

federal register

**Thursday
December 28, 1995**

Part IV

Department of Transportation

Federal Aviation Administration

**14 CFR Part 1, et al.
Authority Citations Revision; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

14 CFR Parts 1, 11, 13, 14, 15, 21, 23, 25, 27, 29, 31, 33, 34, 35, 36, 39, 43, 45, 47, 49, 61, 63, 65, 67, 71, 73, 77, 91, 93, 95, 97, 99, 101, 103, 105, 107, 108, 109, 121, 125, 129, 133, 135, 137, 139, 141, 143, 145, 147, 150, 151, 152, 155, 156, 157, 158, 161, 169, 170, 171, 183, 185, 187, 189, 191, 198

[Docket No. 28417; Amendment Nos.: 1-41, 11-39, 13-25, 14-2, 15-3, 21-72, 23-47, 25-85, 27-31, 29-37, 31-6, 33-16, 34-2, 35-7, 36-21, 39-9473, 43-35, 45-22, 47-25, 49-10, 61-88, 63-30, 65-39, 67-16, 71-27, 73-7, 77-12, 91-246, 93-72, 95-394, 97-1703, 99-17, 101-7, 103-5, 105-11, 107-8, 108-13, 109-2, 121-252, 125-24, 129-26, 133-13, 135-59, 137-15, 139-21, 141-6, 143-5, 145-22, 147-7, 150-3, 151-40, 152-14, 155-2, 156-1, 157-7, 158-1, 161-1, 169-3, 170-2, 171-17, 183-10, 185-2, 187-6, 189-4, 191-3, 198-3]

Revision of Authority Citations

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule adopts new authority citations for Chapter I of Title 14 of the Code of Federal Regulations (CFR). In 1994, the Federal Aviation Act of 1958 and several other statutes conferring authority upon the Federal Aviation Administration were recodified into positive law. This document updates the authority citations listed in the Code of Federal Regulations to reference the current law.

DATES: This final rule is effective December 28, 1995. Comments on this final rule must be received by March 1, 1996.

ADDRESSES: Comments on this final rule should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 28417, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 28417. Comments may be examined in room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen Petronis, Office of the Chief Counsel, Regulations Division, AGC-210, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone: 202-267-3073.

SUPPLEMENTARY INFORMATION: In July 1994, the Federal Aviation Act of 1958 and numerous other pieces of legislation

affecting transportation in general were recodified. The statutory material became "positive law" and was recodified at 49 U.S.C. 1101 *et seq.*

The Federal Aviation Administration is amending the authority citations for its regulations in Chapter I of 14 CFR to reflect the recodification of its statutory authority. No substantive change was intended to any statutory authority by the recodification, and no substantive change is introduced to any regulation by this change.

Although this action is in the form of a final rule and was not preceded by notice and an opportunity for public comment, comments are invited on this action. Interested persons are invited to comment by submitting such written data, views, or arguments as they may desire by March 1, 1996. Comments should identify the rules docket number and be submitted to the address specified under the caption **ADDRESSES**.

Because of the editorial nature of this change, it has been determined that prior notice is unnecessary under the Administrative Procedure Act. It has also been determined that this final rule is not a "significant regulatory action" under Executive Order 12866, nor is it a significant action under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979). Further, the editorial nature of this change has no known or anticipated economic impact; accordingly, no regulatory analysis has been prepared.

Adoption of the Amendment

In consideration of the forgoing, the Federal Aviation Administration amends 14 CFR Chapter I as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

PART 11—GENERAL RULE-MAKING PROCEDURES

2. The authority citation for part 11 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40105, 40109, 40113, 44110, 44502, 44701-44702, 44711, 46102.

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

3. The authority citation for part 13 is revised to read as follows:

Authority: 18 U.S.C. 6002; 49 U.S.C. 106(g), 5121-5124, 40113-40114, 44103-44106, 44702-44703, 44709-44710, 44713, 46101-46110, 46301-46316, 46501-46502, 46504-46507, 47106, 47111, 47122, 47306, 47531-47532.

PART 14—RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT OF 1980

4. The authority citation for part 14 is revised to read as follows:

Authority: 5 U.S.C. 504; 49 U.S.C. 106(g), 40113, 46104.

PART 15—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

5. The authority citation for part 15 is revised to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 2672, 2675; 49 U.S.C. 106(g), 40113, 44721.

