

the FAA amends 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. The FAA amends § 39.13 by adding the following new AD:

**2008–26–08 Saab AB, Saab Aerosystems:**  
Amendment 39–15774. Docket No.  
FAA–2008–1044; Directorate Identifier  
2008–NM–095–AD.

### **Effective Date**

(a) This airworthiness directive (AD) becomes effective January 28, 2009.

### **Affected ADs**

(b) None.

### **Applicability**

(c) This AD applies to Saab AB, Saab Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B airplanes, all serial numbers, certificated in any category.

### **Subject**

(d) Air Transport Association (ATA) of America Code 32: Landing Gear.

### **Reason**

(e) The mandatory continuing airworthiness information (MCAI) states:

Several landing gear emergency extension valves have been found seized when performing checks according to the SAAB 340 Maintenance Review Board (MRB) Report, Section F (Airworthiness Limitation Section) task number 323106. The valves have seized due to lack of internal lubrication. This condition, if not corrected, could result in malfunctioning of the landing gear release during an operational emergency.

Because the valve lubrication performance is dependant on calendar time since last valve operation, SAAB has revised the check to cycle the emergency release handle 5 times and amended the interval in MRB section F from 5,000 FH [flight hours] to every 2 years.

For the reasons described above, this Airworthiness Directive (AD) requires a functional check [for discrepancies, (e.g., landing gear does not extend, does not lock in down position)] of the landing gear emergency extension valve at the newly established intervals.

Malfunction of the landing gear release could cause failure of the landing gear to extend and lock in the extended position, which could result in a gear up landing and reduced controllability of the airplane on the ground. The corrective action for any discrepancy that is found is repair using a method approved by either the FAA or the European Aviation Safety Agency (EASA) (or its delegated agent).

### **Actions and Compliance**

(f) Unless already done, do the following actions.

(1) Within 6 months after the effective date of this AD, do a functional check of the landing gear emergency extension valve in accordance with the Accomplishment Instructions of SAAB Service Bulletin 340–32–136, dated January 9, 2008. Repeat the functional check thereafter at intervals not to exceed 24 months.

(2) If any discrepancy is found during any functional check required by paragraph (f)(1) of this AD, before further flight, repair using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA (or its delegated agent).

### **FAA AD Differences**

**Note 1:** This AD differs from the MCAI and/or service information as follows: Although the MCAI includes a note that allows the option of the repetitive inspections (functional checks) to be accomplished in accordance with SAAB 340 Maintenance Review Board Report, Section F, Revision 6, Task Number 323106, this AD does not include that option. That document is not yet available.

### **Other FAA AD Provisions**

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1112; fax (425) 227–1149. 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.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

### **Related Information**

(h) Refer to MCAI EASA Airworthiness Directive 2008–0054, dated March 5, 2008; and SAAB Service Bulletin 340–32–136, dated January 9, 2008; for related information.

### **Material Incorporated by Reference**

(i) You must use SAAB Service Bulletin 340–32–136, dated January 9, 2008, to do the

actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Saab Aircraft AB, SAAB Aerosystems, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; e-mail [saab2000.techsupport@saabgroup.com](mailto:saab2000.techsupport@saabgroup.com); Internet <http://www.saabgroup.com>.

(3) You may review copies of the service information that is incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221 or 425–227–1152.

(4) You may also review copies of the service information at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on December 12, 2008.

**Michael J. Kaszycki,**

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

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**BILLING CODE 4910–13–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

### **14 CFR Part 198**

### **Aviation Insurance**

#### *CFR Correction*

In title 14 of the Code of Federal Regulations, parts 140 to 199, revised as of January 1, 2008, on page 316, in § 198.3, in paragraph (a), revise the reference “§ 198.19” to read “§ 198.1”.

[FR Doc. E8–30838 Filed 12–23–08; 8:45 am]

**BILLING CODE 1505–01–D**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

### **21 CFR Part 573**

### **Food Additives Permitted in Feed and Drinking Water of Animals**

#### *CFR Correction*

In title 21 of the Code of Federal Regulations, parts 500 to 599, revised as of April 1, 2008, on pages 551 and 552, in § 573.640, in paragraphs (b)(4)(i) and (b)(4)(ii), before the words “at the National Archives and Records

Administration (NARA)”, insert the words “available for inspection”.

[FR Doc. E8-30840 Filed 12-23-08; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 924

[FHWA Docket No. FHWA-2008-0009]

RIN 2125-AF25

#### Highway Safety Improvement Program

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

**ACTION:** Final rule.

**SUMMARY:** The purpose of this final rule is to revise Part 924 to incorporate changes to the Highway Safety Improvement Program (HSIP) that resulted from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), as well as to reflect changes in the overall program that have evolved since the FHWA originally published 23 CFR Part 924.

