

of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(e) This amendment becomes effective on January 5, 1998.

Note 4: The subject of this AD is addressed in Direction Generale de L'Aviation Civile (France) AD 97-027-041(B), dated February 12, 1997.

Issued in Fort Worth, Texas, on December 12, 1997.

Eric Bries,

*Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.*

[FR Doc. 97-33145 Filed 12-18-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-CE-28-AD; Amendment 39-10259 AD 97-26-16]

RIN 2120-AA64

Airworthiness Directives; Cessna Aircraft Company Models 402C and 414A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 85-13-03 R2, which currently requires repetitively inspecting the engine mount beams for cracks on certain Cessna Aircraft Company (Cessna) Models 402C and 414A airplanes, and replacing any cracked beams. This AD requires incorporating engine mount kits that will eliminate the need for the repetitive inspection requirement of AD 85-13-03 R2. This AD results from the Federal Aviation Administration's policy on aging commuter-class aircraft, which is to eliminate or, in certain instances, reduce the number of certain repetitive short-interval inspections when improved parts or modifications are available. The actions specified by this AD are intended to prevent failure of the engine mount beam caused by fatigue cracks, which could result in loss of the engine with consequent loss of the airplane.

DATES: Effective February 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 2, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from the Cessna Aircraft Company, Product

Support, P.O. Box 7706, Wichita, Kansas 67277, telephone (316) 941-7550; facsimile (316) 942-9006. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 90-CE-28-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

David L. Ostrodka, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4129; facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

AD 85-13-03 R2, Amendment 39-5147, currently requires repetitively inspecting the engine mount beams for cracks on certain Cessna Aircraft Company (Cessna) Models 402C and 414A airplanes, and replacing any cracked beams. On August 9, 1990 (55 FR 32442), a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would supersede AD 85-13-03 R2 was published in the **Federal Register** as a notice of proposed rulemaking (NPRM). This NPRM proposed to supersede AD 85-13-03 R2 with a new AD that would have retained the repetitive inspections initially, and would have required eventual modification of the engine mount beams upon the accumulation of a certain amount of usage time on the airplane, as terminating action for the repetitive inspections.

Interested persons were afforded an opportunity to participate in the making of this amendment. One comment was received regarding the NPRM and no comments were received regarding the FAA's determination of the cost to the public.

Cessna recommended a change to the original NPRM to account for airplanes that may have Cessna Kit SK414-19 incorporated without Cessna Kit SK414-17 ever being incorporated. Cessna stated that, as written, the NPRM would not require the 9,600 hour time-in-service (TIS) repetitive radiographic inspections for these airplanes.

The FAA concurred and determined that any AD action on this issue should require mandatory incorporation of the two appropriate Cessna SK414-19-* kits (five different kits) and then repetitive radiographic inspections at 9,600-hour TIS intervals on all

airplanes. This would assure that all airplanes are covered by the repetitive radiographic inspections.

The FAA re-examined this issue and determined that the actions proposed in the original NPRM were still valid safety issues, but that the engine mount beams should be modified at a certain time period for all airplanes instead of relying on repetitive inspections to detect cracks until each airplane accumulates a certain amount of hours TIS.

Since the comment period for the original NPRM had closed and revision of the NPRM to require engine beam modification at a certain period of time for all of the affected Cessna Model 402C and 414A airplanes proposed actions that went beyond the scope of what was already proposed, the FAA issued a supplemental NPRM (62 FR 39490, July 23, 1997) to allow additional time for the public to comment.

Interested persons were again afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received on the supplemental NPRM.

Comment No. 1: Change of Compliance Time

One commenter states that the compliance time of "within the next 100 hours time-in-service (TIS) after the effective date of this AD" is unrealistic for airplane owners/operators that have the Cessna Kit SK414-17 incorporated on their airplanes. The commenter states that a more realistic time would be to coincide with the next 1,600-hour engine overhaul.

The FAA concurs that this would be a more realistic compliance time for these owners/operators with these kits incorporated on their airplanes. In addition, the FAA has determined a more realistic compliance time for those owners/operators not having the Cessna Kit SK414-17 incorporated on their airplanes would be at 200 hours TIS to coincide with the inspections currently required by AD 85-13-03 R2. The final rule has been changed accordingly.

