

Actions	Compliance	Procedures
(4) If, as a result of any inspection required by paragraph (e)(3) of this AD, you find any displacement or damage of clamps or hoses, replace any damaged clamps and hoses.	Before further flight, after the inspection required by paragraph (e)(3) of this AD where you found any displacement or damage of clamps or hoses.	Follow SMA SAFRAN Group Service Bulletin SB-C182-75-004, Revision No. Basic Issue, dated July 8, 2008.
(5) Do not install any intercooler SF01170004-0.	As of the effective date of this AD .....	Not Applicable.

### Special Flight Permit

(f) Under 14 CFR part 39.23, we are limiting the special flight permits for this AD by the following conditions:

(1) Before flight, an inspection of hoses and clamps by a properly certificated mechanic reveals no damaged or disconnected hoses or clamps; and

(2) You fly by the most direct route to the site where the AD can be performed.

### Alternative Methods of Compliance (AMOCs)

(g) The Manager, Atlanta 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:* Don O. Young, Aerospace Engineer, ACE-118A, Atlanta ACO, One Crown Center, 1895 Phoenix Blvd., Suite 450, Atlanta, Georgia 30349; *telephone:* (770) 703-6079; *fax:* (770) 703-6097. 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.

### Related Information

(h) To get copies of the service information referenced in this AD, contact SMA Customer Service, 10-12 Rue Didier Daurat, 18021 Bourges, France; *telephone:* +33 (0) 2 48 67 56 00; *fax:* +33 (0) 2 48 50 01 41; *E-mail:* [customer\\_services@smasr.com](mailto:customer_services@smasr.com); *Web:* <http://www.smaengines.com>. 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 November 6, 2008.

### James E. Jackson,

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

[FR Doc. E8-26910 Filed 11-12-08; 8:45 am]

**BILLING CODE** 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 121, 125 and 135

[Docket No. FAA-2006-26135; Notice No. 08-08]

RIN 2120-AI79

#### Filtered Flight Data; Technical Correction and Extension of Comment Period

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

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM); correction and extension of comment period.

**SUMMARY:** The FAA is correcting an SNPRM published in the **Federal Register** on August 15, 2008, regarding filtered flight data. Questions from industry caused us to conclude that the intent expressed in the preamble is inconsistent with the proposed rule language. This document will clarify our intent and the rule language. We are also extending the comment period to allow for consideration of this clarification by all interested parties.

**DATES:** The comment period will close December 29, 2008.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this proposed rule contact Brian A. Verna, Avionics Systems Branch, Aircraft Certification Service, AIR-130, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 385-4643; fax (202) 385-4651; e-mail [brian.verna@faa.gov](mailto:brian.verna@faa.gov). For legal questions concerning this proposed rule contact Karen L. Petronis, Senior Attorney for Regulations, Regulations Division, Office of the Chief Counsel, AGC-200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3073; fax 202-267-7971; e-mail [karen.petronis@faa.gov](mailto:karen.petronis@faa.gov).

### Background

Following the publication of a supplemental notice of proposed rulemaking on filtered flight data

(SNPRM; 73 FR 47857, August 15, 2008), the FAA was contacted by members of the industry seeking clarification of our intent and the scope of specific provisions. A summary of that meeting has been placed in the docket for this rule.

Issues raised at the meeting caused us to realize that the intent of the rule as stated in the preamble is inconsistent with the proposed rule text. We are restating the intent here and providing revised proposed rule text.

While this preamble discussion uses part 121 as its reference, it also applies to parts 125 and 135 and their comparable sections. During our review, we also discovered that the SNPRM change to a separate section (proposed § 121.346) caused us to inadvertently omit an applicability reference for airplanes covered under § 121.344a. We have added that reference as part of this correction.

The definition of filtering, proposed § 121.346(a), remains as it was in the SNPRM. Comments should address that section of the proposed rule as published in the SNPRM.

Proposed § 121.346(b) now states that any parameter required to be recorded may be filtered as long as the recorded signal value continues to meet the requirements of Appendix M.

Paragraph (c) contains a list of parameters that we consider critical from the standpoint of accuracy and accident investigation when complying with the required accuracy under the expanded definition of dynamic conditions in Appendix M. This list has not changed from the SNPRM. If any parameter in the paragraph (c) list is being filtered, and the filtered, recorded data do not meet Appendix M, then the certificate holder must choose one of the following courses of action:

- Remove the filtering; or
- Demonstrate by test and analysis that the original sensor signal value can be reconstructed from the recorded filtered data. If an operator attempts to show by test and analysis that the data can be reconstructed but the tests and analyses fail, or the results cannot be repeated, the filtering must be removed.

