

■ 8. Amend § 123.300 by revising paragraph (b) to read as follow:

**§ 123.300 Is my business eligible to apply for an economic injury disaster loan?**

\* \* \* \* \*

(b) Economic injury disaster loans are available only if you were a small business (as defined in part 121 of this chapter) when the declared disaster commenced (except disaster declarations for Hurricanes Katrina, Rita, and Wilma, for which size status is determined as of the date SBA accepts the application for processing, and for applications submitted before December 6, 2005, whether denied because of size status or pending, such applications shall be deemed resubmitted on December 6, 2005), you and your affiliates and principal owners (20% or more ownership interest) have used all reasonably available funds, and you are unable to obtain credit elsewhere (see § 123.104).

\* \* \* \* \*

Dated: November 4, 2005.

**Hector V. Barreto,**  
*Administrator.*

[FR Doc. 05-23435 Filed 12-5-05; 8:45 am]

BILLING CODE 8025-01-P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-23176; Directorate Identifier 2005-NM-220-AD; Amendment 39-14396; AD 2005-25-03]

RIN 2120-AA64

#### **Airworthiness Directives; Boeing Model 737-600, -700, -700C, and -800 Series Airplanes**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737-600, -700, -700C, and -800 series airplanes. This AD requires replacing the point "D" splice fitting between windows number 1 and 2 with a new splice fitting, performing an eddy current inspection for cracking of the holes in the structure common to the new splice fitting, including doing any related investigative actions; and corrective actions if necessary. This AD results from full-scale fuselage fatigue testing on the splice fitting that failed prior to the design objective on Boeing

Model 737-800 series airplanes, and a report of a cracked splice fitting on an operational airplane. We are issuing this AD to prevent cracking of the existing fitting that may result in cracking through the skin and consequent decompression of the flight cabin.

**DATES:** This AD becomes effective December 21, 2005.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of December 21, 2005.

We must receive comments on this AD by February 6, 2006.

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

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, room PL-401, Washington, DC 20590.

- *Fax:* (202) 493-2251.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Sue Lucier, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6438; fax (425) 917-6590.

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We have received a report indicating that during the Model 737-800 series airplanes full-scale fuselage fatigue test, the splice fitting failed prior to the design service objective. Additionally, we have received a report indicating that a cracked splice fitting was found on an airplane with less than 13,500 total flight cycles. This condition, if not corrected, could result in cracking of the existing fitting that may cause cracking through the skin and consequent decompression of the flight cabin.

##### **Relevant Service Information**

We have reviewed Boeing Alert Service Bulletin (ASB) 737-53A1222, Revision 2, dated October 20, 2005. The

ASB describes procedures for replacing the splice fitting between windows number 1 and 2, at point "D" on the windowsill with a new splice fitting, and performing related investigative actions. Those investigative actions include performing an open hole eddy current inspection for cracking of the fastener holes, and a special detailed inspection for cracking of 12 fasteners in the adjacent structure. The ASB also describes procedures for repetitive external detailed inspections of the skin near the six skin fasteners below the splice fitting. The ASB specifies that if cracking is detected, to contact Boeing for further instructions. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

#### **FAA's Determination and Requirements of This AD**

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design. For this reason, we are issuing this AD to prevent cracking of the existing fitting that may result in cracking through the skin and consequent decompression of the flight cabin. This AD requires accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between the AD and the ASB."

#### **Differences Between the AD and the ASB**

Where the ASB specifies contacting Boeing if any cracking is detected, this AD requires that, repair of any cracking be accomplished before further flight, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO).

Although the ASB specifies performing repetitive external detailed inspections of the skin near the six skin fasteners below the splice fitting, this AD does not require those inspections. These differences have been coordinated with the manufacturer.

#### **Interim Action**

We consider this AD to be an interim action. We are currently considering requiring repetitive external detailed inspections for cracking of the skin near the six skin fasteners below the splice fitting. However the planned compliance time for accomplishing those inspections would necessitate allowing enough time to provide notice and opportunity for prior public comment on the merits of requiring those inspections.

### Similar Models

The splice fitting between windows number 1 and 2, at point "D" on the windowsill, on certain Boeing Model 737-600, -700, -700C series airplanes is identical to the splice fitting on the affected Model 737-800 series airplanes. Therefore, all of these models may be subject to the same unsafe condition.

### FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists to make this AD effective in less than 30 days.

### Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed in the **ADDRESSES** section. Include "Docket No. FAA-2005-23176; Directorate Identifier 2005-NM-220-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

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

### Examining the Dockets

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in

the AD docket shortly after the Docket Management System receives them.

### 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.

### Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 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 regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, 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 Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**2005-25-03 Boeing:** Amendment 39-14396. Docket No. FAA-2005-23176; Directorate Identifier 2005-NM-220-AD.

### Effective Date

(a) This AD becomes effective December 21, 2005.

### Affected ADs

(b) None.

### Applicability

(c) This AD applies to Boeing Model 737-600, -700, -700C, and -800 series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin (ASB) 737-53A1222, Revision 2, dated October 20, 2005.