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

6. The authority citation for part 21 is revised to read as follows:

Authority: 42 U.S.C. 7572; 49 U.S.C. 106(g), 40105, 40113, 44701-44702, 44707, 44709, 44711, 44713, 44715, 45303.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

7. The authority citation for part 23 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

8. The authority citation for part 25 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

9. The authority citation for part 27 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

10. The authority citation for part 29 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

PART 31—AIRWORTHINESS STANDARDS; MANNED FREE BALLOONS

11. The authority citation for part 31 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

12. The authority citation for part 33 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

PART 34—FUEL VENTING AND EXHAUST EMISSION REQUIREMENTS FOR TURBINE ENGINE POWERED AIRPLANES

13. The authority citation for part 34 is revised to read as follows:

Authority: 42 U.S.C. 4321 *et seq.*, 7572; 49 U.S.C. 106(g), 40113, 44701-44702, 44704, 44714.

PART 35—AIRWORTHINESS STANDARDS: PROPELLERS

14. The authority citation for part 35 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

15. The authority citation for part 36 is revised to read as follows:

Authority: 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 106(g), 40113, 44701-44702, 44704, 44715; sec. 305, Pub. L. 96-193, 94 Stat. 50, 57; E.O. 11514, 35 FR 4247, 3 CFR, 1966-1970 Comp., p. 902.

PART 39—AIRWORTHINESS DIRECTIVES

16. The authority citation for part 39 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

17. The authority citation for part 43 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44703, 44705, 44707, 44711, 44713, 44717.

PART 45—IDENTIFICATION AND REGISTRATION MARKING

18. The authority citation for part 45 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40109, 40113-40114, 44101-44105, 44107-44108, 44110-44111, 44504, 44701, 44708-44709, 44711-44713, 45302-45303, 46104, 46304, 46306, 47122.

PART 47—AIRCRAFT REGISTRATION

19. The authority citation for part 47 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113-40114, 44101-44108, 44110-44111, 44703-44704, 44713, 45302, 46104, 46301; 4 U.S.T. 1830.

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

20. The authority citation for part 49 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113-40114, 44101-44108, 44110-44111, 44704, 44713, 45302, 46104, 46301; 4 U.S.T. 1830.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

21. The authority citation for part 61 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45302.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

22. The authority citation for part 63 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45302.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

23. The authority citation for part 65 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45302.

PART 67—MEDICAL STANDARDS AND CERTIFICATION

24. The authority citation for part 67 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45303.

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

25. The authority citation for part 71 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

PART 73—SPECIAL USE AIRSPACE

26. The authority citation for part 73 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

27. The authority citation for part 77 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113-40114, 44502, 44701, 44718, 46101-46102, 46104.

PART 91—GENERAL OPERATING AND FLIGHT RULES

28. The authority citation for part 91 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506-46507, 47122, 47508, 47528-47531.

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

29. The authority citation for part 93 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

PART 95—IFR ALTITUDES

30. The authority citation for part 95 is revised to read as follows:

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

PART 99—SECURITY CONTROL OF AIR TRAFFIC

32. The authority citation for part 99 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40101, 40103, 40106, 40113, 40120, 44502, 44721.

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

33. The authority citation for part 101 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113-40114, 45302, 44502, 44514, 44701-44702, 44721, 46308.

PART 103—ULTRALIGHT VEHICLES

34. The authority citation for part 103 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103-40104, 40113, 44701.

PART 105—PARACHUTE JUMPING

35. The authority citation for part 105 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113-40114, 44701-44702, 44721.

PART 107—AIRPORT SECURITY

36. The authority citation for part 107 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701-44702, 44706, 44901-44905, 44907, 44913-44914, 44932, 44935-44936, 46105.

PART 108—AIRPLANE OPERATOR SECURITY

37. The authority citation for part 108 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701-44702, 44705, 44901-44905, 44907, 44913-44914, 44932, 44935-44936, 46105.

PART 109—INDIRECT AIR CARRIER SECURITY

38. The authority citation for part 109 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701-44702, 44705, 44901-44905, 44907, 44913-44914, 44932, 44935-44936, 46105.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

39. The authority citation for part 121 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901, 44903-44904, 44912, 46105.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR GREATER

40. The authority citation for part 125 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44710-44711, 44713, 44716-44717, 44722.

PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

41. The authority citation for part 129 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40104-40105, 40113, 40119, 44701-44702, 44712, 44716-44717, 44722, 44901-44904, 44906.

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS

42. The authority citation for part 133 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

43. The authority citation for part 135 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44705, 44709, 44711-44713, 44715-44717, 44722.

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

44. The authority citation for part 137 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 44701-44702.

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CERTAIN AIR CARRIERS

45. The authority citation for part 139 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44706, 44709, 44719.

PART 141—PILOT SCHOOLS

46. The authority citation for part 141 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709, 44711, 45102-45103, 45301-45302.

PART 143—GROUND INSTRUCTORS

47. The authority citation for part 143 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45106, 45301-45302.

PART 145—REPAIR STATIONS

48. The authority citation for part 145 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44707, 44717.

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

49. The authority citation for part 147 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701-44702, 44707-44709.

PART 150—AIRPORT NOISE COMPATIBILITY PLANNING

50. The authority citation for part 150 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44715, 47101, 47501-47504.

PART 151—FEDERAL AID TO AIRPORTS

51. The authority citation for part 151 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 47151, 47153.

PART 152—AIRPORT AID PROGRAM

52. The authority citation for part 152 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 47106, 47127.

PART 155—RELEASE OF AIRPORT PROPERTY FROM SURPLUS PROPERTY DISPOSAL RESTRICTIONS

53. The authority citation for part 155 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 47151-47153.

PART 156—STATE BLOCK GRANT PILOT PROGRAM

54. The authority citation for part 156 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 47101, 47128; 49 CFR 1.47(f), (k).

PART 157—NOTICE OF CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

55. The authority citation for part 157 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 44502.

PART 158—PASSENGER FACILITY CHARGES (PFC'S)

56. The authority citation for part 158 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40116-40117, 47111, 47114-47116.

PART 161—NOTICE AND APPROVAL OF AIRPORT NOISE AND ACCESS RESTRICTIONS

57. The authority citation for part 161 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 47523-47527, 47533.

PART 169—EXPENDITURE OF FEDERAL FUNDS FOR NONMILITARY AIRPORTS OR AIR NAVIGATION FACILITIES THEREON

58. The authority citation for part 169 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40101-40107, 40113-40114, 44501-44502, 46104, 47122, 47151-47153, 47302-47306.

PART 170—ESTABLISHMENT AND DISCONTINUANCE CRITERIA FOR AIR TRAFFIC CONTROL SERVICES AND NAVIGATIONAL FACILITIES

59. The authority citation for part 170 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103-40107, 40113, 44502, 44701-44702, 44708-44709, 44719, 44721-44722, 46308.

PART 171—NON-FEDERAL NAVIGATION FACILITIES

60. The authority citation for part 171 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103-40107, 40109, 40113, 44502, 44701-44702, 44708-44709, 44711, 44719-44721, 45303, 46308.

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

61. The authority citation for part 183 is revised to read as follows:

Authority: 31 U.S.C. 9701; 49 U.S.C. 106(g), 40113, 44702, 45303.

PART 185—TESTIMONY BY EMPLOYEES AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS, AND SERVICE OF LEGAL PROCESS AND PLEADINGS

62. The authority citation for part 185 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113-40114, 46104; 49 CFR part 9.

PART 187—FEES

63. The authority citation for part 187 is revised to read as follows:

Authority: 31 U.S.C. 9701; 49 U.S.C. 106(g), 40104-40105, 40109, 40113-40114, 44702, 45301-45303.

PART 189—USE OF FEDERAL AVIATION ADMINISTRATION COMMUNICATIONS SYSTEM

64. The authority citation for part 189 is revised to read as follows:

Authority: 31 U.S.C. 9701; 49 U.S.C. 106(g), 40104, 40113, 44502, 45303.

PART 191—WITHHOLDING SECURITY INFORMATION FROM DISCLOSURE UNDER THE AIR TRANSPORTATION SECURITY ACT OF 1974

65. The authority citation for part 191 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701-44702, 44705-44706, 44901-44907, 44913-44914, 44932, 44935-44936, 46105.

PART 198—AVIATION INSURANCE

66. The authority citation for part 198 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44301-44310; 49 CFR 1.47(b).

Issued in Washington, DC on December 20, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

[FR Doc. 95-31291 Filed 12-27-95; 8:45 am]

BILLING CODE 4910-13-P