

Comments to SDR Final Rule (68 FR 75379, 12/30/03)

General Electric Aircraft Engines submits the following comments:

68 FR 75379, December 30, 2003, SUMMARY: states, "The FAA is clarifying which type of failures, malfunctions, and defects repair stations must report." We only see the addition of the word "serious" in the final rule amendment. We submit other clarity is needed.

65 FR 56192, September 15, 2000, Service Difficulty Reports does not provide any clarity with respect to what a part 145 certificate holder must report. The Final Rule has extensive discussion with respect to part 121, yet no discussion with respect to part 145.

FAR 145.211(a) is not specific with respect to the meaning of the word "serious." In 68 FR 75379 the FAA states, "FAA notes the repair station industry should interpret the word 'serious' the same way it is interpreted under the current rule. Repair stations should continue to report failures, malfunctions, or defects as they are currently reported. This amendment will not change current practice in determining which failures, malfunctions, or defects repair stations should report." Research of all part 145 amendments back to 1970 does not reveal any specificity with respect to the term "serious" or what to report. We recommend the FAA define the term. Additionally, what constitutes a failure, malfunction, or defect (FMD) is not specified in FAR 145.221. I know I have to report something that is serious with 96 hours but I'm not sure what I report when complying with FAR 145.221(b) (3) and (4).

The interchangeable use by the FAA of the terms "failure, malfunction or defect reporting" and "Service Difficulty Report" is confusing. As a Type Certificate holder GEAE knows it has to report specific failures, malfunctions, or defects under FAR 21.3. Specific occurrences are listed in FAR 21.3. However, as a part 145 Repair Station Certificate holder I'm not sure specifically what I have to report under part 145.221(a).

Part 145.221 is further confusing in use of terms, and mandatory/permissive language. Under part 145.211(a), I must report serious FMD's (whatever they are?) within 96 hours. However, I may submit a Service Difficulty Report under part 145.211(d) for a part 121, 125 or 135 certificate holder. To add further confusion, a part 121 certificate holder shall report an FMD under part 121.703 and 121.704. So, if I am a part 145 Repair Station do I report an SDR or FMD for the part 121 certificate holder, when requested?

FAR 121.703 and 121.704 use the terms FMD and SDR interchangeably. The titles of 121.703 and 121.704 are Service Difficulty Reports, yet paragraph (a) of each Section states, "Each certificate holder shall report the occurrence or detection of each failure, malfunction, or defect concerning..." Specific lists of occurrences are then provided. Is the public to assume FMD's and SDR's are one-in-the-same?

At the 1/31/2006 effective date of 65 FR 56192, we recommend the FAA publish an Advisory Circular detailing the FAA's Service Difficulty Reporting Program (make AC 20-109 all encompassing) versus specific FMD reporting requirements if the FAA intends to have two separate programs. Additionally, the AC should provide instructions for participation in the SDR Internet submission of FAA Form 8070-1. If the FAA views SDR's and FMD's as one-in-the-same, we recommend the FAA clarify all language in parts 21, 121, 125, 129, 145 and elsewhere, as appropriate, to standardize the use of terms.

The FAA started a "plain language" initiative to help clarify the FAA's documents. FAR part 11 is written using such language, and is very easy to understand. We recommend AFS adopt the "plain language" format and publish 14 CFR 145 using the format currently in part 11.

Thank you for the opportunity to comment on such an important regulation.