The restructured language of the rule text has obviated the need for the second list of parameters. They are

already covered by paragraph (b); they may be filtered as long as the recorded signal value meets Appendix M. We presume that these parameters are already in compliance with Appendix M since that compliance is required by the 1997 rule changes.

The compliance paragraph has been redesignated as (d), and has been changed to include the correct paragraph references; compliance time remains unchanged.

All other provisions of the proposed rule, including the definition of filtering, remain as proposed in the SNPRM published on August 15, 2008. Because of the confusion generated by the SNPRM language published in August, we are extending the comment period for the rule as corrected until December 29, 2008.

#### Correction

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

1. On page 47867, in the first column, remove proposed § 121.346(b) and (c) and add in their place corrected paragraphs (b), (c) and (d) to read as follows:

#### § 121.346 Flight recorders—filtered data.

(b) An original sensor signal for any flight recorder parameter required to be recorded under § 121.344 of this part may be filtered only if the recorded signal value continues to meet the requirements of Appendix B or M of this part, as applicable.

(c) For a parameter described in § 121.344(a)(1) through (7), (9), (11) through (18), (26), (32), (42), (43), (68), (70), (77), or (88), or the corresponding parameter in Appendix B of this part, if the recorded signal value is filtered and does not meet the requirements of Appendix B or M of this part, as applicable, the certificate holder must:

(1) Remove the filtering and ensure that the recorded signal value meets the requirements of Appendix B or M of this part; or

(2) Demonstrate by test and analysis that the original sensor signal value can be reconstructed from the recorded data. This demonstration requires that:

(i) The FAA determine that the procedure submitted by the certificate holder as its compliance with paragraph (c)(2) of this section is repeatable; and

(ii) The certificate holder maintain documentation of the procedure required to reconstruct the original sensor signal value.

(d) *Compliance.* After (four years from effective date), no aircraft flight data

recording system may filter any parameter listed in paragraph (c) of this section that does not meet the requirements of Appendix M or B of this part unless the certificate holder possesses test and analysis procedures that have been approved by the FAA. The procedures must be submitted to the FAA no later than the completion of the next heavy maintenance check after [six months after effective date] but not later than [two years after the effective date].

2. On page 48767 in the second column, add amendatory instruction 2a to amend section 121.344a(e) to read as follows:

2a. Amend § 121.344a by revising paragraph (e) to read as follows:

#### § 121.344a Digital flight data recorders for 10–19 seat airplanes.

(e) All airplanes subject to this section are also subject to the requirements and exceptions stated in §§ 121.344(g) through (k) and 121.346 of this part.

#### PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE; AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

3. On page 47867, in the second column, remove proposed § 125.228(b) and (c) and add in their place corrected paragraphs (b), (c) and (d) to read as follows:

#### § 125.228 Flight recorders—filtered data.

(b) An original sensor signal for any flight recorder parameter required to be recorded under § 125.226 of this part may be filtered only if the recorded signal value continues to meet the requirements of Appendix D or E of this part, as applicable.

(c) For a parameter described in § 125.226 (a)(1) through (7), (9), (11) through (18), (26), (32), (42), (43), (68), (70), (77), or (88), or the corresponding parameter in Appendix D of this part if the recorded signal value is filtered and does not meet the requirements of Appendix D or E of this part, as applicable, the certificate holder must:

(1) Remove the filtering and ensure that the recorded signal value meets the requirements of Appendix D or E of this part; or

(2) Demonstrate by test and analysis that the original sensor signal value can be reconstructed from the recorded data. This demonstration requires that:

(i) The FAA determine that the procedure submitted by the certificate holder as its compliance with paragraph (c)(2) of this section is repeatable; and

(ii) The certificate holder maintain documentation of the procedure required to reconstruct the original sensor signal value.

(d) *Compliance.* After (four years from effective date), no aircraft flight data recording system may filter any parameter listed in paragraph (c) of this section that does not meet the requirements of Appendix D or E of this part unless the certificate holder possesses test and analysis procedures that have been approved by the FAA. The procedures must be submitted to the FAA no later than the completion of the next heavy maintenance check after [six months after effective date] but not later than [two years after the effective date].

#### PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

4. On page 47868, in the first column, remove proposed § 135.156(b) and (c) and add in their place corrected paragraphs (b), (c) and (d) to read as follows:

#### § 135.156 Flight recorders—filtered data.

(b) An original sensor signal for any flight recorder parameter required to be recorded under § 135.152 of this part may be filtered only if the recorded signal value continues to meet the requirements of Appendix F of this part, as applicable.

