

07-22 R1, Amendment 39-15326, for structural significant item (SSI) F-4B of the Boeing Document No. D6-35022, "Supplemental Structural Inspection Document (SSID) for Model 747 Airplanes," Revision G, dated December 2000.

(3) Within 1,500 flight cycles after the effective date of this AD.

(s) If any cracking is found during any inspection required by paragraph (r) of this AD, before further flight, repair in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747-53A2305, Revision 2, dated January 15, 2009, except as required by paragraph (t) of this AD. Within 6,000 flight cycles after doing the repair, do the inspections specified in paragraph (r) of this AD, and repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles.

#### Service Bulletin Exception

(t) If any cracking is found during any inspection required by this AD, and Boeing Alert Service Bulletin 747-53A2305, Revision 2, dated January 15, 2009, specifies to contact Boeing for appropriate action: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (u) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(u)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Ivan Li, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6437; fax (425) 917-6590. Information may be e-mailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

Issued in Renton, Washington, on June 29, 2010.

**Ali Bahrami,**

Manager, Transport Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 2010-16551 Filed 7-7-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2010-0564; Directorate Identifier 2010-SW-13-AD]

RIN 2120-AA64

#### Airworthiness Directives; Arrow Falcon Exporters, Inc. (Previously Utah State University), et al., Model HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P Helicopters; and Southwest Florida Aviation Model UH-1B (SW204 and SW204HP) and UH-1H (SW205) Helicopters

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document proposes adopting a new airworthiness directive (AD) for the specified type-certificated military surplus helicopters. The AD would require: Creating a component history card or equivalent record for each main rotor grip (grip); determining and recording the total hours time-in-service (TIS) for each grip; visually inspecting the upper and lower tangs of the grip for a crack; inspecting the grip buffer pads for delamination and if delamination is present, inspecting the grip surface for corrosion or other damage; inspecting the grip for a crack using ultrasonic (UT) and fluorescent-penetrant inspection methods; and establishing a retirement life for certain grips. This proposal is prompted by three in-flight failures of grips installed on Bell Helicopter Textron, Inc. (BHTI) Model 212 helicopters, which resulted from cracks originating in the lower main rotor blade bolt lug. The actions specified by the proposed AD are intended to prevent failure of the grip, separation of a main rotor blade, and subsequent loss of control of the helicopter.

**DATES:** Comments must be received on or before September 7, 2010.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

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

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may get the service information identified in this proposed AD from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101, telephone (817) 280-3391, fax (817) 280-6466, or at <http://www.bellcustomer.com/files/>.

You may examine the comments to this proposed AD in the AD docket on the Internet at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

DOT/FAA Southwest Region, Michael Kohner, ASW-170, Aviation Safety Engineer, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5170, fax (817) 222-5783.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to submit any written data, views, or arguments regarding this proposed AD. Send your comments to the address listed under the caption **ADDRESSES**. Include the docket number "FAA-2010-0564, Directorate Identifier 2010-SW-13-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

##### Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone

(800) 647-5527) is located in Room W12-140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

### Discussion

This document proposes adopting a new AD for Model HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P helicopters; and Southwest Florida Aviation Model UH-1B (SW204 and SW204HP) and UH-1H (SW205) helicopters. The AD would require creating a component history card or equivalent record for each grip; determining and recording the total hours TIS for each grip; visually inspecting the upper and lower tangs of the grip for a crack; inspecting the grip buffer pads for delamination, and if delamination is present, inspecting the grip surface for corrosion or other damage; inspecting the grip for a crack using UT and fluorescent-penetrant inspection methods; and establishing a retirement life for grips, part number (P/N) 204-011-121-009, ASI-4011-121-9, and P/N 204-011-121-121. This proposal is prompted by three in-flight failures of grips, P/N 204-011-121-009 and -121, installed on BHTI Model 212 helicopters, which resulted from cracks originating in the lower main rotor blade bolt lug. Grips with these same P/Ns, and those produced under an FAA Parts Manufacturing Approval (PMA) that have a design approval based on their being identical to the original BHTI-manufactured grips, are eligible for installation on certain modified Model HH-1K, TH-1F, TH-1L, and UH-1 helicopters. These helicopters have an FAA-approved modification which increases their power rating to the equivalent of the twin-engine Model 212 helicopter power rating. Grips, P/N 204-011-121-005, and -113, are also affected by the proposed AD if they were ever installed on a Model 205B or Model UH-1N helicopter; and grip, P/N 204-011-121-117, is also affected if it was ever installed on a Model 205B helicopter. Additionally, BHTI has developed a new, improved replacement grip that will not require the repetitive UT inspections and will have a 25,000 hour TIS and 500,000 Retirement Index Number (RIN) retirement life for the BHTI Model 212 helicopters. The RIN count accumulated for the new replacement grips will be increased by one for each take-off or each external lift event. The actions specified by the proposed AD are intended to prevent failure of the grip, separation of a main rotor blade, and

