

forms, or about 54,468 burden hours, which at an estimated industry salary rate of about \$10.40 an hour would indicate a savings of approximately \$566,467.

In addition, other costs incurred by carriers to formulate and disseminate the cargo rate and rule pages to their customers (by the air carriers or their agent, such as the Airline Tariff Publishing Company (ATPCO) or Cargo Rate Services (CRS)) may be affected. Elimination of government filing may favorably affect some portion of their overall cost other than the DOT filing fee; for instance, \$48 for an international cargo tariff page publication/distribution cost in 1994 by the Airline Tariff Publishing Company (ATPCO) in Cargo Tariff Bulletin No. 19, dated November 18, 1993.

The reporting and recordkeeping requirements associated with this rule are being submitted to OMB for approval in accordance with 44 U.S.C. chapter 35 under OMB NO. 2137-AC48; Administration: Department of Transportation; TITLE: Exemption From Property Tariff-Filing Requirements; NEED FOR INFORMATION: Exempts a data page filing requirement; PROPOSED USE OF INFORMATION: Exemption is based on "de minimis" regulatory use; FREQUENCY: Currently, an initial tariff filing is required of each respondent; changes are voluntary, whenever an air carrier elects; BURDEN ESTIMATE: 5.34 hours for an STPA or a cargo rate page; RESPONDENTS: 45; FORM(S): 10,200 pages or forms per annum; AVERAGE BURDEN HOURS PER RESPONDENT: 1,210 hours.

For further information on paperwork reduction contact: The Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, (202) 366-4735 or Edward Clarke, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503.

Any comments regarding the burden estimate or any aspect of these information requirements, including suggestions for reducing the burden, may be sent to: Director, Office of International Aviation, X-40, U.S. Department of Transportation, Office of the Secretary, 400 Seventh Street SW., Room 6402, Washington, D.C. 20590-0001 as well as the above contact.

Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each

year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

14 CFR Part 221

Air rates and fares, Freight, Reporting and recordkeeping requirements.

14 CFR Part 292

Air rates and fares, Freight, Reporting and recordkeeping requirements, Preemption.

For the reasons set forth herein, and under the authority delegated in 49 CFR 1.56(j)(2)(ii), the Department of Transportation amends 14 CFR Part 221 and adds a new Part 292 as follows:

PART 221—TARIFFS

1. The authority citation for Part 221 is revised to read as follows:

Authority: 49 U.S.C. 40101, 40109, 40113, 46101, 46102, Chapter 411, Chapter 413, Chapter 415 and Subchapter I of Chapter 417.

2. Section 221.3 is amended by removing the period at the end of paragraph (d)(8) and adding a semicolon in its place, and by adding a new paragraph (d)(9) to read as follows:

§ 221.3 Carrier's duty.

* * * * *

(d) * * *

(9) Part 292, *International Cargo Transportation*, except as provided in 292.

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3. A new Part 292 is added to read as follows:

PART 292—INTERNATIONAL CARGO TRANSPORTATION

Subpart A—General

Sec.

292.1 Applicability.

292.2 Definitions.

Subpart B—Exemption From Filing Tariffs

292.10 Exemption.

292.11 Revocation of exemption.

Subpart C—Effect of Exemption

292.20 Rule of construction.

292.21 Incorporation of contract terms by reference.

292.22 Effectiveness of tariffs on file.

Authority: 49 U.S.C. 40101, 40105, 40109, 40113, 40114, 41504, 41701, 41707, 41708, 41709, 41712, 46101; 14 CFR 1.56(j)(2)(ii).

Subpart A—General

§ 291.1 Applicability.

This part applies to direct air carriers providing scheduled transportation of cargo in foreign air transportation.

§ 292.2 Definitions.

For purposes of this part:

Cargo means property other than baggage accompanied or checked by passengers, or mail.

Cargo tariff means a tariff containing rates, charges or provisions governing the application of such rates or charges, or the conditions of service, applicable to the scheduled transportation of cargo in foreign air transportation.

Direct air carrier means an air carrier or foreign air carrier directly engaged in the operation of aircraft under a certificate, regulation, order, exemption or permit issued by the Department or its predecessor, the Civil Aeronautics Board.

Subpart B—Exemption From Filing Tariffs

§ 292.10 Exemption.

Direct air carriers are exempted from the requirement to file cargo tariffs with the Department of Transportation provided in 49 U.S.C. 41504 and 14 CFR Part 221.

§ 292.11 Revocation of exemption.

(a) The Department, upon complaint or upon its own initiative, may, immediately and without hearing, revoke, in whole or in part, the exemption granted by this part with respect to a carrier or carriers, when such action is in the public interest.

(b) Any such action will be taken in an order issued by the Assistant Secretary for Aviation and International Affairs, and will identify:

- (1) The tariff matter to be filed; and
- (2) The deadline for carrier compliance.

(c) Revocations under this section will have the effect of reinstating all applicable tariff requirements and procedures specified in the Department's regulations for the tariff material to be filed, unless otherwise specified by Department order.

Subpart C—Effect of Exemption

§ 292.20 Rule of construction.

Carriers holding an effective exemption from the duty to file tariffs under this part shall not, unless otherwise directed by order of the Department, be subject to tariff posting, notification or subscription requirements set forth in 49 U.S.C. 41504 or 14 CFR part 221, except as provided in § 292.21 of this part.

§ 292.21 Incorporation of contract terms by reference.

(a) Carriers holding an effective exemption from the duty to file tariffs under this part may incorporate contract