

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

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

Amendment of Effective Date of Parts 125 and Amendments Adopted in Relation to Part 125; Effective Date Reestablished

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Establishment of Effective Date.

SUMMARY: This document reestablishes the effective date of new Part 125 and related amendments to February 3, 1981. This change in effective date is necessary since the Office of Management and Budget, in accordance with the President's Memorandum dated January 29, 1981, concerning postponement of pending regulations, authorized the FAA to allow Part 125 to become effective without further delay.

EFFECTIVE DATE: New Part 125 effective date is February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel for Regulations (AGC-200), Regulations and Enforcement Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3235.

SUMMARY 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 had an effective date of February 1, 1981. On January 29, 1981, the President issued a memorandum which directed that all agencies, by notice in the Federal Register, postpone for 60 days from January 29, 1981, the effective date of all regulations that had been promulgated in final form and that were scheduled to become effective during that 60 day period. Part 125, and regulations adopted with it, fall within the scope of the President's memorandum.

In accordance with the President's memorandum the effective date of Part 125 was postponed by notice which is published in today's Federal Register. That notice was issued on January 30, 1981, and forwarded to the Federal Register for publication. The Department of Transportation asked the Office of Management and Budget to allow Part 125 to become effective

without delay. OMB reviewed that request and advised the Department on February 3, 1981, that Part 125 could become effective in accordance with the President's memorandum. This approval, however, was received by the Department after the Notice postponing the effective date had already been sent to the Government Printing Office by the Office of Federal Register. Therefore, it is necessary to issue this document to establish the effective date for Part 125 as February 3, 1981.

Consistent with this view, I am by this Notice establishing the effective date of Part 125 as February 3, 1981.

Description of Changes

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 to February 3, 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 similarly revised.

Need for Immediate Adoption

Since the Office of Management and Budget approval was too late to stop publication of the January 30 Notice and since the Notice must be rescinded, I find that notice and public procedure are impracticable and contrary to the public interest and good cause exists for making these amendments effective in less than 30 days.

Change of Dates

Accordingly, 14 CFR Chapter 1 is changed as follows:

1. By changing the effective date of Part 125 and Amendment Nos. 43-21, 91-169, 91-107A, 121-164, 123-9, 135-7, and 145-17 to read February 3, 1981 in each case.

§§ 121.53, 123.1 [Amended]

2. By changing 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 "February 2, 1981" in each case.

§ 125.5 [Amended]

3. By changing § 125.5 by revising the date "February 1, 1981" in paragraph (a) to read "February 3, 1981" and the dates in paragraph (b) to read "June 1, 1981" and "February 2, 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))

Issued in Washington, D.C. on February 3, 1981.

Charles E. Weithoner,
Acting Administrator.

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