subsequent loss of control of the helicopter.

We have reviewed the following service information:

- BHTI Alert Service Bulletin (ASB) 205B-02-39, Revision B, dated November 22, 2002, applicable to Model 205B helicopters; and
  - BHTI ASB 212-02-116, Revision A, dated October 30, 2002, applicable to Model 212 helicopters.
- Both ASBs contain BHTI Nondestructive Inspection Procedure, Log. No. 00-340, Revision E, dated April 9, 2002, which describes procedures for an UT inspection of the grip. We have also reviewed BHTI Operations Safety Notice (OSN) 204-85-6, OSN 205-85-9, and OSN 212-85-13, all dated November 14, 1985, which describe a cracked Model 212 helicopter grip that was returned to BHTI.

This unsafe condition is likely to exist or develop on other helicopters of the same type designs. Therefore, the proposed AD would require:

- Within 10 hours TIS, creating a component history card or equivalent record for the grip, and determining and recording the total hours TIS of each grip;
- Within 10 hours TIS, and then at intervals not to exceed 25 hours TIS, visually inspecting the upper and lower tangs of the grip for a crack using a 10-power or higher magnifying glass;
- Within 30 days, and then at intervals not to exceed certain specified hours TIS or a certain number of engine start/stops, whichever occurs first, for grips with certain specified hours TIS, inspecting the grip for a crack using a UT inspection method;
- At intervals not to exceed 1,200 hours TIS or 24 months, whichever occurs first, inspecting the grip buffer pads for delamination, and if delamination is present, inspecting the grip surface for corrosion or other damage;
- Within 2,400 hours TIS or at the next main rotor hub overhaul, whichever occurs first, and then at intervals not to exceed 2,400 hours TIS, removing the grip buffer pads, visually inspecting the grip surface for corrosion or other damage, and fluorescent-penetrant inspecting the grip for a crack;
- Before further flight, removing from service any grip, P/N 204-011-121-009 or ASI-4011-121-9, with 15,000 or more hours TIS;
- Before further flight, removing from service any grip, P/N 204-011-121-121, with 25,000 or more hours TIS;
- Before further flight, replacing any unairworthy grip; and
- Establishing a retirement life of 15,000 hours TIS for grip, P/N 204-011-

121-009 or ASI-4011-121-9, and 25,000 hours TIS for grip, P/N 204-011-121-121.

We estimate that this proposed AD would affect 20 helicopters of U.S. registry, and the proposed actions would take the following approximate number of work hours per helicopter to accomplish at an average labor rate of \$85 per work hour:

- Create new component history cards or equivalent: 2 work hours;
- Maintain records: 5 work hours per year;
- 24 visual inspections using a magnifying glass: 12 work hours per year;
- 1/2 of a buffer pad inspection: 1.5 hours per year;
- 1/4 of a fluorescent penetrant inspection: .5 work hour per year;
- 4 UT inspections: 4 work hours per year; and
- Remove and replace grip set: 20 work hours per year.

Required parts would cost approximately \$37,590 per set of grips. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be \$828,300, if one set of grips is installed on the total affected fleet of helicopters at the end of the first year.

### Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. Additionally, this proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

*For the reasons discussed above, I certify that the proposed regulation:*

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a draft economic evaluation of the estimated costs to comply with this proposed AD. See the AD docket to examine the draft economic evaluation.

### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII,

Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**Arrow Falcon Exporters, Inc. (Previously Utah State University); Firefly Aviation Helicopter Services (Previously Erickson Air-Crane Co.); California Department of Forestry; Garlick Helicopters, Inc.; Global Helicopter Technology, Inc.; Hagglund Helicopters, LLC (Previously Western International Aviation, Inc.); International Helicopters, Inc.; Precision Helicopters, LLC; Robinson Air Crane, Inc.; San Joaquin Helicopters (Previously Hawkins and Powers Aviation, Inc.); S.M.&T. Aircraft (Previously US Helicopters, Inc., UNC Helicopter, Inc., Southern Aero Corporation, and Wilco Aviation); Smith Helicopters; Southern Helicopter, Inc.; Southwest Florida Aviation International, Inc. (Previously Jamie R. Hill and Southwest Florida Aviation); Tamarack Helicopters, Inc. (Previously Ranger Helicopter Services, Inc.); US Helicopter, Inc. (Previously UNC Helicopter, Inc.); West Coast Fabrication; and Williams Helicopter Corporation (Previously Scott Paper Co.).** Docket No. FAA-2010-0564; Directorate Identifier 2010-SW-13-AD.

**Applicability:** Model HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P helicopters, and Southwest Florida Aviation Model UH-1B (SW204 and SW204HP) and UH-1H (SW205) helicopters, with main rotor grip (grip), part number (P/N) 204-011-121-009, -121, or ASI-4011-121-9, installed; or with grip, P/N 204-011-121-005 or -113, if the grip was

ever installed on a Model 205B or a Model UH-1N helicopter, or P/N 204-011-121-117, installed, if the grip was ever installed on a Model 205B helicopter, certificated in any category.

**Compliance:** Required as indicated.

To prevent failure of a grip, separation of a main rotor blade, and subsequent loss of control of the helicopter, accomplish the following:

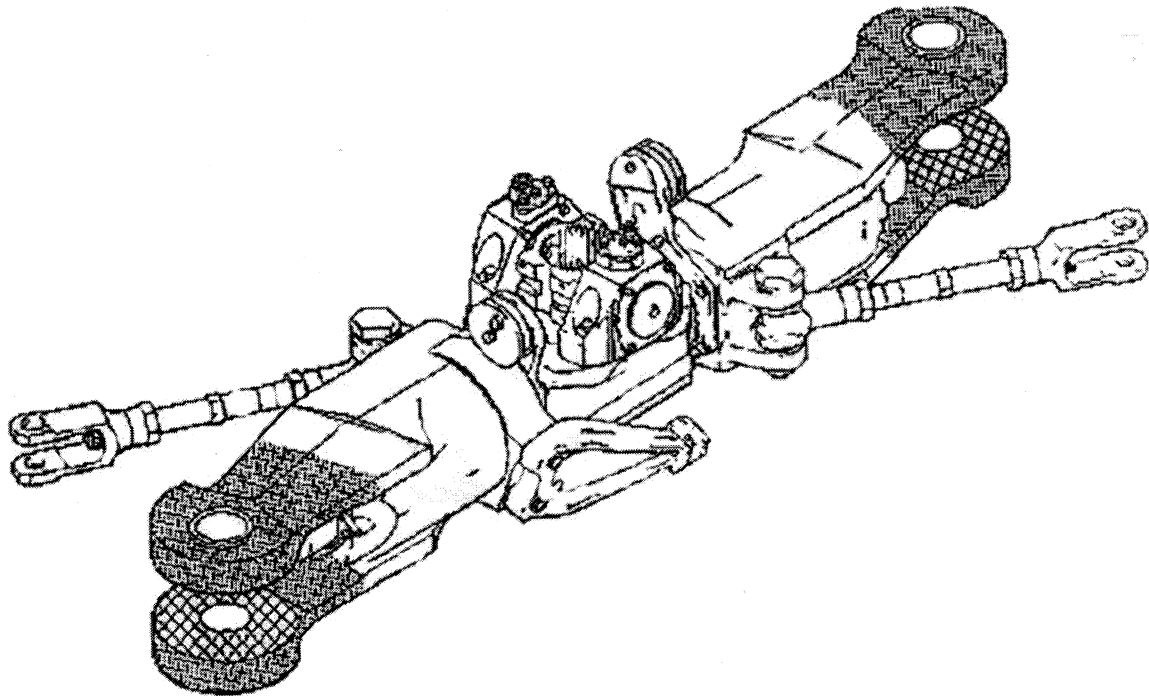
(a) Within 10 hours time-in-service (TIS), unless accomplished previously, create a component history card or equivalent record and determine and record the total hours TIS for each grip. If the total hours TIS cannot be determined from the helicopter records, assume and record 50 hours TIS for each month for which the hours cannot be determined with the grip installed on any helicopter. Continue to count and record the hours TIS and begin to count and record the number of times the helicopter engine(s) are started (engine start/stop cycles).

