

The Board certifies that this proposed amendment will not, if adopted, have a

significant economic impact on a substantial number of small entities, in accordance with 5 U.S.C. 605. There are only five intra-Hawaiian air carriers that are small businesses. In addition, the change would only be in effect until the end of 1982, so that the effect would not be significant.

List of Subjects in 14 CFR Part 399

Administrative practice and procedure, Advertising, Air carriers, Antitrust, Archives and records, Consumer protection, Freight Forwarders, Grant programs-transportation, Hawaii, Motor carriers, Puerto Rico, Railroads, Reporting requirements, Travel agents, Virgin Islands.

Accordingly, the Civil Aeronautics Board proposes to supplement PSDR-70, 46 FR 29719, June 3, 1981, as follows:

PART 399—STATEMENTS OF GENERAL POLICY

1. 14 CFR 399.37, *Joint Fares*, would be amended so that the section would read:

§399.37 Joint Fares.

Except for markets involving Alaska, an air carrier that agrees to interline with another air carrier in an interstate market is required to interline, upon request, with any other air carrier in that or any other interstate market. The carriers are free to negotiate the division and the joint fare level, as long as they make available a joint fare that does not exceed the sum of the basic on-demand fares for each carrier's portion of the interline routing (hereafter, the "local routing"). If the carriers are unable to agree, they shall make available a joint fare equal to that sum and each carrier shall receive its basic on-demand fare. A carrier need not agree to the same joint fare and division with all carriers in a market. As used in this section, a carrier's basic on-demand fare over a local routing means the lowest one-way fare that is available, at the time the reservation for the joint fare is made, to any individual passenger traveling over that local routing, other than a standby fare or a fare that is subject to any of the following restrictions: advance purchase of 24 hour or more, minimum or maximum stay, or required ground package.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; (49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1386, 1461, 1481, 1482, 1502, 1504))

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 81N-0022]

Weight Control Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

Correction

In FR Doc. 82-4782 appearing on page 8466 in the issue of Friday, February 28, 1982, make the following correction:

On page 8469, third column, in the 14th line from the top of the page, "338" should have read "838".

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21 CFR Part 874

[Docket No. 79N-1549]

Ear, Nose, and Throat Devices; General Provisions and Classification of 67 Devices

Correction

In FR Doc. 82-1437, appearing at page 3280, in the issue of Friday, January 22, 1982, make the following changes:

1. On page 3280, in the third column, the fourth paragraph, the eleventh line change "not" to "now".
2. On page 3292, in the second column, paragraph 1., the last sentence should read "The generic type of device includes three types of applications: hardwire systems, inductance loop systems, and wireless systems."
3. On page 3297, in the first column, the first paragraph, the sixth line, change "speed" to "speech".
4. On page 3297, in the second column, paragraph 4, line 20, change "H.G. Neil" to "H.G. Neel".
5. On page 3303, in the third column, paragraph 4, line 20, change "H.G. Neil" "serious" to "serous".
6. On page 3319, in the third column, change the 4th heading under Subpart D to read "874.3330 Master hearing aid."
7. On page 3323, in the heading and first line of § 874.4100 change "balloon" to "balloon".

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