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Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Part 121, 127, 135 and 145
Special Federal Aviation Regulation No.
36; Development of Major Repair Data;
Final Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 121, 127, 135, and 145**

[Docket No. 17551; SFAR No. 36-4]

Special Federal Aviation Regulation No. 36; Development of Major Repair Data**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule, request for comments.

SUMMARY: This amendment extends the effective date of Special Federal Aviation Regulation (SFAR) No. 36 which provides that repair stations, air carriers, air taxis, and commercial operators of large aircraft may accomplish major repairs using self-developed repair data which have not been specifically approved by the FAA. In addition, the regulation will continue to provide an alternative from the need to obtain FAA approval of repair data on a case-by-case basis and allow additional time for the FAA to incorporate the SFAR provisions into the regulations.

DATES: Effective Date January 23, 1989. Comments must be received on or before January 6, 1989.

ADDRESS: Comments on this rule may be mailed, in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 17551, 800 Independence Ave., SW., Washington DC 20591. Comments delivered must be marked Docket No. 17551. Comments may be examined in Room 915G weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jess Lewis, Continued Airworthiness Staff, Aircraft Engineering Division, AWS-100, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave., SW., Washington DC 20591, telephone: (202) 267-9287.

SUPPLEMENTARY INFORMATION:**Background**

SFAR 36, which became effective on January 23, 1978, was issued to provide qualifying certificated air carriers, air taxis, commercial operators, and repair stations with an alternative to the need to obtain FAA approval of data developed by them for major repairs on a case-by-case basis. The certificate holders eligible for authorization under the SFAR are those employing adequately trained personnel and

complying with specified procedural requirements.

SFAR 36 was adopted as an interim rulemaking action to obtain information upon which to base a permanent rule change. However, most of the affected certificate holders did not utilize the provisions of SFAR 36 until it was well into its second year and near its expiration date of January 23, 1980. Since the FAA did not have sufficient data upon which to base a permanent rule change, the termination date for SFAR 36 was extended an additional 2 years, to January 23, 1982.

Although the FAA initiated rulemaking to consolidate certain authorizations along with those issued under SFAR 36 and make them a permanent part of the Federal Aviation Regulations (FAR) the rulemaking action was not completed and the termination date for SFAR 36 was extended two additional periods. The first period was for 2 years and the second period, with a termination date of January 23, 1989, was for 5 years. Each authorization issued under the SFAR was made effective from the date of issuance. There are presently more than 30 certificated air carriers and repair stations holding SFAR 36 authorizations. For reasons unrelated to the subject matter of SFAR 36, the rulemaking project that was to permanently codify SFAR 36 was canceled. A new regulatory project which will codify the provisions of SFAR 36 into FAR 21 (14 CFR Part 21) is underway. This new project broadens existing delegation of aircraft certification and approval functions and extends these functions to domestic organizations which possess the necessary technical and managerial qualifications. These changes are beyond the scope of SFAR 36 and are likely to stimulate significant interest and comment. This will prevent codification before SFAR 36 expires. Consequently, to provide continuity and avoid hardships to those relying on SFAR 36 as it presently exists, the FAA finds it necessary to extend the effective date of SFAR 36 an additional 5 years, to January 23, 1994.

Paperwork Reduction Act

Information collection requirements in this regulation [SFAR 36] have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0507.

Good Cause Justification for Immediate Adoption

The termination date for SFAR 36 and the authorizations issued thereunder is

January 23, 1989. The reasons which supported the adoption of SFAR 36 still exist and, to avoid hardships to those relying on the provisions of SFAR 36, it is in the public interest to extend the termination date of SFAR 36 from January 23, 1989, to January 23, 1994. The amendment also extends the effective date of each current authorization issued under this SFAR from the date of issuance until January 23, 1994. This rule extension should provide ample time for provisions to be incorporated into a permanent rule change.

This amendment is necessary to provide regulatory continuity and avoid hardship and costs to those relying on SFAR 36 as it presently exists. Since this amendment continues to effect the provisions of a currently effective SFAR and imposes no additional burden on any person, we find that notice and public procedures hereon are unnecessary. 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 triplicate to the address specified above. All communications received on or before the closing date for comments 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 parties.

Federalism Implications

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

The FAA has determined that this document involves a rule change which imposes no additional burden on any person. Accordingly, it has been determined that the rule change does not involve a major action under Executive Order 12291; it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and its anticipated impact is so minimal that an evaluation is not required.

List of Subjects**14 CFR Part 121**

Air carriers, Aviation safety,
Airworthiness directives and standards,
Safety.

14 CFR Part 127

Air carriers, Aircraft, Airmen,
Airworthiness, Helicopters.

14 CFR Part 135

Air carriers, Air taxis, Air
transportation, Aircraft, Airmen,
Airplanes, Airworthiness, Aviation
safety, Safety, Helicopters.

14 CFR Part 145

Air Carriers, Air transportation,
Aircraft, Aviation safety, Safety.

Adoption of the Amendment

In consideration of the foregoing, the
Federal Aviation Administration
amends Parts 121, 127, 135, and 145 (14
CFR Parts 121, 127, 135, and 145) as
follows, effective January 23, 1989.

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

1. The authority citation for Part 121
continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356,
1357, 1401, 1421 through 1430, 1472, 1485, and
1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449,
January 12, 1983).

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

2. The authority citation for Part 127
continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, 1422,
1423, 1424, 1425, 1430; 49 U.S.C. 106(g)
(Revised, Pub. L. 97-449, January 12, 1983).

**PART 135—AIR TAXI OPERATORS
AND COMMERCIAL OPERATORS**

3. The authority citation for Part 135
continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1421
through 1431, and 1502; 49 U.S.C. 106(g)
(Revised, Pub. L. 97-449, January 12, 1983).

PART 145—REPAIR STATIONS

4. The authority citation for Part 145
continues to read as follows:

Authority: Secs. 313, 314, 601, and 607, 72
Stat. 752; 49 U.S.C. 1354(a), 1355, 1421, and
1427; unless otherwise noted.

5. By amending Parts 121, 127, 135, and
145, Special Federal Aviation Regulation
No. 36 (the text of which is found at the
beginning of Part 121), by revising the
termination date from "January 23, 1989"
to "January 23, 1994" and by revising
paragraph 5 to read as follows:

SFAR-36

* * * * *

5. *Duration of Authorization.* Each
authorization issued under this Special
Federal Aviation Regulation is effective from
the date of issuance until January 23, 1994,
unless it is surrendered or the Administrator
suspends, revokes, or otherwise terminates it
at an earlier date.

* * * * *

Issued in Washington, DC, on November
28, 1988.

T. Allan McArtor,
Administrator.

[FR Doc. 88-28101 Filed 12-6-88; 8:45 am]

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