(b) Within 10 hours TIS, unless accomplished previously, and then at intervals not to exceed 25 hours TIS, without removing the main rotor blades:

(1) Clean the exposed surfaces of the upper and lower tangs of each grip with denatured alcohol and wipe dry.

(2) Using a 10-power or higher magnifying glass, visually inspect the exposed surfaces of the upper and lower tangs of each grip for a crack. Pay particular attention to the lower surface of each lower grip tang from the main rotor blade bolt-bushing flange to the leading and trailing edge of each grip tang. See Figure 1 of this AD.

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 INSPECT BUFFER PAD FOR DELAMINATION (IF INSTALLED)

 AREA TO BE INSPECTED UPPER AND LOWER TANGS ALL EXPOSED SURFACES

Figure 1. Inspection of Main Rotor Hub Grip Tangs

**BILLING CODE 4910-13-C**

(c) At the intervals shown in Table 1 of this AD, ultrasonic (UT) inspect each grip for a

crack in accordance with the Bell Helicopter Textron, Inc. (BHTI) Nondestructive

Inspection Procedure, Log No. 00-340, Revision E, dated April 9, 2002.

TABLE 1

| UT inspect grip, P/N  | Within 30 days, for a grip with the following or more hours TIS: | Thereafter, at intervals not to exceed the following number of hours TIS or the engine start/stop cycles, whichever occurs first: |                          |
|---|--|---|--------------------------|
|   |  | Hours TIS   | Engine start/stop cycles |
| 204-011-121-009 or ASI-4011-121-9 .....   | 4,000  | 400   | 1,600                    |
| 204-011-121-121 .....   | 500  | 150   | 600                      |
| 204-011-121-005 or -113, if the grip was EVER installed on a Model 205B or Model UH-1N helicopter ..... | 4,000  | 400   | 1,600                    |
| 204-011-121-117, if the grip was EVER installed on a Model 205B helicopter .....                        | 500  | 150   | 600                      |

The UT inspection of the grip must be performed by a Nondestructive Testing (NDT) UT Level I Special, Level II, or Level III inspector who is qualified under the

guidelines established by MIL-STD-410E, ATA Specification 105, AIA-NAS-410, or an FAA-accepted equivalent for qualification

standards of NDT Inspection/Evaluation Personnel.

**Note 1:** You can find the Nondestructive Inspection Procedure attached to BHTI Alert

Service Bulletin (ASB) 205B-02-39, Revision B, dated November 22, 2002, or BHTI ASB 212-02-116, Revision A, dated October 30, 2002.

(d) At intervals not to exceed 1,200 hours TIS or 24 months, whichever occurs first:

- (1) Remove each main rotor blade, and
- (2) Inspect each grip buffer pad on the inner surfaces of each grip tang for delamination (see Figure 1 of this AD). If there is any delamination, remove the buffer pad and inspect the grip surface for corrosion or other damage.

**Note 2:** This inspection interval coincides with the main rotor tension-torsion strap replacement times.

(e) Within 2,400 hours TIS or at the next overhaul of the main rotor hub, whichever occurs first, and then at intervals not to exceed 2,400 hours TIS:

- (1) Remove each main rotor blade.
- (2) Remove each grip buffer pad (if installed) from the inner surfaces of each grip tang.
- (3) Visually inspect the grip surfaces for corrosion or other damage.
- (4) Fluorescent-penetrant inspect (FPI) the grip for a crack, paying particular attention to the upper and lower grip tangs. When inspecting a grip, P/N 204-011-121-005, -009, or -113, or ASI-4011-121-9, pay particular attention to the leading and trailing edges of the grip barrel.

**Note 3:** FPI procedures are contained in BHTI Standard Practices Manual, BHT-ALL-SPM.

(f) Before further flight:

- (1) Replace any cracked grip with an airworthy grip.
- (2) Replace any grip with any corrosion or other damage with an airworthy grip, or repair the grip if the corrosion or other damage is within the maximum repair limitations found in the applicable Component and Repair Overhaul Manual.