Comment No. 2: The Cost Estimate is Too Low

Two commenters state that the FAA's estimate of the cost impact on the public is too low by a factor of two or more. One of these commenters presented an example of the cost impact for a specific design configuration, which includes adding multiple kits to both engines. This example also includes 30 hours of labor for engine removal. The commenters request that the FAA re-examine the cost estimate and then

change it to more accurately reflect the actual costs of accomplishing the AD.

The FAA has re-examined the cost impact upon the public and has determined that the proposed cost impact in the NPRM is low. The FAA will change the cost impact estimate to reflect the configuration of incorporating multiple kits on each engine. Since the FAA is changing the compliance time to coincide with the next engine overhaul or scheduled inspection, the 30 workhours necessary to remove the engines will not be part of the cost impact estimate.

Comment No. 3: Parts Availability

One commenter questions whether parts are available for all of the affected airplanes. According to the commenter's research, only 10 owners/operators of the affected airplanes could comply with the proposed AD. The commenter states that a large portion of the 583 affected airplanes that haven't already incorporated the kits would be grounded waiting on parts if the AD would become effective as proposed. With this in mind, the commenter recommends that the FAA allow the owners/operators of the affected airplanes to continue to repetitively inspect their airplanes until cracks are found.

The FAA concurs that parts availability for all airplanes could initially be a problem. If parts are not available, Cessna will manufacture these parts as ordered. With this in mind, the FAA has determined that repetitive inspections may continue if parts are not available provided the parts have been ordered from the manufacturer and any cracked engine mount beam is either repaired or replaced, as applicable. The final rule will be changed to provide for repetitive inspections in the event parts are not available.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the AD as proposed in the supplemental NPRM, except for the changes described above and minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The FAA's Aging Commuter Aircraft Policy

The actions of this AD are consistent with the FAA's aging commuter aircraft

policy, which briefly states that, when a modification exists that could eliminate or reduce the number of required critical inspections, the modification should be incorporated. This policy is based on the FAA's determination that reliance on critical repetitive inspections on airplanes utilized in commuter service carries an unnecessary safety risk when a design change exists that could eliminate or, in certain instances, reduce the number of those critical inspections. In determining what inspections are critical, the FAA considers (1) the safety consequences of the airplane if the known problem is not detected by the inspection; (2) the reliability of the inspection such as the probability of not detecting the known problem; (3) whether the inspection area is difficult to access; and (4) the possibility of damage to an adjacent structure as a result of the problem.

Cost Impact

The FAA estimates that 681 airplanes in the U.S. registry will be affected by this AD. The initial radiographic inspection will take approximately 10 workhours per airplane to accomplish at an average labor rate of \$60 per hour. Based on these figures, the total cost impact of this initial radiographic inspection on U.S. operators is estimated to be \$408,600, or \$600 per airplane. These figures do not take into account the cost of repetitive inspections. The FAA has no way of determining the number of repetitive inspections each owner/operator will incur over the life of the airplane.

Labor and parts vary per affected airplane. The following cost estimate would be for airplanes needing one SK414-19-1A and one SK414-19-3A kit per engine. The FAA estimates 17 workhours per airplane to install these kits at \$60 per hour. Parts would cost approximately \$2,250 per airplane (two SK414-19-1A kits at \$474 each; and two SK414-19-3A kits at \$651 each). Based on these figures (using the above kit configurations on every affected airplane), the total cost impact of the modification on U.S. operators is estimated to be \$2,226,870, or \$3,270 per airplane. This figure is based on the presumption that no affected airplane owner/operator has incorporated the modification. Costs for removing the engines are not included in the cost since the FAA is adjusting the compliance times to coincide with regularly scheduled engine overhauls or already required inspections.

Cessna has informed the FAA that kits have been sold to accommodate approximately 98 of the affected

airplanes. Presuming that each set of parts is incorporated on the affected airplanes, the cost impact of the modification would be reduced \$320,460 from \$2,226,870 to \$1,906,410.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 85-13-03 R2, Amendment 39-5147, and by adding a new AD to read as follows:

97-26-16 Cessna Aircraft Company:

Amendment 39-10259; Docket No. 90-CE-28-AD.

