

Under the Department of Transportation Order DOT 2100.5 for regulations with an expected minimal impact, the above-specified analyses are not required. If it is determined the expected impact is so minimal that the proposal does not warrant a full evaluation, a statement to that effect and the basis for it is included in the proposed regulation. The FAA has determined that this rule does not warrant a full evaluation for the following reasons.

This final rule extends the existing provisions of SFAR 36 for five years. SFAR 36 allows authorized parties to use self-developed repair data to return products into service and to perform major repairs without the direct approval of this data by the FAA. A disruption of this current practice is likely to result in operational delays and increase approval costs. Thus, the benefit of this rule is the expense avoided of submitting such repair data for FAA approval. Extending SFAR 36 will not impose cost on the industry or the FAA. Because the final rule has positive, although not quantifiable benefits and no costs, the FAA has determined the benefits exceed the costs of the final rule. This extension of SFAR 36 will have a minimal impact, while not extending SFAR 36 will disrupt current business operations and raise approval costs both to industry and the FAA.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980, 5 U.S.C. 601–612, directs the FAA to fit regulatory requirements to the scale of the business, organizations, and governmental jurisdictions subject to the regulation. We are required to determine whether a proposed or final action will have a “significant economic impact on a substantial number of small entities,” as defined in the Act. If we find that the action will have a significant impact, we must do a “regulatory flexibility analysis.”

This final rule extends the expiration date of SFAR 36. Its economic impact is minimal. Therefore, the FAA certifies that this action will not have a significant economic impact on a substantial number of small entities.

Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic

objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule, and because this rule applies only to domestic firms, there will be no impact on international trade.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a \$100 million or more expenditure (adjusted annually for inflation).

This final rule contains no such mandate. Therefore, the requirements of Title II of the Act do not apply to this regulation.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

List of Subjects

14 CFR Part 121

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

14 CFR Part 135

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

14 CFR Part 145

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

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14 of the Code of Federal Regulations parts 121, 135, and 145 as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

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

Authority: 49 U.S.C. 106(g), 40113, 40119, 44706, 44707, 44709–44710, 44711–44713, 44716–44717, 44722, 46105.

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

■ 2. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 44113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

PART 145—REPAIR STATIONS

■ 3. The authority citation for part 145 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44707, 44717.

■ 4. Special Federal Aviation Regulation No. 36 is amended by revising paragraph 3(a)(1), paragraph 4 introductory text, paragraph 7 introductory text, and the termination date to read as follows:

SPECIAL FEDERAL AVIATION REGULATION No. 36

* * * * *

3. * * *
(a) * * *

(1) Has been issued an authorization under, and a procedures manual that complies with, Special Federal Aviation Regulation No. 36–8, effective on January 23, 2004;

* * * * *

4. Application. The applicant for an authorization under this Special Federal Aviation Regulation must submit an application, in writing, and signed by an officer of the applicant, to the FAA Certificate Holding District Office charged with the overall inspection of the applicant’s operations under its certificate. The application must contain—

* * * * *