**DATES:** *Effective Date:* This final rule is effective January 23, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Erin Kenley, Office of Safety, (202) 366-8556; or Raymond Cuprill, Office of the Chief Counsel, (202) 366-0791, Federal Highway Administration, 1200 New Jersey Ave., SE., Washington, DC 20590. 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

This document, the notice of proposed rulemaking (NPRM), and all comments received may be viewed online through <http://www.regulations.gov>. Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from 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 April 24, 2008, at 73 FR 22092, the FHWA published a NPRM proposing to revise the regulations in 23 CFR Part 924 Highway Safety Improvement Program. The NPRM was published to

incorporate the new statutory requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and to provide State and local safety partners with information on the purpose, definitions, policy, program structure, planning, implementation, evaluation, and reporting of HSIP.

#### Summary of Comments

The FHWA received 15 letters submitted to the docket containing approximately 100 individual comments. Comments were received from State departments of transportation (DOTs), a county department of public works, private industry, and the American Automobile Association (AAA). The FHWA has reviewed and analyzed all the comments received. The significant comments and summaries of the FHWA's analyses and determinations are discussed below.

##### Section 924.1 Purpose

The FHWA received one comment from the Arkansas State Highway Commission requesting clarification of FHWA's proposal to add evaluation to the list of components of a comprehensive HSIP, since evaluation already exists under the current HSIP. While evaluation has always been a requirement of the HSIP, the FHWA includes this change to emphasize that evaluation is a critical element of the program. The FHWA believes that explicitly adding evaluation to section 924.1 makes this section consistent with the rest of the regulation and corrects an omission of the word “evaluation” from the existing regulation.

##### Section 924.3 Definitions

The FHWA received 14 comments from State DOTs and the AAA regarding some of the proposed definitions in this section. In particular, the Michigan and North Dakota State DOTs, as well as the Maryland State Highway Administration (SHA), expressed concern with the definition of “highway safety improvement project,” because they believed the definition required Strategic Highway Safety Plans (SHSP) to include specific projects. It is not the FHWA's intent for SHSPs to be project specific; therefore, FHWA revises the definition in the final rule to indicate that a highway safety improvement project is “consistent with” the State SHSP, rather than “described in” the SHSP. In addition, the Illinois, Minnesota, and Arizona DOTs and the AAA commented about the list of example projects included within the definition of “highway safety improvement project.” Because the

project list is consistent with 23 U.S.C. 148, and the intent is to keep the definition of eligible projects broad, rather than imply that it is an exhaustive list, the FHWA retains the list of projects as proposed in the NPRM. However, the FHWA does incorporate a minor revision to the definition of “highway safety improvement project,” project type 10, elimination of a roadside obstacle, to also include roadside hazards. This addresses comments by the Arizona DOT, who suggested that improvement of roadside slopes be included in this project type. The FHWA believes that “roadside hazards” is more general and addresses Arizona DOT's comment, while also being broad enough to cover other hazards. In addition, the FHWA removes the word “installation” from project type 21 in the final rule to be consistent with the language used in 23 U.S.C. 148. The AAA suggested that the term “crash rate,” as described in the definition of “high risk rural roads,” should include vehicle miles traveled, and a reference to fatalities and serious injuries, for consistency with the serious injury definition in the statutory language. The FHWA recognizes that not all crash rates are recorded with respect to vehicle miles travelled, and FHWA's desire is to allow States flexibility with how crash rates are defined. The definition for “high risk rural roads” is consistent with the 23 U.S.C. 148 definition in its reference to fatalities and incapacitating injuries. The Illinois DOT agreed with FHWA's proposed definition of “high risk rural roads” and suggested expanding the definition to include “locations on such roads that display similar roadway characteristics to warrant systematic safety improvements.” The FHWA is adopting the proposed definition without the suggested expansion because it is more consistent with the requirements of 23 U.S.C. 148, and the suggested expansion of the definition would extend the application of the rule beyond its statutory authority. This would need to be addressed in future legislation. The definitions for “high risk rural roads,” “highway safety improvement program,” “safety projects under any other section,” and “strategic highway safety plan,” which are based on the definitions in 23 U.S.C. 148(a), remain unchanged in the final rule. The definition of “highway safety improvement project” in the final rule reflects a slight editorial change as discussed above.

The FHWA incorporates a minor editorial revision to the definition for “road safety audit” in the final rule to