

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2005-22406; Directorate Identifier 2002-NM-242-AD; Amendment 39-14270; AD 2005-19-05]

RIN 2120-AA64

**Airworthiness Directives; Aerospatiale Model ATR42-500 Airplanes**

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting a typographical error in an existing airworthiness directive (AD) that was published in the **Federal Register** on September 14, 2005 (70 FR 54249). The error resulted in an incorrect Docket No. This AD applies to certain Aerospatiale Model ATR42-500 airplanes. This AD requires inspecting for correct installation of the fastener that attaches the ground braids on the elevator, modifying the forward bonded assembly of the elevator control rod, and corrective action if necessary.

**DATES:** Effective September 29, 2005.

**ADDRESSES:** The AD docket contains the proposed AD, comments, and any final disposition. 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 U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, Washington, DC. This docket number is FAA-2005-22406; the directorate identifier for this docket is 2002-NM-242-AD.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** On September 6, 2005, the FAA issued AD 2005-19-05, amendment 39-14270 (70 FR 54249, September 14, 2005), for certain Aerospatiale Model ATR42-500 airplanes. This AD requires inspecting for correct installation of the fastener that attaches the ground braids on the elevator, modifying the forward bonded assembly of the elevator control rod, and corrective action if necessary.

As published, that AD specifies an incorrect Docket No. (*i.e.*, FAA-2005-20406) throughout preamble and the regulatory text of the AD. The correct Docket No. is FAA-2005-22406.

No other part of the regulatory information has been changed; therefore, the final rule is not republished in the **Federal Register**.

The effective date of this AD remains September 29, 2005.

**§ 39.13 [Corrected]**

■ In the **Federal Register** of September 14, 2005, on page 54250, in the third column, paragraph 2. of PART 39—AIRWORTHINESS DIRECTIVES of AD 2005-19-05 is corrected to read as follows:

\* \* \* \* \*

**2005-19-05 Aerospatiale:** Amendment 39-14270. Docket No. FAA-2005-22406; Directorate Identifier 2002-NM-242-AD.

\* \* \* \* \*

Issued in Renton, Washington, on September 26, 2005.

**Ali Bahrami,**

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

[FR Doc. 05-19555 Filed 9-29-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2005-22404; Directorate Identifier 2005-NM-018-AD; Amendment 39-14268; AD 2005-19-03]

RIN 2120-AA64

**Airworthiness Directives; BAe Systems (Operations) Limited Model ATP Airplanes**

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

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting a typographical error in an existing airworthiness directive (AD) that was published in the **Federal Register** on September 13, 2005 (70 FR 53915). The error resulted in an incorrect Docket No. This AD applies to all BAe Systems (Operations) Limited Model ATP airplanes. This AD requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and new inspections to detect fatigue cracking in certain structures and of certain significant structural items, and to revise life limits

for certain equipment and various components.

**DATES:** Effective September 28, 2005.

**ADDRESSES:** The AD docket contains the proposed AD, comments, and any final disposition. 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 U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, Washington, DC. This docket number is FAA-2005-22404; the directorate identifier for this docket is 2005-NM-018-AD.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1175; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** On September 6, 2005, the FAA issued AD 2005-19-03, amendment 39-14268 (70 FR 53915, September 13, 2005), for all BAe Systems (Operations) Limited Model ATP airplanes. The AD requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and new inspections to detect fatigue cracking in certain structures and of certain significant structural items, and to revise life limits for certain equipment and various components.

As published, that AD specifies an incorrect Docket No. (*i.e.*, FAA-2005-20404) throughout preamble and the regulatory text of the AD. The correct Docket No. is FAA-2005-22404.

No other part of the regulatory information has been changed; therefore, the final rule is not republished in the **Federal Register**.

The effective date of this AD remains September 28, 2005.

**§ 39.13 [Corrected]**

■ In the **Federal Register** of September 13, 2005, on page 53916, in the third column, paragraph 2. of PART 39—AIRWORTHINESS DIRECTIVES of AD 2005-19-03 is corrected to read as follows:

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**2005-19-03 BAe Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft):** Amendment 39-14268. Docket No. FAA-2005-22404; Directorate Identifier 2005-NM-018-AD.

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Issued in Renton, Washington, on September 26, 2005.

**Ali Bahrami,**

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

[FR Doc. 05-19554 Filed 9-29-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

#### National Marine Sanctuary Program Policy on Permit Applications for Artificial Reef Development

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Policy statement; response to comments.

**SUMMARY:** The National Marine Sanctuary Program (NMSP) has developed a final policy and permitting guidelines for applications to establish artificial reefs within National Marine Sanctuaries. The NMSP is releasing its final policy and permitting guidelines, and responding to comments on the interim final policy.