(c) For a parameter described in § 135.152(h)(1) through (7), (9), (11) through (18), (26), (32), (42), (43), (68), (70), (77), or (88), if the recorded signal value is filtered and does not meet the requirements of Appendix F of this part, as applicable, the certificate holder must:

(1) Remove the filtering and ensure that the recorded signal value meets the requirements of Appendix F of this part; or

(2) Demonstrate by test and analysis that the original sensor signal value can be reconstructed from the recorded data. This demonstration requires that:

(i) The FAA determine that the procedure submitted by the certificate holder as its compliance with paragraph (c)(2) of this section is repeatable; and

(ii) The certificate holder maintain documentation of the procedure required to reconstruct the original sensor signal value.

(d) *Compliance.* After (four years from effective date), no aircraft flight data recording system may filter any parameter listed in paragraph (c) of this section that does not meet the requirements of Appendix F of this part unless the certificate holder possesses test and analysis procedures that have been approved by the FAA. The procedures must be submitted to the FAA no later than the completion of the next heavy maintenance check after [six months after effective date] but not later than [two years after the effective date].

Issued in Washington, DC, on November 6, 2008.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking.*

[FR Doc. E8-26856 Filed 11-12-08; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Parts 620, 635, 636, and 710

[FHWA Docket No. FHWA-2008-0136]

RIN 2125-AF29

#### Fair Market Value and Design-Build Amendments

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); re-opening of comment period.

**SUMMARY:** The FHWA is re-opening the comment period for the notice of proposed rulemaking (NPRM) and request for comments, which was published on October 8, 2008, at 73 FR 58908. That NPRM proposes to amend existing regulations to clarify that fair market value must be negotiated for and received under a concession agreement, and to amend the design-build regulations to allow contracting agencies to incorporate unsuccessful proposers' ideas into a contract upon payment of a stipend.

The original comment period closed on November 7, 2008. The extension is based on the FHWA's desire to receive the fullest and most comprehensive comments possible from the broadest group of stakeholders. During the comment period, the FHWA received requests for additional time to analyze and submit comments regarding the rulemaking. The FHWA recognizes that

those interested in commenting on this important program may not have had the opportunity to provide comments and that the comment period should be reopened. Therefore, the comment period is being reopened until November 21, 2008, which will provide those interested in commenting additional time to discuss, evaluate, and submit responses to the docket.

**DATES:** Comments must be received on or before November 21, 2008. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Mail or hand deliver comments to Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, submit comments electronically at <http://www.regulations.gov>, or fax comments to (202) 493-2251.

All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments in any one of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, Pages 19477-78) or you may visit <http://DocketsInfo.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marcus J. Lemon, Chief Counsel, Mr. Michael Harkins, Office of Chief Counsel, or Mr. Steve Rochlis, Office of Chief Counsel, (202) 366-0740, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access and Filing

You may submit or retrieve comments online through the Federal eRulemaking portal at [www.regulations.gov](http://www.regulations.gov). It is

available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's Web page at: <http://www.access.gpo.gov/nara>.

#### Background

On October 8, 2008, the FHWA published an NPRM proposing to require State departments of transportation (DOT) and other public authorities to negotiate for and obtain fair market value as part of any concession agreement involving a facility acquired or constructed with Federal-aid highway funds; to amend FHWA regulations to permit public agencies to compete against private entities for the right to obtain a concession agreement involving such facilities; and to amend the design-build regulations to permit contracting agencies to incorporate unsuccessful offerors' ideas into a design-build contract upon the acceptance of a stipend.

The original comment period for the NPRM closes on November 7, 2008. During the comment period, the FHWA received requests for additional time to analyze and submit comments regarding the rulemaking. The FHWA recognizes that additional time will allow interested parties a broader and more comprehensive review and discussion of the proposed regulations; and then, allow the development and submission of complete responses to the docket. To allow time for interested parties to submit comprehensive comments, the comment period is being reopened until November 21, 2008.

**Authority:** Secs. 1503 and 1604 of Pub. L. 109-59, 119 Stat. 1144; Secs. 1215(b) and 1307 of Pub. L. 105-178, 112 Stat. 107; Secs. 1012(b) and 1041(a), Pub. L. 102-240, 105 Stat. 1914; 23 U.S.C. 101 (note), 107, 108, 109, 111, 112, 113, 114, 116, 119, 128, 129, 133, 142(f), 156, 166, 204, 210, 308, 315, 318 and 323; 31 U.S.C. 6505; 42 U.S.C. 2000d et seq.; 3334, 4601 et seq.; 23 CFR 1.32; 49 CFR 1.48, 18.31, and parts 21 and 24;

Issued on: November 6, 2008.

**Thomas J. Madison, Jr.,**

*Federal Highway Administrator.*

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