§ 123.202 How much can my business borrow with a physical disaster loan?

(a) Disaster business loans, including both physical disaster and economic injury loans to the same borrower, together with its affiliates, cannot exceed the lesser of the uncompensated physical loss and economic injury or $2 million. Physical disaster loans may include amounts to meet current building code requirements. If your business is a major source of employment, SBA may waive the $2 million limitation. A major source of employment is a business concern that has one or more locations in the disaster area, on or after the date of the disaster, which:

(b) SBA will consider waiving the $2 million loan limit for a major source of employment only if:

(1) Your damaged location or locations are out of business or in imminent danger of going out of business as a result of the disaster, and a loan in excess of $2 million is necessary to reopen or keep open the damaged locations in order to avoid substantial unemployment in the disaster area; and

(c) The SBA Administrator may increase the $2 million loan limit for disaster business physical and economic injury loans under an individual disaster declaration based on appropriate economic indicators for the region(s) in which the disaster occurred. SBA will publish the increased loan amount in the Federal Register.

§ 123.203 What interest rate will my business pay on a physical disaster business loan and what are the repayment terms?

(a) * * * * If your business, together with its affiliates and principal owners, has credit elsewhere, your interest rate is set by a statutory formula, but will not exceed 8 percent per annum. * * * *

(b) For certain disaster business physical and economic injury loans, an additional payment, based on a percentage of net earnings, will be required to reduce the balance of the loan. This additional payment will not be required until 5 years after repayment begins.

§ 123.204 How much can your business borrow for post-disaster mitigation?

For mitigation measures implemented after a disaster has occurred, you can request an increase in the approved physical disaster business loan by the lesser of the cost of the mitigation measure, or up to 20 percent of the verified loss, before deducting compensation from other sources, to repair or replace your damaged business.

§ 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) or a private non-profit organization when the declared disaster commenced, and 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).

(c) * * * *

(3) Producer cooperatives; and

(d) An eligible private non-profit organization is a non-governmental agency or entity that currently has:

(1) An effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 510(c), (d), or (e) of the Internal Revenue Code of 1954, or

(2) Satisfactory evidence from the State that the non-revenue producing organization or entity is a non-profit one organized or doing business under State law.

§ 123.301 When would my business not be eligible to apply for an economic injury disaster loan?

(b) A non-profit or charitable concern, other than a private non-profit organization:

§ 123.501 Under what circumstances will SBA consider waiving the $2 million loan limit?

SBA will consider waiving the $2 million loan limit if you can certify to the following conditions and SBA approves of such certification based on the information supplied in your application:

(a) Your small business is a major source of employment. A major source of employment is a business concern that, on or after the date of the disaster:

* * * *

Dated: March 5, 2010.

Karen G. Mills,
Administrator.

[FR Doc. 2010–6430 Filed 3–24–10; 8:45 am]
BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39

[Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes]


RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

It has been determined that due to an intermittent communication between AMS [Air Management System] controller cards and both Secondary Power Distribution Assemblies (SPDAs) the message “RECIRC SMK DET FAIL” is displayed in the Engine Indication and Crew Alerting System (EICAS). This communication failure could result in loss of automatic activation of engine inlet ice protection system when in ice condition. In this situation the caution messages “A–I Eng 1 Fail” and “A–I Eng 2 Fail” will be displayed and if the flight crews do not follow the associated procedures ice may accrete in the engines inlet and cause a dual engine shut down.

* * * *

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective April 9, 2010.

We must receive comments on this AD by May 10, 2010.

ADDRESSES: You may send comments by any of the following methods:
**Supplementary Information:**

**Discussion**

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directives 2010–01–01 and 2010–01–02, both effective January 31, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

- It has been determined that due to an intermittent communication between AMS (Air Management System) controller cards and both Secondary Power Distribution Assemblies (SPDAs) the message “RECIRC SMK DET FAIL” is displayed in the Engine Indication and Crew Alerting System (EICAS). This communication failure could result in loss of automatic activation of engine inlet ice protection system when in ice condition. In this situation the caution messages “A–I Eng 1 Fail” and “A–I Eng 2 Fail” will be displayed and if the flight crews do not follow the associated procedures ice may accrete in the engines inlet and cause a dual engine shut down.