Applicability: Airplanes with the following model and serial number designations, certificated in any category:

Model	Serial Nos.
402C	402C0001 through 402C0808.
414A	414A0001 through 414A1206.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the engine mount beam caused by fatigue cracks, which could result in loss of the engine with consequent loss of the airplane, accomplish the following:

(a) For airplanes with Cessna Kit SK414-17 incorporated, within the next 1,600 hours time-in-service (TIS) after the effective date of this AD (to coincide with the next engine overhaul), incorporate Cessna Kit SK414-19-1, and one of the following, as applicable, in accordance with the instructions to Service Kit SK414-19B, Revised: March 4, 1986:

(1) Cessna Kit SK414-19-2: All of the affected Models 402C and 414A airplanes that are equipped with propeller unfeathering accumulators;

(2) Cessna Kit SK414-19-3: Model 402C airplanes, serial numbers 402C0001 through 402C0468; and Model 414A airplanes, serial numbers 414A0001 through 414A0646;

(3) Cessna Kit SK414-19-5: Model 402C airplanes, serial numbers 402C0469 through 402C0808; and Model 414A airplanes, serial numbers 414A0647 through 414A1206.

(b) For airplanes without Cessna Kit SK414-17 incorporated, within the next 200 hours time-in-service (TIS) after the effective date of this AD (to coincide with the next inspection that would have been required by AD 85-13-03 R2, which is superseded by this AD), incorporate Cessna Kit SK414-19-1, and one of the following, as applicable, in accordance with the instructions to Service Kit SK414-19B, Revised: March 4, 1986:

(1) Cessna Kit SK414-19-2: All of the affected Models 402C and 414A airplanes that are equipped with propeller unfeathering accumulators;

(2) Cessna Kit SK414-19-4: Model 402C airplanes, serial numbers 402C0001 through 402C0468; and Model 414A airplanes, serial numbers 414A0001 through 414A0646;

(3) Cessna Kit SK414-19-5: Model 402C airplanes, serial numbers 402C0469 through 402C0808; and Model 414A airplanes, serial numbers 414A0647 through 414A1206.

(c) Within 9,600 hours TIS after the modification required by paragraph (a) or (b) of this AD, as applicable, and thereafter at intervals not to exceed 9,600 hours TIS,

inspect, using radiographic methods, the engine mount beams for cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Attachment to Service Bulletin MEB85-3, Revised—August 23, 1985, as referenced in Cessna Service Bulletin MEB85-3, Revision 2, dated October 23, 1987.

(1) If any crack is found in the left side (vertical portion) of the left engine beam of either nacelle, prior to further flight, obtain a repair scheme from the manufacturer through the FAA, Wichita Aircraft Certification Office (ACO), at the address specified in paragraph (g) of this AD, and then incorporate this repair scheme.

(2) If cracks are found in the top (horizontal portion) of the engine beam and the total length of the cracks is less than 1.75 inches, prior to further flight, stop drill each end of each crack using a 0.098-inch drill bit.

(3) If cracks are found in the top (horizontal portion) of the engine beam and the total length of the cracks is equal to or greater than 1.75 inches, but less than 2.75 inches, prior to further flight, obtain a repair scheme from the manufacturer through the FAA, Wichita Aircraft Certification Office (ACO), at the address specified in paragraph (g) of this AD, and then incorporate this repair scheme.

(4) If cracks are found in the top (horizontal portion) of the engine beam and the total length of the cracks is equal to or greater than 2.75 inches, prior to further flight, replace the engine beam with a part number specified in the instructions to Service Kit SK414-19B, Revised: March 4, 1986.

(d) If parts for any of the engine beam modifications required by paragraphs (a) and (b) of this AD have been ordered from the manufacturer but are not available, accomplish the following in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Attachment to Service Bulletin MEB85-3, Revised—August 23, 1985, as referenced in Cessna Service Bulletin MEB85-3, Revision 2, dated October 23, 1987:

(1) For airplanes with Cessna Kit SK414-17 incorporated, within the next 1,600 hours time-in-service (TIS) after the effective date of this AD (to coincide with the next engine overhaul); and thereafter at intervals not to exceed 1,600 hours TIS; provided no provision specified in paragraph (e) of this AD occurs, inspect the engine mount beams using radiographic methods.

