

**Title 14—Aeronautics and Space**

**CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

(Docket No. 17551; SFAR No. 36)

**PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**

**PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS**

**PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT**

**PART 145—REPAIR STATIONS**

Special Federal Aviation Regulation No. 36; Operations Review Program Amendment No. 2A; Development of Major Repair Data

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment, being issued as a part of the FAA's Operations Review Program, adopts a new Special Federal Aviation Regulation (SFAR) that provides for the use of data for accomplishing major repairs that have been developed by repair

stations, air carriers, air taxis, and commercial operators of large aircraft but which have not been specifically approved by the FAA. The SFAR will relieve affected certificate holders of the burden attendant to obtaining FAA-approval of major repair data on a case-by-case basis if certain requirements necessary in the interest of safety are met. The SFAR is also needed to develop information upon which to base a permanent rule change.

**EFFECTIVE DATE:** January 23, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

The aviation industry in the United States and abroad has grown substantially during the last 10 years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies, and aircraft operators function.

To enable the FAA to become more responsive to the needs of the general public and the aviation community in

fulfilling the agency's aviation safety responsibilities, the FAA issued Notice No. 75-9 (40 FR 8585; February 28, 1975), inviting all interested persons to submit proposals for consideration during the Operations Review Program.

In response to that invitation, the FAA received more than 5,000 individual comments contained in 123 submissions. Based on those comments and on the Compilation of Proposals, the FAA prepared a number of working documents for the Operations Review Conference held in Arlington, Va., on December 1-5, 1975. The FAA distributed those documents to each person who participated in the Operations Review Program and to all other interested persons who requested them.

The Operations Review Conference was attended by more than 600 persons. Various committees discussed all the scheduled agenda items during the conference. Summaries were given by the FAA Committee Chairman at the close of the discussions on each agenda item. Persons present were given the opportunity to correct those oral summaries. Those summaries were edited and combined with an attendee list for the conference and with transcripts of certain plenary session speeches and were distributed to all

attendees and to all persons requesting them in accordance with a Notice of Availability (Notice No. 75-9A; 41 FR 9413; March 4, 1976).

This amendment deals with Proposal No. 882, concerning §145.51, that was submitted by the Air Transport Association for the Operations Review Program and is being issued as a part of that program.

**DISCUSSION OF AMENDMENT**

Under §145.51 of the Federal Aviation Regulations (FAR), repair stations are allowed to approve aircraft, airframes, aircraft engines, propellers, or appliances for return to service after maintenance, preventive maintenance, or alterations. However, in the case of major repairs or major alterations, the work must have been done in accordance with FAA-approved technical data. Similar requirements exist in §127.140(b), which is applicable to scheduled air carriers utilizing helicopters, and in §121.379(b) which is applicable to air carriers and commercial operators of large aircraft. In addition, under §135.2, air taxi operators using large aircraft are subject to the requirements of §121.379(b).

While FAA-approved major alteration data may be developed under the Designated Alteration Station (DAS) provisions of Subpart M of FAR Part 21, similar provisions do not exist under which FAA-approved major repair data can be developed by those certificate holders subject to the requirements of §§121.379, 127.140, and 145.51. Because of this, affected certificate holders have, in the past, been

required to submit major repair data and supporting information to FAA Regional Offices on a case-by-case basis for approval. Due to the large number of major repairs being performed and the financial need to have damaged aircraft repaired and returned to service as quickly as possible, the requirement for applying for case-by-case approvals has proven to be especially burdensome to affected certificate holders. In this connection, the FAA has recently been receiving an increasing number of petitions for exemption from the provisions of §§121.379 and 145.51. Several exemptions have been issued, subject to a number of conditions and limitations, allowing air carriers and repair stations to utilize major repair data they have developed which have not been specifically FAA-approved. Based on the experience gained under these exemptions and in view of the increasing number of exemption requests, the FAA believes it appropriate to adopt an SFAR to provide similar relief to all affected certificate holders and to enable the FAA to obtain additional information that is needed to determine the course of action to be taken with respect to §§121.379(b), 127.140(b), and 145.51.