The required action includes revising the Limitations section of the airplane flight manual to prohibit dispatch with message “RECIRC SMK DET FAIL” displayed on the ground unless troubleshooting action confirms the message has not been triggered due to a failure of an AMS controller card. You may obtain further information by examining the MCAI in the AD docket.

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The required action includes revising the Limitations section of the airplane flight manual to prohibit dispatch with message “RECIRC SMK DET FAIL” displayed on the ground unless troubleshooting action confirms the message has not been triggered due to a failure of an AMS controller card. You may obtain further information by examining the MCAI in the AD docket.
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.

List of Subjects in 14 CFR Part 39
Air transportation, Aircraft, Aviation safety, 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

§ 39.13 [Amended]

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


Effective Date
(a) This airworthiness directive (AD) becomes effective April 9, 2010.

Affected ADs
(b) None.

Applicability
(c) This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170–100 LR, −100 STD, −100 SE, and −100 SU airplanes; Model ERJ 170–200 LR, −200 SU, and −200 STD airplanes; Model ERJ 190–100 STD, −100 LR, −100 ECJ, and −100 IGW airplanes; and Model ERJ 190–200 STD, −200 LR, and −200 IGW airplanes; certificated in any category; equipped with Air Management System (AMS) controller cards having part number 1001050–1–YYY or 1001050–2–YYY.

Subject
(d) Air Transport Association (ATA) of America Code 26: Fire protection.

Reason
(e) The mandatory continued airworthiness information (MCAI) states:
It has been determined that due to an intermittent communication between AMS [Air Management System] controller cards and both Secondary Power Distribution Assemblies (SPDAs) the message “RECIRC SMK DET FAIL” is displayed in the Engine Indication and Crew Alerting System (EICAS). This communication failure could result in loss of automatic activation of engine inlet ice protection system when in ice condition. In this situation the caution messages “A–1 Eng 1 Fail” and “A–1 Eng 2 Fail” will be displayed and if the flight crews do not follow the associated procedures ice may accrete in the engines inlet and cause a dual engine shut down.

* * * * *

The required action includes revising the Limitations section of the airplane flight manual (AFM) to include the following statement. This may be done by inserting a copy of this AD in the AFM.
　“Dispatch with the message ‘RECIRC SMK DET FAIL’ displayed on the ground is prohibited unless troubleshooting action confirms the message has not been triggered due to a failure of an AMS controller card.”

Note 1: When a statement identical to that in paragraph (g) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

Note 2: The limitation and procedure specified in paragraph (g) of this AD is an interim solution until a final action is identified, at which time the FAA might consider further rulemaking.

FAA AD Differences
Note 3: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions
(h) 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: Cindy Ashforth, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2768; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(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 (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 1210–0056.

(i) Special Flight Permits: We are prohibiting the issuance of special flight permits to operate the airplane to a location to replace the AMS controller card, unless the following condition is met: The flight crew must manually engage the engine anti-ice system if icing conditions occur during any ferry flight.

Related Information
(j) Refer to MCAI Brazilian Airworthiness Directives 2010–01–01 and 2010–01–02, both effective January 31, 2010, for related information.

Material Incorporated by Reference
(k) None.

Ali Bahrami,
Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 2010–6518 Filed 3–24–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 742, 748, and 774
[Docket No. 0906041008–91452–01]

RIN 0694–AE64

Revisions to the Export Administration Regulations To Enhance U.S. Homeland Security: Addition of Three Export Control Classification Numbers (ECCNs) and License Review Policy

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by revising controls to advance U.S. homeland security and foreign policy interests. The revisions include language that should facilitate public understanding of how concealed object detection equipment is treated for purposes of U.S. Government export controls, in particular by detailing the