**Note 4:** BHTI ASB 212-94-92, Revision A, dated March 13, 1995, and BHTI Operations Safety Notice (OSN) 204-85-6, OSN 205-85-9, and OSN 212-85-13, all dated November 14, 1985, also pertain to the subject of this AD.

(3) Remove any grip, P/N 204-011-121-009 or ASI-4011-121-9, that has been in service for 15,000 or more hours TIS.

(4) Remove any grip, P/N 204-011-121-121, that has been in service for 25,000 or more hours TIS.

(g) Revise the Airworthiness Limitations section of the applicable maintenance manual or the Instructions for Continued Airworthiness (ICA) by establishing a new retirement life of 15,000 hours TIS for grip, P/N 204-011-121-009 or ASI-4011-121-9, and 25,000 hours TIS for grip, P/N 204-011-121-121, by marking pen and ink changes or inserting a copy of this AD into the maintenance manual or ICA.

(h) Record a 15,000 hour TIS life limit for each grip, P/N 204-011-121-009 or ASI-4011-121-9, and a 25,000 hour life limit for each grip, P/N 204-011-121-121, on the applicable component history card or equivalent record.

(i) To request a different method of compliance or a different compliance time

for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Rotorcraft Certification Office, *Attn:* Michael Kohner, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5170, fax (817) 222-5783, for information about previously approved alternative methods of compliance.

(j) The Joint Aircraft System/Component (JASC) Code is 6220: Main Rotor Head.

Issued in Fort Worth, Texas, on June 5, 2010.

**Mark R. Schilling,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2010-16511 Filed 7-7-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 91

[Docket No. FAA-2010-0667]

#### Proposed Legal Interpretation

**AGENCY:** Federal Aviation Administration (FAA)

**ACTION:** Proposed interpretation.

**SUMMARY:** The FAA is considering revising its broad prohibition on pro rata reimbursement for the cost of owning, operating and maintaining a company aircraft when used for routine personal travel by senior company officials and employees under certain conditions.

**DATES:** Comments must be received on or before August 9, 2010.

**ADDRESSES:** You may send comments identified by Docket Number FAA-2010-0667 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 FURTHER INFORMATION CONTACT:**

Rebecca B. MacPherson, Assistant Chief Counsel, Regulations Division, Office of

the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202 267-3073.

**SUPPLEMENTARY INFORMATION:**

The Federal Aviation Administration (FAA) generally prohibits aircraft operators from seeking reimbursement for the costs associated with flights conducted under part 91 of Title 14 of the Code of Federal Regulations (CFR). Certain exceptions to this general prohibition may be found in 14 CFR 91.501. One of the exceptions, located in § 91.501(b)(5), provides for limited reimbursement for the “carriage of officials, employees, guests, and property of a company on an airplane operated by that company, or the parent or a subsidiary of the parent, when the carriage is within the scope of, and incidental to, the business of the company (other than transportation by air) and no charge, assessment or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane, \* \* \*.”

In 1993, the FAA’s Office of the Chief Counsel issued a legal interpretation of this provision that addressed officials and employees of a company using the company aircraft for personal travel. Interpretation 1993-17, August 2, 1993. This letter is commonly referred to as the “Schwab Interpretation.” In the Schwab Interpretation, the FAA noted that the personal travel was not within the scope of the company’s business and so did not meet the two-part test set forth in § 91.501(b)(5), *i.e.*, that it be within the scope of and incidental to the company’s business.

On March 1, 2010, the National Business Aviation Association (NBAA) requested the FAA consider revising the long-standing Schwab Interpretation to address highly placed officers and employees of a company who could be recalled at any moment, or whose travel plans could be altered immediately prior to the individual going on personal travel. The FAA is considering narrowing the broad prohibition provided in the Schwab Interpretation; the agency is publishing this notice to seek comment on its revised interpretation.

In the Schwab Interpretation, the FAA rejected the argument that a need to communicate with a senior company official justified an assertion that the personal travel was within the company’s business. Instead, the FAA noted that “[i]t may very well be that the Company wants to maintain prompt communications with Mr. Schwab when he is on pleasure trips. That desire, however, does not alter the fact that he