In general, the SFAR being adopted is based on the DAS provisions of FAR Part 21 and the conditions and limitations contained in the related exemptions which have been granted. The SFAR requires those desiring relief to have available qualified engineering personnel. The preparation of an FAA-approved procedure manual for the development of major repair data is also required. In addition, records relating to the major repair data developed and the products incorporating the major repairs are required to be kept. The FAA believes these requirements are necessary to ensure that an adequate level of safety is maintained.

As indicated, affected certificate holders have been subjected to a severe burden under the provisions of §§121.379(b), 127.140(b), and 145.51, and the FAA believes that under the currently existing circumstances immediate relief is necessary. However, unless major repair data are developed under a system with adequate safeguards, using the data for a repair could result in a serious hazard to safety with respect to any aircraft incorporating the repair. The SFAR being adopted will provide an alternate means of compliance that will assure an equivalent level of safety to the existing requirements. Because of this and since no additional burden will be placed on any person, it is found that notice and public procedure hereon are impracticable and unnecessary and that good cause exists for making the amendment effective in less than 30 days. Nevertheless, since the SFAR is being adopted with-

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out prior notice and public procedure and is intended as interim rulemaking action to enable the FAA to obtain information upon which to base a permanent rule change. Interested persons are invited to submit comments on the new SFAR. Comments should be mailed to the Rules Docket, AGC-24, Federal Aviation Administration, Washington, D.C. 20591 and should reference the SFAR number. The FAA will consider all comments received in connection with any subsequent rulemaking action to be taken with respect to the SFAR, and, if found to be justified, the FAA will initiate rulemaking action with respect to the SFAR prior to its specified termination date.

#### DRAFTING INFORMATION

The principal authors of this document are Mr. Eli Newberger, Flight Standards Service, and Mr. Samuel Podberesky, Office of the Chief Counsel.

#### THE AMENDMENT

Accordingly, Special Federal Aviation Regulation No. 36 is adopted effective January 23, 1978, to read as follows:

##### SPECIAL FEDERAL AVIATION REGULATIONS

1. *General.* Contrary provisions of §§ 121.379(b), 127.140(b) and 145.51 of the Federal Aviation Regulations notwithstanding, a certificate holder may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service after accomplishing a major repair if the data used for the repair was developed by that certificate holder in accordance with an authorization issued under this Special Federal Aviation Regulation.

2. *Application.* The applicant for an authorization to develop and use its own technical data for major repairs must submit an application, in writing and signed by an officer of the applicant, to the FAA District Office for the region in which the applicant is located. The application must contain—

(a) The repair station certificate number held by the repair station applicant, the current ratings covered by the certificate, and a copy of the repair station's operations specifications;

(b) The air carrier, air taxi, or commercial operator operating certificate number held by the air carrier, air taxi, or commercial operator applicant, and the products that it may maintain under the certificate;

(c) The names, signatures, and titles of the persons for whom authorization to approve the use of technical data for major repairs is requested; and

(d) A description of the applicant's staff with which compliance with section 3 of this Special Federal Aviation Regulation is to be shown.

3. *Eligibility.* (a) To be eligible for an authorization to develop its own technical data for major repairs, the applicant must—

(1) Hold a current domestic repair station certificate under Part 145, an air carrier certificate under Part 121 or 127, or a commercial operator certificate under Part 121, or be an air taxi operator subject to the requirements of § 135.2;

(2) Have adequate personnel, in the United States, appropriate to the products that it may maintain under its certificate; and

(3) Employ, or have available, a staff of engineering personnel who can determine

compliance with the applicable airworthiness requirements of the Federal Aviation Regulations.

(b) At least one member of the staff required by paragraph (a)(3) of this section must have all of the following qualifications:

(1) A thorough working knowledge of the applicable requirements of the Federal Aviation Regulations.

(2) A position, on the applicant's staff, with authority to establish repair programs that ensure that repaired products meet the applicable requirements of the Federal Aviation Regulations.

(3) At least one year of satisfactory experience in direct contact with the FAA while processing engineering work for type certification or major repair projects.

