

§ 315.4 Eligible applicants.

(a) The following entities may apply for assistance to operate a TAAC:

- (1) Universities or affiliated organizations;
- (2) States or local governments; or
- (3) Non-profit organizations.

(b) For purposes of § 315.17, and to the extent funds are appropriated to implement section 265 of the Trade Act, organizations assisting or representing industries in which a substantial number of Firms or workers have been certified as eligible to apply for Adjustment Assistance under sections 223 or 251 of the Trade Act, including:

- (1) Existing agencies;
- (2) Private individuals;
- (3) Firms;
- (4) Universities;
- (5) Institutions;
- (6) Associations;
- (7) Unions; or
- (8) Other non-profit industry organizations.

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■ 4. Amend § 315.5 to revise paragraphs (a)(3) and (b)(1) and (2) to read as follows:

§ 315.5 TAAC scope, selection, evaluation and awards.

(a) * * *

(3) A TAAC generally provides Adjustment Assistance by providing assistance to a:

- (i) Firm in preparing its petition for eligibility certification; and
- (ii) Certified Firm in diagnosing its strengths and weaknesses, and developing and implementing an Adjustment Proposal.

(b) *TAAC selection.* (1) EDA invites currently funded TAACs to submit either new or amended applications; provided they have performed in a satisfactory manner and complied with previous and/or current conditions in their Cooperative Agreements with EDA and contingent upon availability of funds. Such TAACs shall submit an application on a form approved by OMB, as well as a proposed budget, narrative scope of work, and such other information as requested by EDA. Acceptance of an application or amended application for a Cooperative Agreement does not ensure funding by EDA.

(2) EDA may invite new TAAC proposals through an FFO. If such a proposal is acceptable, EDA will invite an application on a form approved by OMB. An application will require a narrative scope of work, proposed budget and such other information as requested by EDA. Acceptance of an

application does not ensure funding by EDA.

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■ 5. Amend § 315.6 to revise paragraphs (c)(1), (c) introductory text, and (c)(2)(i) to read as follows:

§ 315.6 Firm eligibility for Adjustment Assistance.

* * *

(c) * * *

(1) Certified Firms generally receive Adjustment Assistance over a two-year (2) period.

(2) The matching share requirements are as follows:

(i) Each Certified Firm must pay at least twenty-five (25) percent of the cost of preparing its Adjustment Proposal. Each Certified Firm requesting \$30,000 or less in total Adjustment Assistance in its approved Adjustment Proposal must pay at least fifty (50) percent of the cost of that Adjustment Assistance. Each Certified Firm requesting more than \$30,000 in total Adjustment Assistance in its approved Adjustment Proposal must pay at least fifty (50) percent of the cost of that Adjustment Assistance.

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■ 6. Amend § 315.8 to revise paragraphs (d) and (g)(2) to read as follows:

§ 315.8 Processing petitions for certification.

* * *

(d) EDA will publish a notice of acceptance of a petition in the **Federal Register**.

* * *

(g) * * *

(2) Either certify the petitioner as eligible to apply for Adjustment Assistance or deny the petition. In either event, EDA shall promptly give written notice of action to the petitioner. Any written notice to the petitioner of a denial of a petition shall specify the reason(s) for the denial. A petitioner shall not be entitled to resubmit a petition within one (1) year from the date of denial, provided, EDA may waive the one-year (1) limitation for good cause.

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■ 7. Amend § 315.9 to revise the introductory paragraph and paragraphs (a) and (d) to read as follows:

§ 315.9 Hearings.

EDA will hold a public hearing on an accepted petition if the petitioner or any interested Person found by EDA to have a Substantial Interest in the proceedings submits a request for a hearing no later than ten (10) days after the date of publication of the notice of acceptance

in the **Federal Register**, under the following procedures:

(a) The petitioner or any interested Person(s) shall have an opportunity to be present, to produce evidence and to be heard;

* * *

(d) EDA shall publish a notice of a public hearing in the **Federal Register**, containing the subject matter, name of petitioner, and date, time and place of the hearing; and

* * *

■ 8. Amend § 315.10 to revise the introductory text as follows:

§ 315.10 Loss of certification benefits.

EDA may terminate a Firm's certification or refuse to extend Adjustment Assistance to a Firm for any of the following reasons:

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■ 9. Amend § 315.11 to revise paragraph (c) to read as follows:

§ 315.11 Appeals, final determinations and termination of certification.

* * *

(c) Whenever EDA determines that a Certified Firm no longer requires Adjustment Assistance or for other good cause, EDA will terminate the certification and promptly publish notice of such termination in the **Federal Register**. The termination will take effect on the date specified in the published notice.