(2) For airplanes without Cessna Kit SK414-17 incorporated, within the next 200 hours time-in-service (TIS) after the effective date of this AD (to coincide with next inspection that would have been required by AD 85-13-03 R2, which is superseded by this AD); and thereafter at intervals not to exceed 200 hours TIS; provided no provision specified in paragraph (e) of this AD occurs, fluorescent penetrant inspect the engine mount beams.

(e) If any one of the following occurs during any of the inspections required by paragraph (d) of this AD, prior to further flight, accomplish the specified actions:

(1) If parts become available, terminate the repetitive inspections specified in paragraph

(d) of this AD, incorporate the modification kits as required by paragraph (a) or (b) of this AD, and inspect the engine mount beams as specified in paragraph (c) of this AD;

(2) If any crack is found in the left side (vertical portion) of the left engine beam of either nacelle, obtain a repair scheme from the manufacturer through the FAA, Wichita ACO, at the address specified in paragraph (g) of this AD, incorporate this repair scheme, and continue the repetitive inspections required by paragraph (d) of this AD;

(3) If cracks are found in the top (horizontal portion) of the engine beam and the total length of the cracks is less than 1.75 inches, stop drill each end of each crack using a 0.098-inch drill bit, and continue the repetitive inspections required by paragraph (d) of this AD;

(4) If cracks are found in the top (horizontal portion) of the engine beam and the total length of the cracks is equal to or greater than 1.75 inches, but less than 2.75 inches, obtain a repair scheme from the manufacturer through the FAA, Wichita ACO, at the address specified in paragraph (g) of this AD, incorporate this repair scheme, and continue the repetitive inspections required by paragraph (d) of this AD; or

(5) If cracks are found in the top (horizontal portion) of the engine beam and the total length of the cracks is equal to or greater than 2.75 inches, replace the engine beam with a part number specified in the instructions to Service Kit SK414-19B, Revised: March 4, 1986, and inspect the engine mount beams as specified in paragraph (c) of this AD.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

(2) Alternative methods of compliance approved in accordance with AD 85-13-03 R2 (superseded by this action) are not considered approved as alternative methods of compliance with this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(h) The modifications required by this AD shall be done in accordance with Service Kit SK414-19B, Revised: March 4, 1986. The inspections required by this AD shall be done in accordance with Attachment to Service Bulletin MEB85-3, Revised—August 23, 1985, as referenced in Cessna Service Bulletin MEB85-3, Revision 2, dated October 23, 1987. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Cessna Aircraft Company, Product

Support, P.O. Box 7706, Wichita, Kansas 67277. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment (39-10259) becomes effective on February 2, 1998.

Issued in Kansas City, Missouri, on December 10, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-32993 Filed 12-18-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-140-AD; Amendment 39-10253; AD 97-26-10]

RIN 2120-AA64

Airworthiness Directives; Raytheon Model Hawker 1000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Raytheon Model Hawker 1000 series airplanes, that requires modifying the aft core cowl nozzles of the engine nacelles. This amendment is prompted by a report indicating that the sealant on the core cowl nozzles may extend higher than the forward flange of the core cowl nozzles, which could result in contact between the cowl sealant surface and the lever of the engine mechanical over-speed control system. The actions specified by this AD are intended to prevent such contact, which could cause the over-speed system to function improperly and consequent engine structural failure.

DATES: Effective January 23, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 23, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager, Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the Federal Aviation Administration (FAA),

Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Randy Griffith, Aerospace Engineer, Systems and Propulsion Branch, ACE-116W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4145; fax (316) 946-4407.

SUPPLEMENTARY INFORMATION: A

proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Raytheon Model Hawker 1000 series airplanes was published in the **Federal Register** on October 1, 1997 (62 FR 51385). That action proposed to require modifying the aft core cowl nozzles of the engine nacelles.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal.

Change to Cost Impact Information

The FAA has determined that 48 airplanes, rather than 14 airplanes (as stated in the cost impact paragraph of the proposal), will be affected by this AD. The FAA has revised the cost impact information, below, to reflect this change.

Conclusion

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither significantly increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 52 Model Hawker 1000 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 48 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average

labor rate is \$60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$11,520, or \$240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

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