(4) At least eight years of aeronautical engineering experience (which may include the one year required by paragraph (b)(3) of this section).

4. *Procedure Manual.* (a) No person holding an authorization issued under this Special Federal Aviation Regulation may exercise any authority under the authorization unless he obtains FAA approval of and complies with a procedure manual containing—

(1) The procedures for developing and determining the adequacy of technical data for major repairs; and

(2) The names, signatures, and responsibilities of officials and of each staff member required by section 3 of this Special Federal Aviation Regulation, identifying those persons who—

(i) Have authority to make changes in procedures that require a revision to the procedure manual; and

(ii) Are to prepare or determine the adequacy of technical data, or both, plan or conduct tests, and approve the results of tests.

(b) No person holding an authorization issued under this Special Federal Aviation Regulation may continue to perform any authorized function affected by any change in staff necessary to continue to meet the requirements of section 3 of this Special Federal Aviation Regulation, or affected by any change in procedures from those approved under paragraph (a) of this section, unless that change is FAA-approved and entered in the manual. For this purpose, the manual must contain a "log-of-revisions" page with space for the identification of each revised item, page, date, and the signature of the person approving the change for the Administrator.

5. *Duration of Authorization.* Each authorization issued under this Special Federal Aviation Regulation is effective for a period of two years unless it is surrendered or the Administrator suspends, revokes, or otherwise terminates it at an earlier date.

6. *Maintenance of Eligibility.* Each holder of an authorization issued under this Special Federal Aviation Regulation shall continue to meet the requirements for issue of the authorization or shall notify the Administrator within 48 hours of any change (including a change of personnel) that could affect the ability of the holder to meet those requirements.

7. *Transferability.* An authorization issued under this Special Federal Aviation Regulation is not transferable.

8. *Inspections.* Upon request, each holder of an authorization issued under this Special Federal Aviation Regulation and each applicant for an authorization shall let the Administrator inspect his facilities, products, and records.

9. *Limits of Applicability.* (a) An authorization issued under this Special Federal Aviation Regulation applies only to products—

(1) Covered by the rating of the repair station applicant and its operations specifications; and

(2) Covered by the operating certificate and maintenance manual of the air carrier, air taxi, or commercial operator applicant.

(b) Each holder of an authorization issued under this Special Federal Aviation Regulation must comply with any additional limitations prescribed by the Administrator and made a part of the authorization.

##### 10. Data Review and Service Experience.

(a) If the Administrator finds that a product for which repair data was developed under this Special Federal Aviation Regulation does not meet the applicable airworthiness requirements, or that an unsafe feature or characteristic caused by a defective repair exists, the holder of the authorization, upon notification by the Administrator, shall investigate the matter and report to the Administrator the results of the investigation and the action, if any, taken or proposed.

(b) If corrective action by the user of the product is necessary for safety because of any noncompliance or defect specified in paragraph (a) of this section, the holder of

the authorization shall submit the information necessary for the issuance of an airworthiness directive under Part 39 of the Federal Aviation Regulations.

11. *Current Records.* (a) Each holder of an authorization issued under this Special Federal Aviation Regulation shall maintain, at its facility, current records containing—

(1) For each product for which it has developed and used major repair data, a technical data file that includes any data and amendments thereto (including drawings, photographs, specifications, instructions, and reports) necessary for the major repair;

(2) A list of products by make, model, manufacturer's serial number and, if applicable, any FAA identification, that have been repaired under the authorization; and

(3) A file of information from all available sources on difficulties of products repaired under the authorization.

(b) The records prescribed in paragraph (a) of this section shall be—

(1) Made available by the holder of the authorization, for examination, upon the Administrator's request; and

(2) In the case of the data file prescribed in paragraph (a)(1) of this section, identified by the holder of the authorization and sent to the Administrator as soon as the holder of the authorization no longer utilizes it.

This Special Federal Aviation Regulation terminates January 23, 1980.

Notz.—The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Secs. 313(a), 601, 604, and 607, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1424, and 1427); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Notz.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 17, 1978.

LANGHORNE BOND,  
Administrator.