

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration**

14 CFR Parts 43, 91, 121, 123, 125, 135 and 145

(Docket Nos. 19779 and 20813; Amendment Nos. 43-22, 91-174, 121-169, 123-10, 125-1, 135-12, and 145-18)

Amendments of Effective Date of Part 125 and Amendments Adopted in Relation to Part 125

Note.—This document originally appeared in the Federal Register for Wednesday February 4, 1981. It is reprinted in this issue to meet requirements for publication on the Monday-Thursday schedule assigned to the Department of Transportation.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Postponement of Part 125.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the Federal Register postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment consistent with the President's directive, postpones the effective date of new Part 125 and related amendments from February 1, 1981, to April 1, 1981.

EFFECTIVE DATE: January 30, 1981. New Part 125 effective date is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Harold E. Smith, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

Part 125 was published in the Federal Register on October 9, 1980, (45 FR 67214). That part, and related amendments to Parts 43, 91, 121, 123, 135, and 145 have an effective date of February 1, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the Federal Register, postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60 day period. Part 125, and regulations adopted with it, fell within

the scope of the President's memorandum.

The President stated in his memorandum that the establishment of a new regulatory oversight program that will lead to less burdensome and more rational Federal regulations was among his priorities as President. He indicated that this program was especially important because of the country's economic climate.

In order to give his Administration, through the Task Force on Regulatory Relief, sufficient time to implement that process and to subject to full and appropriate review many recent regulations that would increase rather than relieve the current burden of restrictive regulation, he directed the postponement of pending regulations.

Consistent with this view, I am by this notice postponing for 60 days the effective day of Part 125.

Description of These Amendments

The effective date of Part 125 and of related amendments 43-21, 91-169, 91-107A, 121-164, 123-9, 135-7, and 145-17 is changed from February 1, 1981, to April 1, 1981. In addition, in order to preserve the application and compliance procedure timing, certain dates specified in any of the related amendments listed in the preceding sentence are revised. However, although the effective date of Amendment 91-107A is changed from February 1, 1981, to April 1, 1981, the designation date of November 29, 1980, for applicable noise rules is unchanged.

Need for Immediate Adoption

The FAA realizes that the postponement of pending regulations may not be viewed by certain persons to be in their best interest. However, in accordance with the President's directive, the economic condition of the nation is such that the government must rethink the need and expense of each new regulation. For a new Administration and any new Department head to effectively accomplish this objective, some time is needed for adequate review. Sixty days is the minimum period to accomplish such a review and the impact of such a delay will be minimal. For these reasons, the FAA is convinced that good cause exists for postponing for up to 60 days the effective date of this rule for 60 days and that the end result of such a delay, a more cohesive and effective regulatory program, is in the public interest. For similar reasons and because of this rule is scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary

to the public interest and good cause exists for making these changes effective immediately. Since this change of effective dates must be accomplished immediately and does not involve rulemaking, compliance with Executive Order 12044 is also unnecessary.

Accordingly consistent with the President's memorandum of January 29, 1981, on Postponing of Pending Regulations, the effective dates of Part 125 is postponed until April 1, 1981.

Adoption of the Amendment

Accordingly, 14 CFR Chapter 1 is amended as follows:

1. By amending the effective date February 1, 1981, of Part 125 and Amendment Nos. 43-21, 91-169, 91-107A, 121-164, 123-9, 135-7, and 145-17 to read April 1, 1981 in each case.

§§ 121.53, 123.1 [Amended]

2. By amending the date "January 31, 1981" in § 121.53(f) as adopted in Amendment 121-164 and in § 123.1(d) as adopted in Amendment 123-9, to read "March 31, 1981" in each case.

§ 125.5 [Amended]

3. By amending § 125.5 by revising the date "February 1, 1981" in paragraph (a) to read "April 1, 1981" and the dates "June 1, 1981" and "January 31, 1981" in paragraph (b) to read "August 1, 1981" and "March 31, 1981" respectively.

(Secs. 307, 313, 601 through 611, and 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354, 1421-1431 and 1502); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Title III, Aviation Safety and Noise Abatement Act of 1979 (94 Stat. 50))

Additional Actions Pending

In addition to the amendments adopted herein, the Agency has other regulatory actions as to which it has not been able to act to carry out the President's memorandum because they have been issued by the various FAA Regions. These include, but are not limited to, airworthiness directives, airspace actions, and standard instrument approach procedures. Additional postponements of these regulations will be issued in the next several days to comply with the President's memorandum.

Issued in Washington, D.C., on January 30, 1981.

Charles E. Weithoner,
Acting Administrator.

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