affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with a Global Positioning System (GPS) and or Flight Management System (FMS) equipment. In consideration of the above, the applicable SIAP's will be altered to include "or GPS or FMS" in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS or FMS procedure is developed, the procedure title will be altered to remove "or GPS or FMS" from these non-localizer, non-precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as "RNAV" will be redesignated as "VOR/DME RNAV" without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 17, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113–40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.27, 97.33 and 97.35 [Amended]

- 2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:
- * * * Effective April 20, 2000
- Oklahoma City, OK, Sundance Airpark, VOR or GPS RWY 17, Orig-A, CANCELLED Oklahoma City, OK, Sundance Airpark, VOR RWY 17, Orig-A
- Oklahoma City, OK, Sundance Airpark, VOR/ DME RNAV or GPS RWY 35, Amdt 1, CANCELLED
- Oklahoma City, OK, Sundance Airpark, VOR/ DME RNAV RWY 35, Amdt 1 Eastland, TX, Eastland Muni, NDB or GPS RWY 35, Amdt 2, CANCELLED Eastland, TX, Eastland Muni, NDB RWY 35,

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29959; Amdt. No. 1982]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the **Federal Register** on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

- 1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
- 2. The FAA Regional Office of the region in which affected airport is located; or
- 3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

- 1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
- 2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Administration (14 CFR part

97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further. airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as

to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same

reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 17, 2000.

L. Nicholas Lacey, Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective Upon Publication

FDC date	State	City	Airport	FDC No.	SIAP
02/07/00	NJ	Newark	Newark Intl	0/1238	ILS Rwy 4L Amdt 12 This Corrects FDC 0/1238 in TL 00–06.
02/11/00	CA	Burbank	Burbank-Glendale-Pasadena	0/1433	ILS Rwy 8 Amdt 35 This corrects FDC 01/1433 in TL00–06.
02/24/00	VT	Rutland	Rutland State	0/1782	LOC Rwy 19, Orig This corrects FDC 0/1782 in TL00-07.
03/01/00	CA	Monterey	Monterey Pennisula	0/2080	GPS Rwy 28L Amdt 1 This corrects FDC 0/2080 in TL 00-07.
03/01/00	СО	Akron	Akron-Washington County	0/2061	VOR Rwy 29, Orig
03/01/00	СО	Fort Collins	Fort Collins-Loveland Muni	0/2056	VOR/DME RNAV Rwy 15, Amdt 4B
03/01/00	CO	Rifle	Garfield County Regional	0/2063	GPS Rwy 8, Orig
03/01/00	CO	Rifle	Garfield County Regional	0/2064	GPS Rwy 26, Orig
03/01/00	FL	Tallahassee	Tallahassee Regional	0/2089	GPS Rwy 27, Orig

