

Actions	Compliance	Procedures
(2) Access and inspect the aileron bearings in both wings and the elevator bearings in the fuselage for foreign object debris.	Initially inspect within the next 35 hours time-in-service (TIS) after April 9, 2007 (the compliance date retained from AD 2007-07-06). Repetitively inspect thereafter at intervals not to exceed 12 calendar months.	Following Columbia Mandatory Service Bulletin SB-07-002, dated March 14, 2007, or Cessna Mandatory Service Bulletin SB-07-002D, dated May 29, 2008, and FAA-approved maintenance procedures. The appropriate maintenance manual contains these procedures.
(3) Remove any debris found during any inspection required in paragraph (e)(2) of this AD.	Before further flight after the inspection in which the debris is found.	Following Columbia Mandatory Service Bulletin SB-07-002, dated March 14, 2007, or Cessna Mandatory Service Bulletin SB-07-002D, dated May 29, 2008, and FAA-approved maintenance procedures. The appropriate maintenance manual contains these procedures.
(4) Inspect the aileron and elevator control rods for scarring or damage near the linear bearings.	Initially inspect within the next 35 hours TIS after April 9, 2007 (the compliance date retained from AD 2007-07-06). Repetitively inspect thereafter at intervals not to exceed 12 calendar months.	Following Columbia Mandatory Service Bulletin SB-07-002, dated March 14, 2007, or Cessna Mandatory Service Bulletin SB-07-002D, dated May 29, 2008, and FAA-approved maintenance procedures. The appropriate maintenance manual contains these procedures.
(5) Contact the manufacturer at the address specified in paragraph (h)(2) of this AD for a repair scheme if any scarring or damage is found during any inspection required in paragraph (e)(4) of this AD.	Make all repairs before further flight after the inspection in which scarring or damage is found.	Following Columbia Mandatory Service Bulletin SB-07-002, dated March 14, 2007, or Cessna Mandatory Service Bulletin SB-07-002D, dated May 29, 2008, and FAA-approved maintenance procedures. The appropriate maintenance manual contains these procedures.
(6) For the inspections required in paragraphs (e)(2) and (e)(4) of this AD, you may install a linear bearing access panel instead of drilling an inspection hole. If the hole has previously been drilled, the access panel may also be installed in addition to the inspection hole.	At any time after the effective date of this AD	Following Cessna Mandatory Service Bulletin SB-07-018, dated May 29, 2008.

**Note 1:** Previous compliance with paragraphs (e)(1) through (e)(5) of this AD using Columbia Mandatory Service Bulletin SB-07-002A, dated August 29, 2007; Cessna Mandatory Service Bulletin SB-07-002B, dated December 10, 2007; or Cessna Mandatory Service Bulletin SB-07-002C, dated February 18, 2008, are acceptable methods of compliance.

**Note 2:** Compliance with Cessna Mandatory Service Bulletin SB-07-018, dated May 29, 2008, is not considered terminating action for this AD. This AD takes precedence over Cessna Mandatory Service Bulletin SB-07-018, dated May 29, 2008.

#### Alternative Methods of Compliance (AMOCs)

(f) The Manager, Seattle Aircraft Certification Office (ACO), FAA, ATTN: Jeff Morfitt, Aerospace Engineer, 1601 Lind Avenue, SW., Renton, WA 98057; telephone: (425) 917-6405; fax: (425) 917-6590, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(g) AMOCs approved for AD 2007-07-06 are approved for this AD.

#### Related Information

(h) To get copies of the service information referenced in this AD, contact Cessna Aircraft

Company, Product Support, P.O. Box 7706, Wichita, Kansas 67227; phone (316) 517-5800; fax: (316) 942-9006. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at <http://www.regulations.gov>.

Issued in Kansas City, Missouri, on August 1, 2008.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E8-18231 Filed 8-6-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 61

[Docket No. FAA-2002-13744; Notice No. 08-09]

RIN 2120-AJ25

#### Robinson R-22/R-44 Special Training and Experience Requirements

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to continue the existing special training and experience requirements in Special Federal Aviation Regulation (SFAR) No. 73 and eliminate the termination date for SFAR 73. Currently, SFAR No. 73 is a final rule that will expire on June 30, 2009. Since 1998, the FAA has extended SFAR 73 for two 5-year periods. The FAA recently re-issued SFAR No. 73 and extended the rule's expiration date to June 30, 2009. SFAR No. 73 requires special training and experience for pilots operating the Robinson model R-22 or R-44 helicopters in order to maintain the safe operation of Robinson helicopters. It also requires special training and experience for certified flight instructors conducting student instruction or flight reviews in R-22 or R-44 helicopters.

**DATES:** Send your comments to reach us on or before November 5, 2008.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2002-13744 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow

the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Bring comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

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://www.regulations.gov>, including any personal information you provide. Using the search function of our docket web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the docket. Or, go to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** John Lynch, Certification and General Aviation Operations Branch, AFS-810, General Aviation and Commercial Division, 800 Independence Ave., SW., Washington, DC 20591; Telephone: (202) 267-8212.

