

[4910-13]

Title 14—Aeronautics and Space**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 17034; Amdt. No. 121-144]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**Operations Review Program Amendment No. 5: Amended Effective Dates**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: On May 25, 1978, the FAA amended certain of its regulations which are contained in part 121. The amendments were made to update and improve the requirements applicable to airmen and crewmembers, training programs, flight operations, dispatching and flight release, and records of air carriers and commercial operators of large aircraft. This rule changes the effective dates of certain of those amendments in response to comments from the Air Transport Association of America.

EFFECTIVE DATE: June 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:**HISTORY AND REVIEW OF EFFECTIVE DATES**

On May 15, 1978, the FAA issued amendments to part 121 of the Federal Aviation Regulations (Amendment No. 121-144; published in the FEDERAL REGISTER (43 FR 22643; May 25, 1978) to become effective June 26, 1978).

The Air Transport Association of America (ATA) has informed the FAA that they have been advised by their airline members that implementation

of several of the regulations contained in amendment No. 121-144 would be physically impossible within the time frame as given in the amendment, without placing an undue burden on the airlines and the public it serves. However, the FAA was not made aware prior to the publication of these amendments of any problems concerning the effective dates contained therein. It was not until we were contacted by ATA that we were made aware of this problem.

ATA states that revisions of airline policies and procedures, FAA approval of amended training programs, manual changes, implementation of internal directives, and modification of scheduling practices, as well as lead time necessary for printing such material and its dissemination as required, cannot be accomplished by the June 26 effective date. Thus, in accordance with part 11, ATA requested an extension of the effective date of the following amended sections contained in amendment No. 121-144: for § 121.437, an extension of 2 years; for §§ 121.417, 121.439, 121.571, and 121.573, an extension of at least 90 days; and for § 121.434, an extension of 6 months. The FAA does not concur with ATA's request for an extension of the effective date for § 121.439. This is a safety related item applicable to pilot crewmember qualifications and recency of experience requirements. Most of these requirements may be accomplished in a flight simulator and the FAA does not believe that this extension is warranted.

With regard to the requirements contained in § 121.437(b), these amendments prescribed additional qualification requirements for pilots who act as other than pilot in command in part 121 operations, by requiring that part 121 pilots hold the appropriate category and class ratings for the aircraft concerned. However, in order to provide adequate time for certificate holders and pilots affected by this revision to achieve compliance with the new requirements contained in § 121.437(b), the FAA has established a new effective date of July 1, 1980, for this section. The FAA believes that this 2-year extension of the effective date is needed to avoid requiring certificate holders to remove from flight status those flight crewmembers who do not possess the appropriate category and class ratings for the aircraft concerned.

The FAA concurs with ATA's belief that the effective date of June 26,

1978, for the amendments to §§ 121.417, 121.434, 121.571, and 121.573 may not provide certificate holders with adequate time to achieve compliance with these new requirements, and has established a revised effective date of September 29, 1978, for these sections. The FAA believes that this extension should provide adequate time for the certificate holders to revise their training programs and manuals to comply with the revised rules.

Since this amendment imposes no additional burden on any person and, in fact, relieves certain restrictions of the effective date, I find that notice and public procedure are impracticable and unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors in this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, effective June 22, 1978, the effective date for amendment No. 121-144 (43 FR 22643; May 25, 1978) is amended as follows:

1. As it applies to an amendment to § 121.437(b), substitute therefore an effective date of July 1, 1980.
2. As it applies to amendments to §§ 121.417, 121.434, 121.571, and 121.573, substitute therefor an effective date of September 29, 1978.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. §§ 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044, and set forth in proposed "Department of Transportation Regulatory Policies and Procedures" published in the FEDERAL REGISTER June 1, 1978 (43 FR 23925). In addition, this amendment is procedural in nature and the Federal Aviation Administration has determined that the expected impact of this amendment is no minimal that it does not require an evaluation.

Issued in Washington, D.C., June 22, 1978.

QUENTIN S. TAYLOR,
Acting Administrator.

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OPS Review