FDC date	State	City	Airport	FDC No.	SIAP
03/01/00	IL	Bloomington/Normal	Central IL Regl Arpt at Bloomington-Normal.	0/2058	VOR Rwy 11, Amdt 12A
03/01/00	IL	Bloomington/Normal	Central IL Regl Arpt at Bloomington- Normal.	0/2059	LOC BC Rwy 11, Amdt 8
03/01/00	OR	Salem	McNary Field	0/2054	LOC BC Rwy 13 Amdt 6A
03/02/00	CA	Monterey	Monterey Peninsula	0/2121	LOC/DME Rwy 28L Amdt 3B
03/02/00	CA	Monterey	Monterey Peninsula	0/2139	GPS Rwy 10R, Amdt 1
03/02/00	co	Colorado Springs	City of Colorado Springs Muni	0/2130	GPS Rwy 35R Orig
03/02/00	co	Cortez	Cortez, Muni	0/2129	GPS Rwy 3 Amdt 1
	CO				
03/02/00		Lamar	Lamar Muni	0/2126	VOR Rwy 18 Amdt 10
03/02/00	CO	Lamar	Lamar Muni	0/2127	GPS Rwy 36 Amdt 1
03/02/00	CT	Oxford	Waterbury-Oxford	0/2141	GPS Rwy 36 Orig
03/02/00	MA	Bedford	Laurence G. Hanscom Field	0/2145	NDB Rwy 11, Amdt 21
03/02/00	MA	Bedford	Laurence G. Hanscom Field	0/2146	VOR Rwy 23, Amdt 8B
03/02/00	MA	Bedford	Laurence G. Hanscom Field	0/2147	ILS Rwy 11, Amdt 24
03/02/00	MA	Bedford	Laurence G. Hanscom Field	0/2149	NDB or GPS Rwy 29, Amdt 6
03/02/00	MA	Bedford	Laurence G. Hanscom Field	0/2150	ILS Rwy 29, Amdt 4
03/02/00	MA	Bedford	Laurence G. Hanscom Field	0/2162	GPS Rwy 23, Orig-A
03/02/00	MD	Mitchellville	Freeway	0/2155	VOR or GPS Rwy 36 Orig
03/02/00	MI	Detroit	Detroit Metropolitan Wayne County	0/2173	ILS Rwy 21R, Amdt 26A
03/02/00	MI	Detroit	Detroit Metropolitan Wayne County	0/2174	ILS Rwy 21L, Amdt 8B
03/02/00	NY	Monticello	Sullivan County Intl	0/2144	NDB or GPS Rwy 15 Amdt 6
03/02/00	OR	Portland	Portland Intl	0/2163	ILS Rwy 28L, Orig
03/03/00	SD	Madison	Madison Muni	0/2181	GPS Rwy 33 Orig
03/03/00	VT	Barre-Montpelier	Edward F. Knapp State	0/2198	VOR/DME Rwy 35 Amdt 1
03/03/00	VT	Barre-Montpelier	Edward F. Knapp State	0/2199	VOR Rwy 35 Amdt 3
03/03/00	VT	Barre-Montpelier	Edward F. Knapp State	0/2200	GPS Rwy 35 Orig
03/06/00	CA	Carlsbad	McClellan-Palomar	0/2248	ILS Rwy 24, Amdt 8
03/06/00	CA	Palo Alto	Palo Alto Airport of Santa Clara Coun-	0/2244	GPS Rwy 30, Amdt 1
03/06/00	FL	Orlando	ty. Orlando Executive	0/2247	-
	FL			0/2247	VOR/DME Rwy 7, Orig NDB Rwy 7, Amdt 15
03/06/00	NY	Orlando	Orlando Executive		
03/06/00		Farmingdale	Republic	0/2237	GPS Rwy 14 Orig
03/06/00	SC	Greer	Greenville-Spartanburg Intl	0/2240	ILS Rwy 22, Amdt 3A
03/06/00	TX	Houston	George Bush Intercontinental Airport/ Houston.	0/2256	ILS Rwy 27, Amdt 3 (CAT I, II, III)
03/07/00 03/07/00	OR TX	North Bend Dallas-Fort Worth	North Bend Muni Dallas-Fort Worth Intl	0/2296 0/2286	NDB or GPS Rwy 4 Amdt 4 ILS Rwy 17C (CAT I, II, III), Amdt 7A
03/07/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2288	GPS Rwy 35L, Orig
03/07/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2289	GPS Rwy 35C, Orig
03/07/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2290	NDB Rwy 35C, Amdt 10
03/07/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2291	ILS Rwy 35L, Amdt 2A
03/07/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2293	ILS Rwy 35C, Amdt 6C
03/07/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2294	Converging ILS Rwy 35, Amdt 4B
03/07/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2300	
03/08/00	IN	Terre Haute	Terre Haute International-Hulman Field	0/2322	ILS Rwy 5, Amdt 22B
03/08/00	IN	Terre Haute	Terre Haute International-Hulman Field	0/2323	LOC BC Rwy 23, Amdt 18A
03/08/00	İN	Terre Haute	Terre Haute International-Hulman Field	0/2327	VOR/DME Rwy 5, Amdt 17
03/08/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2314	Converging, ILS Rwy 17C, Amdt 4B
03/08/00	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	0/2342	Converging ILS Rwy 36R, Amdt 1C
03/09/00	AMD	CA VOR/DME Rwy 2	Arcata-Eureka	0/2355	7
03/09/00	CA	Crescent City	Jack McNamara Field	0/2356	VOR/DME Rwy 35, Amdt 10
03/09/00	GA	Thomson	Thomson-McDuffie County	0/2363	NDB or GPS Rwy 28 Orig GPS Rwy 28 Orig
03/09/00	ОН	Lebanon	Lebanon-Warren County	0/2372	RNAV Rwy 1 Orig
03/09/00	OH	Lebanon	Lebanon-Warren County	0/2373	RNAV Rwy 19 Orig
03/10/00	AK	Kalskag	Kalskag	0/2386	GPS Rwy 6, Orig
03/10/00	AK	Kalskag	Kalskag	0/2387	GPS Rwy 24, Orig
03/10/00	AK	Koliganek	Koliganek	0/2383	GPS Rwy 9, Orig
03/10/00	AK	Koliganek	Koliganek	0/2384	GPS Rwy 27, Orig
03/10/00	AK	Mountain Village	Mountain Village	0/2388	GPS Rwy 20, Orig
03/10/00	AK	Mountain Village	Mountain Village	0/2389	GPS Rwy 2, Orig
03/10/00	FL	Melbourne	Melbourne Intl	0/2385	GPS Rwy 9L, Orig
	GA	Thomson		0/2381	
03/10/00			Thomson-McDuffie County		VOR/DME or GPS-A, Amdt 3
03/13/00	GA CA	Jekyll Island	Jekyll Island	0/2512	GPS Rwy 36 Orig-A
03/13/00	GA	Jekyll Island	Jekyll Island	0/2513	VOR or GPS-A Amdt 9A
03/13/00	OH	Middletown	Hook Field Muni	0/2482	NDB or GPS Rwy 23, Amdt 8B
03/14/00	LA	New Orleans	New Orleans Intl (Moisant Field)	0/2498	ILS Rwy 28, Amdt 4
03/14/00	NE	Wayne	Wayne Muni	0/2530	NDB or GPS Rwy 22, Amdt 3
03/15/00	OH	Middletown	Hook Field Muni	0/2569	LOC Rwy 23, Amdt 7C
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[FR Doc. 00–7194 Filed 3–22–00; 8:45 am] BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No.29958; Amdt. No.1981]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

- 1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
- 2. The FAA Regional Office of the region in which the affected airport is located; or
- 3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

- 1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
- 2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment is part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances

which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).