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protective action, either automatic or manual, will correct the abnormal situation before a safety limit is exceeded. If, during operation, the automatic alarm or protective devices do not function as required, the licensee shall take appropriate action to maintain the variables within the limiting control-setting values and to repair promptly the automatic devices or to shut down the affected part of the process and if required, to shut down the entire process for repair of automatic devices. The licensee shall review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence.

(2) *Limiting conditions for operation.*—Limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specification until the condition can be met. When a limiting condition for operation of any process step in the system of a fuel reprocessing plant is not met, the licensee shall shut down that part of the operation or follow any remedial action permitted by the technical specification until the condition can be met. In the case of either a nuclear reactor or a fuel reprocessing plant, the licensee shall notify the Commission, review the matter and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence.

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Germantown, Md., this 24th day of April 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,  
*Acting Secretary of the Commission.*

[FR Doc.73-8531 Filed 5-1-73;8:45 am]

## CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212]

[Docket No. 25473; EDR-245]

### DIRECT AIR CARRIERS

#### Proposed Authority to Charter Aircraft to Foreign Air Freight Forwarders

Notice is hereby given that the Civil Aeronautics Board has under consideration modification of parts 207,<sup>1</sup> 208,<sup>2</sup> and 212<sup>3</sup> of the Board's Economic Regulations (14 CFR parts 207, 208, 212) so as to authorize certificated route air carriers, supplemental air carriers, and foreign route air carriers, respectively, to charter aircraft to foreign air freight for-

<sup>1</sup> Charter trips and special services of certificated route air carriers.

<sup>2</sup> Terms, conditions, and limitations of certificates of supplemental air carriers.

<sup>3</sup> Charter trips by foreign route air carriers.

warders. The principal features of the proposed rule are set forth in the attached explanatory statement and proposed rule. The amendment is proposed under the authority of sections 101(33), 204(a), 401, 402, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 75 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1386.

Interested persons may participate in the proposed rulemaking through submission of 12 copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20438. All relevant material in communications received on or before June 1, 1973, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

Dated April 26, 1973.

By the Civil Aeronautics Board.

(SEAL) EDWIN Z. HOLLAND,  
*Secretary.*

#### EXPLANATORY STATEMENT

A number of Board orders granting permits to foreign indirect air carriers of property (foreign air freight forwarders), under section 402 of the act,<sup>4</sup> include a provision which has the effect of authorizing the foreign air freight forwarder to charter aircraft from any direct air carrier, United States or foreign, having authority "to operate cargo charter trips and special services in overseas or foreign air transportation."<sup>5</sup> Yet, despite Board orders clearly granting foreign air freight forwarders broad authority to charter aircraft from direct air carriers, the correlative authority of direct air carriers to charter to such forwarders is not equally clear or broad. Thus, the charter rules governing U.S. scheduled and supplemental carriers do not include foreign air freight forwarders among the classes of eligible charterers specified therein.<sup>6</sup> Similarly, while the charter rules governing foreign route car-

<sup>4</sup> 72 Stat. 757, 49 U.S.C. 1372.

<sup>5</sup> The quoted language is from § 297.22 of the Board's economic regulations (14 CFR 297.22), governing international air freight forwarders, which is incorporated by reference in the order granting the foreign air freight forwarder's permit. See, for example, order 72-7-86, adopted June 21, 1972, approved by the President on July 24, 1972. Paragraph 3(a) of this order states that the permit is subject to the provisions of § 297.22 and other specified sections of pt. 297 "as now or hereafter amended." It should thus be noted that any future change in the provisions of § 297.22 would also be automatically incorporated into the foreign air freight forwarder's authorization.

<sup>6</sup> See §§ 207.11 and 208.6, respectively, of the Board's economic regulations (14 CFR 207.11 and 208.6).

riers specifically include foreign air freight forwarders among the list of eligible charterers, it is not clear from the text of the Board's opinion in its order underlying the rule<sup>7</sup> whether such authority is limited to inbound operations, or whether it extends to outbound operations as well.<sup>8</sup> On the other hand, the authority of foreign charter carriers to charter to any kind of air freight forwarder, United States or foreign, is governed by the terms of the particular charter carrier's permit.<sup>9</sup>

The absence in our rules of a general authorization to direct air carriers, United States and foreign, to charter aircraft to foreign air freight forwarders, does not appear to reflect a deliberate Board policy but, rather, stems principally from the fact that at the time when our various charter rules were being developed, there were no foreign air freight forwarders operating under Board permits.<sup>10</sup>

In view of the increasing number of foreign indirect air carriers which have been receiving authority from the Board to engage generally in indirect air transportation which is outbound from the United States and to charter aircraft from direct air carriers, in particular, we have tentatively concluded that the charter rules governing the direct air carriers (other than foreign charter carriers)<sup>11</sup> should be amended so as to make their authority to charter to such forwarders correlative with the latter's section 402 permit chartering authority. Moreover, since the Board has declined to exercise jurisdiction with respect to inbound charters of foreign air freight forwarders,<sup>12</sup> we also propose to amend the Board's charter rules governing these

<sup>7</sup> Foreign Off-route Charter Service, 27 CAB 196, 203-204.

<sup>8</sup> Section 212.8(a)(3) of the Board's economic regulations (14 CFR 212.8(a)(3)). See also International Airfreight Forwarder Investigation, 27 CAB 658, 720-722.

<sup>9</sup> At the present time, the section 402 permits of all foreign charter carriers authorized to perform transatlantic air transportation include a condition which totally precludes them from chartering to any air freight forwarders, United States or foreign. Also, Canadian charter carriers may charter to air freight forwarders only with prior Board approval. The permit of Aeromar, a Dominican cargo charter operator, authorizes this charter carrier to charter to U.S. international air freight forwarders.

<sup>10</sup> The Board's past failure to consider changes in its charter rules on this subject has also been reflective of either a lack of interest on the part of direct air carriers in obtaining clarification of their authority, or possibly even a lack of awareness on their part that their authority is doubtful.

<sup>11</sup> The authority of foreign charter carriers to charter aircraft to foreign air freight forwarders would continue to be governed by the terms of their particular permits. Thus, we do not propose to amend pt. 214 of the economic regulations, which sets forth the terms and conditions for operations of foreign charter carriers.

<sup>12</sup> Foreign Off-route Charter Service, 27 C.A.B. 196, 203-204.