

14 CFR Parts 121 and 135

[Docket No. 20659; Amendment Nos. 121-172 and 135-16]

Elimination of Duties and Activities of Flight Crewmembers Not Required for the Safe Operation of Aircraft

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Final rule, notice of change of effective date.

SUMMARY: This amendment amends the effective date of Amendments 121-168 and 135-11 issued on January 14, 1981. The effective dates are being postponed for an additional 30 days at the direction of the Office of Management and Budget in order that they be allowed to complete their review of these amendments as required by Section 7, paragraph (b), of Executive Order 12291. **EFFECTIVE DATE:** As of June 18, 1981, the effective date of the regulations published at 46 FR 5500 is delayed until July 18, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC-200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION: On January 14, 1981, the FAA issued Amendment Nos. 121-168 and 135-11 (46 FR 5500, January 19, 1981). These amendments prohibit performance of nonessential duties and activities by flight crewmembers which are not required for the safe operation of aircraft during critical phases of flight. These amendments require operators and flight crewmembers to assure a flight deck environment that is free from distractions created by the performance of nonessential flight crewmember duties.

Executive Order 12291 was issued by the President on February 17, 1981. Section 7, paragraph (b), requires that

agencies report any regulation falling within the requirements of this section to the Director of the Office of Management and Budget (OMB) prior to the effective date of any rule that the agency had promulgated in final form, as of the date of the Executive Order, and that had not become effective. Since the effective date of Amendments 121-168 and 135-11 was May 18, 1981, it was necessary that the Director be notified of this rule. The General Counsel of the Department of Transportation notified OMB that this had been reconsidered under the Executive Order and should become effective.

On May 15, 1981 the Office of Information and Regulatory Affairs, OMB, notified the Office of the General Counsel of the Department of Transportation, by telephone, that they needed more time to review this rule and that, therefore, the effective date of the rule had to be postponed. In accordance with this direction, the effective date of this rule was postponed by 30 days to June 18, 1981. (46 FR 28305; May 26, 1981).

The FAA has not been advised that OMB has completed its review. Therefore, the effective date of this rule is further postponed to July 18, 1981.

Adoption of Amendment

In order to provide additional time for OMB to review this rule in accordance with Executive Order 12291, the effective dates of Amendments 121-168 and 135-11 are amended to be July 18, 1981.

(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)))

Note.—Since this document only involves a change of effective dates, the FAA has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) It does not warrant preparation of a regulatory evaluation as the impact is so minimal; and (4) It would not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it is relieving in nature.

Issued in Washington, D.C. on June 17, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-18858 Filed 6-24-81; 8:45 am]

BILLING CODE 4910-13-M

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[As published in the Federal Register (46 FR 32863) on June 25, 1981]