### Unsafe Condition

(d) This AD results from full-scale fuselage fatigue testing on the splice fitting that failed prior to the design objective on Boeing Model 737-800 series airplanes, and a report of a cracked splice fitting on an operational airplane. We are issuing this AD to prevent cracking of the existing fitting that may result in cracking through the skin and consequent decompression of the flight cabin.

### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

### Replacing the Splice Fittings

(f) Replace the splice fittings with new splice fittings in accordance with the Accomplishment Instructions of Boeing ASB 737-53A1222, Revision 2, dated October 20, 2005, at the times specified in paragraph (f)(1) or (f)(2) of this AD, as applicable. Before further flight, do any related investigative actions by accomplishing all the applicable actions specified in the Accomplishment Instructions.

(1) For airplanes that have accumulated less than 13,500 total flight cycles as of the effective date of this AD: Replace prior to the accumulation of 13,500 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes that have accumulated 13,500 or more total flight cycles as of the effective date of this AD: Replace at the later of the times specified in paragraphs (f)(2)(i) and (f)(2)(ii) of this AD.

(i) Prior the accumulation of 18,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs first.

(ii) Within 90 days after the effective date of this AD.

**Corrective Actions**

(g) If any cracking is found during any inspection required by this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or with a method approved in accordance with the procedures specified in paragraph (i) of this AD.

**Acceptable Method of Compliance**

(h) Replacing the splice fitting before the effective date of this AD in accordance with Boeing Service Bulletin 737-53-1222, dated June 6, 2002; or Boeing ASB 737-53A1222, Revision 1, dated January 30, 2003, is acceptable for compliance with the requirements of paragraph (f) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(i)(1) The Manager, Seattle ACO, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(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 an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who 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.

**Material Incorporated by Reference**

(j) You must use Boeing Alert Service Bulletin 737-53A1222, Revision 2, dated October 20, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the 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 November 25, 2005.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-23601 Filed 12-5-05; 8:45 am]

**BILLING CODE 4910-13-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CO-001-0076a; FRL-8004-9]

**Approval and Promulgation of Air Quality Implementation Plans; CO; PM<sub>10</sub> Designation of Areas for Air Quality Planning Purposes, Lamar; State Implementation Plan Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical correction.

**SUMMARY:** When EPA approved the Colorado State Implementation Plan (SIP) revision that requested redesignation of the Lamar area from nonattainment to attainment for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>) EPA provided response to comments and in one of the response to comments, misstated our response to the comment. In this action we are making a correction to the preamble by clarifying our response to the comment raised to correct our misstatement.

**DATES:** This correction is effective on January 5, 2006.

**FOR FURTHER INFORMATION CONTACT:** Libby Faulk, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 200, Denver, Colorado 80202-2466, phone (303) 312-6083, and e-mail at: [faulk.libby@epa.gov](mailto:faulk.libby@epa.gov).

**SUPPLEMENTARY INFORMATION:** (i) Throughout this document, wherever *we*, *us* or *our* is used it means the Environmental Protection Agency.

(ii) The initials *SIP* mean or refer to State Implementation Plan.

(iii) The word *State* means the State of Colorado, unless the context indicates otherwise.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that when an agency for good cause finds that notice and public procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because this was a misstatement in a response to comment and does not affect the outcome of the action and therefore meets the good cause exception. Thus, notice and public comment procedures are unnecessary. We find that this

constitutes good cause under 5 U.S.C. 553(b)(B).

**I. Correction**

Correction for the **Federal Register** Document Published on October 25, 2005 (70 FR 61563).

On October 25, 2005 we published a final rule approving Lamar's PM<sub>10</sub> SIP submitted by the Governor of Colorado on July 31, 2002. When we published this rule, we responded to public comments that were received during the public comment period in the proposed rule that was published on August 5, 2006 (69 FR 47366). In one of our response to comments, we misstated our response by stating that "the CAA does not provide EPA with the authority to regulate air emissions from CAFOs" (70 FR 61565). This is incorrect. EPA does have the authority to regulate air emissions from any source as defined under the Clean Air Act (CAA). Therefore, we are correcting our misstatement in the preamble. The comment received was the following:

The commenter expressed concern regarding the proposed **Federal Register** notice stating that the PM<sub>10</sub> emissions are mainly wind blown. The commenter believes that this statement ignores the fact that there is a major combined animal feeding operation (CAFO) in Lamar that is a significant source of PM<sub>10</sub> emissions and that the PM<sub>10</sub> and precursor emissions from the source were not properly considered in determining attainment.

EPA's revised response is the following:

Based on EPA's review of the Lamar, Colorado PM<sub>10</sub> Maintenance Plan and Technical Support Documentation (TSD), the State of Colorado did include PM<sub>10</sub> emissions from the combined animal feeding operation (CAFO) for the Lamar emissions inventory. The CAFO emissions are included in the area source emissions under wind erosion from the feedlot. The State also included the PM<sub>10</sub> emissions from the above emission source in its modeling analysis and the area continues to show attainment in future years. As for precursor emissions, the State added a secondary particulate concentration as part of its modeling effort to show attainment. The particulate concentration was comprised of ammonium nitrates and sulfates particles and was based on filter samples collected in Lamar. Further detailed information regarding the State's submittal is located within the docket of the final rule (70 FR 61563, October 25, 2005).

**II. Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not