

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

[Docket No. FAA-2003-16527; Amendment No. SFAR 36-8]

RIN 2120-AI09

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

SUMMARY: The Federal Aviation Administration amends and extends Special Federal Aviation Regulation No. 36 (SFAR 36). This final rule extends the SFAR 36 expiration date five years. Also, in this final rule, the FAA makes a technical amendment to Section No. 4 (Application) of SFAR 36. SFAR 36 allows holders of authorized repair station or aircraft operating certificates to approve aircraft products or articles for return to service after completing major repairs using self-developed repair data not directly approved by the FAA. Extension of the regulation continues to provide, for those who qualify, an alternative to gaining direct FAA approval of major repair data on a case-by-case basis. The technical amendment to Section No. 4 (Application) is necessary to accurately reflect the appropriate FAA office to which applications should be submitted.

DATES: This amendment becomes effective January 23, 2004. Comments for inclusion in the Rules Docket must be received on or before December 19, 2003.

ADDRESSES: You may send comments [identified by Docket Number FAA-2003-16527] using any of the following methods:

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001.
- *Fax:* 1-202-493-2251.
- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington,

DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. For more information, see the Privacy Act discussion in the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: To read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ralph Meyer, Delegation and Airworthiness Programs Branch, Aircraft Engineering Division, AIR-140, Federal Aviation Administration, Mike Monroney Aeronautical Center, PO Box 25082, Oklahoma City, Oklahoma, 73125; telephone (405) 954-7072; facsimile (405) 954-4104, e-mail ralph.meyer@faa.gov.

SUPPLEMENTARY INFORMATION:**Availability of Rulemaking Documents**

You can get an electronic copy using the Internet by:

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (<http://dms.dot.gov/search>);
- (2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/arm/index.cfm>; or
- (3) Accessing the Government Printing Office's Web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official, or the

person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at our site, <http://www.gov/avr/arm/sbrefa.htm>. For more information on SBREFA, e-mail us 9-AWA-SBREFA@faa.gov.

Background*History*

On January 6, 1999, the FAA published Special Federal Aviation Regulation (SFAR) No. 36, Development of Major Repair Data, in the **Federal Register** (64 FR 958). The rule became effective January 23, 1999. The rule provided a 5-year extension to an earlier version of SFAR 36 that was set to expire in January, 1999. The SFAR allows authorized certificate holders (domestic repair stations, air carriers, air taxi operators of large aircraft, and commercial operators of large aircraft) to approve aircraft products and articles for return to service after completing major repairs. This is done using data developed by the holder and not directly approved by the FAA. Currently, 17 air carrier and domestic repair station certificate holders have SFAR 36 authorizations. Without an extension of SFAR 36, these authorizations will expire on January 23, 2004.

Absent SFAR 36, qualified certificate holders must obtain case-by-case approval for data they develop for major repairs. The only alternative to the time-consuming approval method is a formal exemption granting relief from this requirement. Historically, the number of such exemptions granted by the FAA indicated that revisions to the regulations were necessary. As a result, the Agency originally adopted SFAR 36 on January 23, 1978, as an interim rulemaking action. Adoption of the SFAR removed the need for petitions for exemption and gave us additional time to gather the information needed to develop a permanent rule change. However, most of the affected certificate holders did not use the provisions of SFAR 36 until it was well into its second year, nearing its original expiration date of January 23, 1980. Because we lacked the data necessary to create a permanent rule change, the Agency extended the termination date.

Related Activity

Development of a permanent rule change was delayed in anticipation of a recommendation on the subject from the Aviation Rulemaking Advisory Committee (ARAC). On October 22, 1998, the ARAC submitted a proposal for permanent regulatory change. The