**SUPPLEMENTARY INFORMATION:** Later in this preamble under the Additional Information section, we discuss how you can comment on this proposal and how we will handle your comments. Included in this discussion is related information about the docket, privacy, and the handling of proprietary or confidential business information. We also discuss how you can get a copy of this proposal and related rulemaking documents.

### I. Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106, describes the authority of the FAA Administrator, including the authority to issue, rescind, and revise regulations. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Chapter 447—Safety Regulation. Under section 44701, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations necessary for safety. Under section 44703, the FAA issues an airman certificate to an individual when we find, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position authorized by the certificate. In this NPRM, we are proposing to continue the existing special training and experience requirements in Special Federal Aviation Regulation (SFAR) No. 73 and to extend the termination date for SFAR 73 until further notice. The proposed changes are intended to ensure pilots have the training and experience necessary to operate these models of Robinson helicopters safely. For this reason, the proposed changes are within the scope of our authority and are a reasonable and necessary exercise of our statutory obligations.

### II. Background

Part 61 of Title 14 of the Code of Federal Regulations (14 CFR part 61) details the certification requirements for pilots and flight instructors. Particular requirements for pilots and flight instructors in rotorcraft are found in Subparts C through G, and Appendix B of part 61. These requirements do not address any specific type or model of rotorcraft. However, in 1995 the Federal Aviation Administration (referred to as "we") determined that specific training and experience requirements are necessary for the safe operation of Robinson R-22 and R-44 model helicopters.

The R-22 is a 2-seat, reciprocating engine powered helicopter that is frequently used as a low-cost initial student training aircraft. The R-44 is a 4-seat helicopter with operating characteristics and design features that are similar to the R-22. The R-22 is the smallest helicopter in its class and incorporates a unique cyclic control and rotor system. Certain aerodynamic and design features of the aircraft cause

specific flight characteristics that require particular pilot awareness and responsiveness.

We found that the R-22 met 14 CFR part 27 certification requirements and issued a type certificate in 1979. The small size and relatively low operating costs of this helicopter made it popular as a training or small utility aircraft. Thus, a significant number of the pilots operating R-22 helicopters were relatively inexperienced. Prior to issuance of SFAR No. 73, the Robinson R-22 experienced a higher number of fatal accidents due to main rotor/airframe contact than other piston-powered helicopters. Many of these accidents were caused by low rotor revolutions per minute (RPM) or low "G" conditions that resulted in mast bumping or main rotor-airframe contact accidents. Aviation safety authorities attributed these accidents to pilot error by inexperienced pilots. In our analysis of accident data prior to the first issuance of SFAR No. 73, we found that apparently qualified pilots may not be properly prepared to safely operate the R-22 and R-44 helicopters in certain flight conditions.

A recent analysis of approximately 100 R-22 accidents that occurred between 2005 and 2008 indicated that none of them involved mast bumping, low rotor RPM (blade stall) or low "G" hazards. Because the training required by this SFAR addressed these hazards, the FAA believes that the training has been effective. Therefore, we have determined that additional pilot training, originally established by SFAR No. 73, as modified in SFAR No. 73-1, continues to be needed for the safe operation of these helicopters.

### III. Previous Regulatory Action

On March 1, 1995, the FAA published SFAR No. 73 (60 FR 11256). This SFAR required certain experience and training to perform pilot-in-command (PIC) and/or certified flight instructor (CFI) duties. SFAR No. 73 was issued on an emergency basis, with an expiration date of December 31, 1997. On November 21, 1997 (62 FR 62486), the FAA published an NPRM to extend SFAR No. 73 to December 31, 2002, with a minor amendment. The final rule extending SFAR No. 73 to December 31, 2002 was published on January 7, 1998 (63 FR 660). On November 14, 2002, the FAA published an NPRM (67 FR 69106) proposing to extend SFAR No. 73 an additional 5 years. On January 2, 2003, the FAA again re-issued SFAR No. 73 (68 FR 39-43) and extended the rule's expiration date to March 31, 2008. On March 31, 2008, we extended the SFAR

No. 73 until June 30, 2009 (73 FR 17243).

*Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment*

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Public Law 96-39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule. We suggest readers seeking greater detail read the full regulatory evaluation, a copy of which we have placed in the docket for this rulemaking.

In conducting these analyses, FAA has determined that this proposed rule: (1) Has benefits that justify its costs, (2) is not an economically "significant regulatory action" as defined in section 3(f) of Executive Order 12866, (3) is not "significant" as defined in DOT's Regulatory Policies and Procedures; (4) would not have a significant economic impact on a substantial number of small entities; (5) would not create unnecessary obstacles to the foreign commerce of the United States; and (6) would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the threshold identified above. These analyses are summarized below.