**DATES:** This notice is effective as a final policy as of September 30, 2005.

**ADDRESSES:** You can download a copy of the final policy from the NMSP's Web site at <http://sanctuaries.nos.noaa.gov/library/library.html>. You may also request a copy of the NMSP's final policy on artificial reefs and submit written comments on the policy by contacting John Armor, National Marine Sanctuary Program, 1305 East West Highway (N/ORM6), 11th floor, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** John Armor at (301) 713-3125.

#### SUPPLEMENTARY INFORMATION:

#### Background

The National Marine Sanctuary Program (NMSP) manages a system of thirteen National Marine Sanctuaries (NMSs or Sanctuaries) and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve that protect special, nationally significant areas of the marine environment under the authority of the National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq.*). Sanctuaries protect a variety of marine areas including coral reefs, mangrove forests, and seagrass beds in the Florida Keys National Marine

Sanctuary; deep-sea canyons, kelp beds, and hardbottom habitats in the Monterey Bay National Marine Sanctuary; and historic shipwrecks in the Thunder Bay National Marine Sanctuary and Underwater Preserve.

In the last few years the NMSP has experienced an increased number of permit applications to establish artificial reefs inside NMS boundaries, particularly in the Florida Keys National Marine Sanctuary. Because NMSP regulations generally prohibit placing structures on sanctuary submerged lands, any individual who wishes to establish an artificial reef inside a NMS must first get approval from the NMSP through the onsite sanctuary manager.

To ensure that applications to establish artificial reefs in sanctuaries are reviewed consistently and in a manner that adheres to the NMSA and NMSP regulations (15 CFR Part 922), the NMSP developed permitting guidelines specific for such applications. The guidelines build on lessons learned from past experience permitting artificial reefs within sanctuaries and apply knowledge from other sources of information. They are intended to guide decision makers as they review proposals for artificial reefs in sanctuaries. They clarify how decision making criteria contained in NMSP regulations will be applied specifically to permit applications for artificial reef development.

#### Response to Comments

On July 18, 2003, NOAA published a notice of availability of the NMSP's Artificial Reef Policy and Permitting Guidelines in the **Federal Register** (68 FR 42690, Jul. 18, 2003). The policy and permitting guidelines have been implemented on an interim-final basis since that date. NOAA also requested comments on the policy and permitting guidelines through September 16, 2003. The following are NOAA's responses to the comments received.

*Comment 1.* Many commenters felt that the policy prohibited or was overly restrictive of artificial reef development within national marine sanctuaries.

*Response:* NOAA disagrees. The NMSP's regulations prohibit artificial reef development in NMSs by prohibiting the placement of structures on the submerged lands. This policy creates a framework to allow artificial reefs under specific conditions (*i.e.*, when a project is expected to benefit NMS management and would not have a detrimental effect on NMS resources). The policy applies higher standards of resource protection to artificial reef projects within NMSs than would apply to projects outside NMSs or other

protected areas. More protective requirements are appropriate given the nature and purpose of the NMSs.

*Comment 2.* Several commenters suggested expanding the policy or definition of artificial reefs to address specific issues, such as coral reef restoration and reef balls.

*Response:* The primary purpose of the policy is to guide decision making related to placement of artificial reefs within the Sanctuary System. The policy is intended to apply to all types of artificial reef projects, and not to direct the policy to a specific type of artificial reef. The policy appropriately and specifically excludes natural reef restoration projects from application of this policy because such projects are addressed by the NMSP in a much different manner.

*Comment 3.* A few commenters felt that artificial reefs should not be placed in sanctuaries under any circumstances.

*Response:* See response to comment number 1.

*Comment 4.* A few commenters stated that all or part of the policy conflicted with the National Fishing Enhancement Act of 1984 (NFEA).

*Response:* NOAA disagrees. While the NFEA encourages artificial reef development it does not, under any circumstance, require their use. Any regulatory or statutory requirement that prohibits or imposes more restrictive requirements on artificial reef development is not in direct conflict with that statute. The NMSP's artificial reef policy is written pursuant to the NMSA and the regulations promulgated thereunder. Because the primary objective of the NMSA is resource protection, it is entirely appropriate that the NMSP's policy be more protective than the policy applicable to non-sanctuary waters under the NFEA.

*Comment 5.* Some commenters felt that the NMSP's policy imposes more burdens on an applicant than the requirements of the National Artificial Reef Plan (NARP).

*Response:* NOAA agrees. The policy does exceed the requirements of the NARP in several respects including the types of monitoring and insurance required. As discussed in the response to comment number 4, these more stringent requirements are consistent with the purposes and policies of the NMSA and are appropriate for NMSs.

*Comment 6.* One commenter suggested that the section on the definition of an artificial reef should refer to applying the policy to oil rigs and existing structures that may end up being used as artificial reefs in the future.