
Tuesday
May 26, 1981

Part II

**Department of
Transportation**

Federal Aviation Administration

**Delay of Compliance Date for Instrument
Rating Requirement**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 21134; Amendment No. 135-13]

Delay of Compliance Date for Instrument Rating Requirement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment delays from February 1, 1981, to August 1, 1981, the date for compliance with the requirement that pilots in command of air taxi and commercial operator (Part 135) aircraft must have an instrument rating (§ 135.243). This action provides interim regulatory relief to pilots and operators under Part 135 while the FAA revises § 135.243 to provide permanent relief from the instrument rating requirement for certain operations. The Director, Office of Management and Budget (OMB), has exempted rules that delay compliance dates from sections 3, 4, 7, and 8 of Executive Order 12291. This amendment is consistent with the remaining requirements of Executive Order 12291 and the Regulatory Flexibility Act.

EFFECTIVE DATE: May 19, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Sullivan, Chief, Safety Regulations Staff (AVS-20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Compliance Date for Instrument Rating Requirements

On September 26, 1978, the FAA issued a revised Part 135 of the Federal Aviation Regulations (FAR), "Air Taxi Operators and Commercial Operators" (43 FR 46742; October 10, 1978). This revision was effective on December 1,

1978. Section 135.243(b)(3) requires an instrument rating for pilots in command of airplanes. Under § 135.10, pilots and operators were given until June 1, 1979, to comply with this requirement. The FAA received numerous petitions for exemption from the instrument rating requirement. As a result, the FAA determined that additional rulemaking regarding that requirement should be initiated before compliance with the instrument rating became mandatory. To allow this, the FAA changed the compliance date in § 135.10 for the instrument rating requirement to December 1, 1980 (44 FR 26737; May 7, 1979).

On November 28, 1980, the FAA again extended the compliance date for the instrument rating to February 1, 1981 (45 FR 80460; December 4, 1980). At the same time, the FAA issued Notice 80-23 (45 FR 80450) which proposed certain changes in the instrument rating requirement. The comment period on Notice 80-23 closed on February 4, 1981.

The FAA found that additional time was needed to evaluate properly comments received in response to Notice 80-23 and to formulate the FAA's final course of action. Therefore, the FAA planned to extend the compliance date to May 1, 1981. However, that extension was not completed before it became necessary to review the agency's regulatory actions to determine compliance with Executive Order 12291. Discussions were held with OMB on this proposed extension. This rulemaking, along with several others, generated an exemption from certain provisions of Executive Order 12291 by the Director of OMB. The exemption allows this particular document to be issued without submission to OMB.

The FAA has received numerous calls and exemption petitions from operators and pilots seeking relief from this rule. Many pilots claim that they face the loss of their jobs and, in some cases, they have lost their jobs. Operators claim that they are losing business. The FAA is developing a rule to provide

permanent relief to certain operators based on comments received in response to Notice 80-23. The FAA has determined that it is appropriate to again delay the date for compliance with the instrument rating requirement for all Part 135 operators from February 1, 1981, to August 1, 1981, to allow completion of the rulemaking proposed in Notice 80-23.

Notice and Public Procedure

This amendment provides temporary regulatory relief to pilots and to air taxi and commercial operators and does not impose any economic burden on those operators. Accordingly, I find that notice and public procedure are unnecessary and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, Part 135 of the Federal Aviation Regulations (14 CFR Part 135) is amended, effective May 19, 1981, by removing the date "February 1, 1981" in § 135.10(c) and inserting in its place the date "August 1, 1981."

Note.—The FAA has determined that this regulation provides interim relief for certain operators while the agency is completing rulemaking action proposed in Notice 80-23. It therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant regulation" under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant a regulatory evaluation; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Secs. 313(a) and 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, DC, on May 18, 1981.

J. Lynn Helms,
Administrator.

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