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■ 10. Revise § 315.12 to read as follows:

§ 315.12 Recordkeeping.

Each TAAC shall keep records that fully disclose the amount and disposition of Trade Adjustment Assistance for Firms program funds so as to facilitate an effective audit.

Dated: October 15, 2008.

Benjamin Erulkar,

Deputy Assistant Secretary of Commerce for Economic Development and Chief Operating Officer.

[FR Doc. E8-25004 Filed 10-21-08; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 36 and 91****Civil Supersonic Airplane Noise Type Certification Standards and Operating Rules**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Statement of policy.

SUMMARY: This action updates the Federal Aviation Administration's (FAA) policy on noise limits for future civil supersonic aircraft to reflect current U.S. noise regulations. This action is intended to provide guidance on noise limits to manufacturers that are considering designs for supersonic aircraft.

FOR FURTHER INFORMATION CONTACT: Ms. Laurette Fisher, Office of Environment and Energy (AEE-100), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3561; facsimile (202) 267-5594; e-mail Laurette.fisher@faa.gov.

Background

The FAA last issued a noise policy statement for civil supersonic aircraft in 1994 (59 FR 39679, August 4, 1994). At that time, the noise standard in effect for new type certificate applications was Stage 3.

On July 5, 2005, the FAA adopted a new noise standard for subsonic jet airplanes and subsonic transport category large airplanes. That standard, Stage 4, applies to any person filing an application for a new airplane type design on and after January 1, 2006.

Since March 1973, supersonic flight over land by civil aircraft has been prohibited by regulation in the United States. The Concorde was the only civil supersonic airplane that offered service to the United States, and it is no longer in service.

Interest in supersonic aircraft technology has not disappeared. Current research is dedicated toward reducing the impact of sonic booms before they reach the ground, in an effort to make overland flight acceptable. Recent research has produced promising results for low boom intensity, and has renewed interest in developing supersonic civil aircraft that could be considered environmentally acceptable for supersonic flight over land.

Supersonic aircraft technologists, designers, and prospective manufacturers have approached the FAA and International Civil Aviation Organization (ICAO) for guidance on the feasibility of changing the current operational limitations. The U.S. regulation prohibits civil supersonic aircraft flight over land. Before the FAA can address a change in operational restrictions, it needs thorough research to serve as a basis for any regulatory decisions. Public involvement will be essential in defining an acceptable sonic boom requirement, and public participation would be part of any potential rulemaking process.

While technological advances in supersonic aircraft technology continue, many factors still will need to be addressed. At present, the FAA's guidance for supersonic aircraft is the same as for subsonic, that the same noise certification limits apply for supersonic aircraft when flown in subsonic flight configurations.

Policy Statement

The Federal Aviation Administration (FAA) is committed to aviation's long-standing efforts to achieve increasingly effective noise abatement at its source. We anticipate that any future Notice of Proposed Rulemaking issued by the FAA affecting the noise operating rules would propose that any future supersonic airplane produce no greater noise impact on a community than a subsonic airplane. Subsonic noise limits are prescribed in 14 CFR part 36. The latest noise limit in Part 36 is Stage 4, which applies to the development of future supersonic airplanes operating at subsonic speeds. Noise standards for supersonic operation will be developed as the unique operational flight characteristics of supersonic designs become known and the noise impacts of supersonic flight are shown to be acceptable.

Issued in Washington, DC, on October 16, 2008.

Carl Burleson,

Director of Environment and Energy.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2008-0298; Directorate Identifier 2007-NM-316-AD; Amendment 39-15696; AD 2008-22-01]

RIN 2120-AA64

Airworthiness Directives; Various Transport Category Airplanes Equipped With Auxiliary Fuel Tanks Installed in Accordance With Certain Supplemental Type Certificates

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for various transport category airplanes. This AD requires deactivation of PATS Aircraft, LLC, auxiliary fuel tanks. This AD results from fuel system reviews conducted by the manufacturer, which

identified unsafe conditions for which the manufacturer has not provided corrective actions. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

DATES: This AD is effective November 26, 2008.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is the Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mazdak Hobbi, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7330; fax (516) 794-5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to various transport category airplanes. That NPRM was published in the **Federal Register** on March 14, 2008 (73 FR 13803). That NPRM proposed to require deactivation of PATS Aircraft, LLC, auxiliary fuel tanks.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received from the 22 commenters.

Withdraw NPRM

Air National Australia, Chartwell Aviation Services, Continent Aircraft Trust #720, and Boeing Executive Flight Operations (EFO) question the need for the rule. Air National Australia states that the installation of the PATS Aircraft, LLC (PATS), auxiliary fuel system (AFS) in its aircraft was completed in February 2007 and was verified to be in compliance with