*Total Benefits and Costs of This Rule*

The proposed rule would cause those who receive or provide instruction in a Robinson R-22 or R-44 helicopter to

incur additional costs related to specific flight training and awareness training. These proposed requirements would impose costs of approximately \$8 million (present value, \$5.6 million) over ten years in 2007 dollars. The potential safety benefits from the final rule would be a reduction in the number of fatal accidents that occur in Robinson helicopters associated with low "G" maneuvers that may result in main rotor/airframe contact. The reduction in the number of accidents would be due to the increased level of safety due to specific flight training and awareness training requirements for all individuals operating Robinson R-22 and R-44 aircraft. Since the net reduction in accidents as a result of SFAR 73 would be 22 fatalities associated with low "G" maneuvers, the FAA estimates the expected safety benefits to be approximately \$129 million (present value, \$90.6 million) over ten years, in 2007 dollars. Since benefits exceed costs, the FAA concludes that this rule would be cost-beneficial.

*Regulatory Flexibility Determination*

The Regulatory Flexibility Act of 1980 establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principle, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA) as described in the Act.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 Act provides that the head of the agency may so certify and an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This proposed rule will indefinitely extend SFAR 73, initially published on March 1, 1995, and extended three times since. The SFAR is limited to

experience and training requirements to perform pilot-in-command and certified flight instructor duties, thereby impacting individuals rather than entities. Therefore, the FAA concludes that this proposed rule would not have a significant economic impact on any small entities.

*International Trade Impact Statement*

The Trade Agreements 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.

In accordance with the above statute, the FAA has assessed the potential effect of this proposed rule and has determined that it would have only a domestic impact and therefore create no obstacles to the foreign commerce of the United States.

*Unfunded Mandates Assessment*

Title II of the Unfunded Mandates Reform Act of 1995 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 an expenditure of \$100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of \$136.1 million in lieu of \$100 million.

This proposed rule does not contain such a mandate. The requirements of Title II do not apply.

*Executive Order 13132, Federalism*

The FAA has analyzed this proposed 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 proposed rule does not have federalism implications.

*International Civil Aviation Organization (ICAO) and Joint Aviation Regulations*

In keeping with U.S. obligations under the Convention on International

Civil Aviation, it is FAA policy to comply with ICAO Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that this proposed rule does not conflict with any international agreement of the United States.

#### *Paperwork Reduction Act*

The OMB control number assigned to the collection of information for this proposed rule is 2120-0021.

#### *Plain Language*

In response to the June 1, 1998 Presidential Memorandum regarding the use of plain language, the FAA re-examined the writing style currently used in the development of regulations. The memorandum requires federal agencies to communicate clearly with the public. We are interested in your comments on whether the style of this document is clear, and in any other suggestions you might have to improve the clarity of FAA communications that affect you.

You can get more information about the Presidential memorandum and the plain language initiative at <http://www.plainlanguage.gov>.

#### *Regulations That Significantly Affect Energy Supply, Distribution, or Use*

The FAA has analyzed this NPRM under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not a "significant regulatory action" under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

#### **IV. Additional Information**

##### *Comments Invited*

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments one time.

We will file in the docket all comments we receive, as well as a

report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

#### *Proprietary or Confidential Business Information*

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD-ROM, mark the outside of the disk or CD-ROM and also identify electronically within the disk or CD-ROM the specific information that is proprietary or confidential.

Under § 11.35(b), when we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

#### *Availability of Rulemaking Documents*

You can get an electronic copy using the Internet by—

- (1) Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
- (2) Visiting the FAA's Regulations and Policies web page at: [http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies); or
- (3) Accessing the Government Printing Office's web page at: <http://www.gpoaccess.gov/fr/index.html>.

You can also get a copy by sending 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.

You may access all documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, from the

internet through the Federal eRulemaking Portal referenced in paragraph (1).

#### **List of Subjects in 14 CFR Part 61**

Aircraft, Aircraft pilots, Airmen, Airplanes, Air safety, Air transportation, Aviation safety, Balloons, Helicopters, Rotorcraft, Students.

#### **The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 61 of Title 14 of the Code of Federal Regulations (14 CFR part 61) as follows:

#### **PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS**

1. The authority citation for part 61 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701-44703, 44707, 44709-44711, 45102-45103, 45301-45302.

2. Revise section 3 of SFAR No. 73 to read as follows:

#### **Special Federal Aviation Regulation No. 73—Robinson R-22/R-44 Special Training and Experience Requirements**

\* \* \* \* \*

3. *Expiration date.* This SFAR number 73 shall remain in effect until further notice.

Issued in Washington, DC on July 30, 2008.

**James J. Ballough,**

*Director, Flight Standards Service.*

[FR Doc. E8-18239 Filed 8-6-08; 8:45 am]

**BILLING CODE 4910-13-P**

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#### **DEPARTMENT OF THE TREASURY**

##### **Internal Revenue Service**

##### **26 CFR Part 1**

**[REG-140029-07]**

**RIN 1545-BH62**

#### **Substantiation and Reporting Requirements for Cash and Noncash Charitable Contribution Deductions**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** These proposed regulations provide guidance concerning substantiation and reporting requirements for cash and noncash charitable contributions under section 170 of the Internal Revenue Code (Code). The regulations reflect the enactment of provisions of the American Jobs Creation Act of 2004 and