

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 125**

[Docket No. 23381; Amdt. 125-6]

Delay of Part 125 Applicability of Part 129 Operators**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final Rule; request for comments.

SUMMARY: This amendment to the Federal Aviation Regulations extends the date from February 28, 1986, to February 28, 1987, for foreign air carriers holding Part 129 operations specifications to comply with Part 125 of the Federal Aviation Regulations. Since the FAA has an active rulemaking project which includes a study of changes to Part 129, this action is necessary to avoid requiring foreign air carriers to comply with rules which may be revised by the FAA in the near future.

DATES: Effective date of this amendment is February 28, 1986. Comments must be received on or before February 10, 1986.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23381, 800 Independence Avenue, SW., Washington, DC 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Tom Stuckey, Project Development Branch (AFS-850), General Aviation and Commercial Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone: (202) 426-8150.

SUPPLEMENTARY INFORMATION:**Background**

Part 125 includes, in the applicability under § 125.1(e), a deferred compliance date of February 28, 1986, for foreign air carriers holding operations specifications issued under Part 129. As stated in the preamble to the adoption of Part 125 (45 FR 67214; October 9, 1980), this deferred compliance date was

included because the agency was considering a regulatory project to revise Part 129, and it would not have been appropriate to subject foreign air carriers to Part 125 requirements until the agency could determine the proper action on Part 129. Various revisions to Part 129 are now under active consideration. A rulemaking project is underway at this time, but the FAA foresees that this project and any subsequent rule changes will not be completed until after the compliance date of February 28, 1986.

The FAA is also taking into consideration that proposal of revisions to Part 129 will entail a 120-day comment period to afford all affected persons an opportunity to express their views. With this in mind, the agency has decided to extend the compliance date to February 28, 1987.

Since the deferred compliance date of February 28, 1986, in § 125.1(e) applies only to foreign air carriers holding operations specifications issued under Part 129, the extension of that date applies only to those operators. Other foreign citizen operators of U.S.-registered airplanes covered by Part 125 remain subject to that part.

Need for Immediate Adoption

The FAA is currently considering a rulemaking project to revise Parts 129 and 125 with regard to foreign air carriers. The present date for these carriers to comply with Part 125 for operation of U.S.-registered airplanes will be reached before that rulemaking project is completed. The FAA recognizes an urgent need to amend § 125.1(e) to extend the compliance date and defer imposing Part 125 requirements on these carriers until this rulemaking action is completed. Not adopting this amendment immediately would unnecessarily impose a burden, both monetarily and in terms of resource utilization, on the FAA and the concerned foreign air carriers. Therefore, I find that notice and public procedure are impracticable and contrary to the public interest. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before February 3, 1986 will be considered by the Administrator, and this amendment may be changed in light

of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Conclusion

By extending a compliance date, this amendment allows foreign air carriers regulated by Part 129 to continue operating their U.S.-registered airplanes under that part. Thus, for the period of the extension, there is no change in their present regulatory status. Therefore, the FAA has determined that this amendment is not major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). For the reasons discussed above, it also has been determined that the anticipated economic impact is so minimal that no regulatory evaluation is necessary.

List of Subjects in 14 CFR Part 125

Aircraft, Airplanes, Hours of work, Airports, Air traffic control, Airworthiness, Flammable materials, Cargo, Airmen, Pilots, Drugs, Narcotics, Hazardous materials, Handicapped, Children, Infants, Smoking, Air transportation, Airspace, Chemicals.

Adoption of the Amendment**PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE**

1. The authority citation for Part 125 is revised to read as set forth below and the authority citations following the sections of Part 125 are removed:

Authority: 49 U.S.C. 1354, 1421 through 1430, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

§ 125.1 [Amended]

2. Accordingly, § 125.1(e) of the Federal Aviation Regulations (14 CFR 125.1(e)) is amended effective February 28, 1986, by removing the date "February 28, 1986," and substituting the date "February 28, 1987," in place thereof.

Issued in Washington, DC, on December 31, 1985.

Donald D. Engen,
Administrator.

[FR Doc. 86-301 Filed 1-7-86; 8:45 am]

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