

**SMALL BUSINESS ADMINISTRATION****13 CFR Part 125**

RIN: 3245-AE66

**Small Business Size Regulation; Government Contracting Programs; HUBZone Program; Correction**

AGENCY: U.S. Small Business Administration.

ACTION: Correcting amendment.

**SUMMARY:** This document contains a correction to the final regulations which were published in the *Federal Register* of May 24, 2004. The regulations amended several definitions and made procedural and technical amendments to cover the U.S. Small Business Administration's (SBA) HUBZone, size and government contracting programs. This rule also inadvertently included two provisions that except for one word are substantively similar. SBA is removing one of these two provisions to eliminate the confusion.

DATES: Effective January 24, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Dean Koppel, Assistant Administrator, Office of Policy, Planning and Liaison, (202) 205-7322, or [dean.koppel@sba.gov](mailto:dean.koppel@sba.gov).

**SUPPLEMENTARY INFORMATION:** On May 5, 2004, the SBA published an interim final rule that created the Service Disabled Veteran Owned (SDVO) Small Business program, 69 FR 25262. In that rule, the SBA added paragraph (b) to § 125.6, to address subcontracting limitations for SDVO small businesses. As a result of this new paragraph (b), the SBA redesignated then-current paragraphs (b), (c), (d), (e), (f), and (g) as paragraphs (c), (d), (e), (f), (g), and (h), respectively.

On May 21, 2004, the SBA published a final rule amending its size regulations, as well as the regulations addressing SBA's government contracting programs (69 FR 29192). In its final rule, the SBA amended § 125.6(g) to state that:

Where an offeror is exempt from affiliation under § 121.103(h)(3) of this chapter and qualifies as a small business concern, the performance of work requirements set forth in this section apply to the cooperative effort of the joint venture, not its individual members.

69 FR 29208. The rule removed the term "team" from § 125.6(g). However, as a result of the SDVO interim final rule, former paragraph (g)—addressing the use of cooperative efforts to meet the subcontracting limitations—became paragraph (h). Thus, the final rule published on May 21, 2004 should have

amended paragraph (h) and not paragraph (g). Consequently, as of May 21, 2004, both paragraphs (g) and (h) addressed using cooperative efforts to meet the subcontracting limitations requirements.

A few days later, on May 24, 2004, the SBA published amendments to its size and HUBZone regulations. 69 FR 29411. In the final rule, the SBA redesignated paragraphs (c), (d), (e), (f), (g), and (h) of § 125.6 as paragraphs (e), (f), (g), (h), (i), and (j) (because the SBA had added two new paragraphs—(c) and (d)—to address changes to the HUBZone program's subcontracting limitations on construction contracts). *Id.* at 29420. Paragraphs (g) and (h) became paragraphs (i) and (j). Therefore, except for the term "team," both paragraphs are now essentially identical. The regulations now state:

(i) Where an offeror is exempt from affiliation under § 121.103(h)(3) of this chapter and qualifies as a small business concern, the performance of work requirements set forth in this section apply to the cooperative effort of the joint venture, not its individual members.

(j) Where an offeror is exempt from affiliation under § 121.103(f)(3) of this chapter and qualifies as a small business concern, the performance of work requirements set forth in this section apply to the cooperative effort of the team or joint venture, not its individual members.

13 CFR 125.6. The last regulation that the SBA had promulgated concerning cooperative efforts and the subcontracting limitations requirement and the regulation that correctly reflects the amendment SBA intended is set forth at § 125.6(i). Therefore, to correct this error and to eliminate the confusion caused by the two similar, but apparently contradictory provisions, the SBA is removing current paragraph (j).

**List of Subjects in 13 CFR Part 125**

Administrative practice and procedure, Government procurement, Small businesses.

■ Accordingly, 13 CFR part 125 is corrected by making the following correcting amendment:

**PART 125—GOVERNMENT CONTRACTING PROGRAMS**

■ 1. The authority citation for part 125 continues to read as follows:

**Authority:** 15 U.S.C. 632(p), (q), 634(b)(6), 637, 644, and 657(f).

■ 2. Amend § 125.6 by removing paragraph (j).

Steven C. Preston,  
Administrator.

[FR Doc. E7-966 Filed 1-23-07; 8:45 am]

BILLING CODE 8025-01-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 23**

[Docket No. CE264, Special Condition 23-204-SC]

**Special Conditions; Piper Aircraft, Inc., Piper PA-32R-301T, Saratoga II TC, and PA-32-301FT, Piper 6X; Protection of Electronic Flight Instrument Systems (EFIS) for High Intensity Radiated Fields (HIRF)**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued to Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida 32960, for a type design change for the Piper PA-32R-301T, Saratoga II TC, and PA-32-301FT, Piper 6X. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic flight instrument system (EFIS) displays, Model G-1000, manufactured by Garmin AT, Inc., for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

**DATES:** The effective date of these special conditions is January 12, 2007. Comments must be received on or before February 23, 2007.

**ADDRESSES:** *Mail comments in duplicate to:* Federal Aviation Administration, Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. CE264, Room 506, 901 Locust, Kansas City, Missouri 64106. *Mark all comments:* Docket No. CE264. You may inspect comments in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:**

James Brady, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4123.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

**Comments Invited**

We invite interested persons to take part in this rulemaking by sending written data, views, or comments. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of the written comments. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel about these special conditions. You can inspect the docket before and after the closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

We will consider all comments we receive by the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

If you want us to let you know we received your comments on these special conditions, send us a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

**Background**

On June 15, 2006, Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, Florida

32960, made an application to the FAA for a supplemental type certificate for a type design change for the Piper PA-32R-301T, Saratoga II TC, and PA-32-301FT, Piper 6X. The PA-32 is currently approved under TC No. A3SO. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS that is vulnerable to HIRF external to the airplane.

**Type Certification Basis**

Under the provisions of 14 CFR 21, 21.101, Piper Aircraft, Inc. must show that the Piper PA-32 aircraft, as changed, meets the original certification basis for the airplane, as listed on Type Data Sheet A3SO; the additional certification requirements added for the G1000 system, exemptions, if any; and the special conditions adopted by this rulemaking action.

**Discussion**

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

**Novel or Unusual Design Features**

Piper Aircraft, Inc. plans to incorporate certain novel and unusual design features into the Piper PA-32R-301T, Saratoga II TC, and the PA-32-301FT, Piper 6X, airplanes for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include EFIS, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

*Protection of Systems from High Intensity Radiated Fields (HIRF):* Recent advances in technology have given rise to the application in aircraft designs of

advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz .....	50	50
100 kHz–500 kHz .....	50	50
500 kHz–2 MHz .....	50	50
2 MHz–30 MHz .....	100	100
30 MHz–70 MHz .....	50	50
70 MHz–100 MHz .....	50	50
100 MHz–200 MHz .....	100	100
200 MHz–400 MHz .....	100	100
400 MHz–700 MHz .....	700	50
700 MHz–1 GHz .....	700	100
1 GHz–2 GHz .....	2000	200
2 GHz–4 GHz .....	3000	200
4 GHz–6 GHz .....	3000	200
6 GHz–8 GHz .....	1000	200
8 GHz–12 GHz .....	3000	300
12 GHz–18 GHz .....	2000	200
18 GHz–40 GHz .....	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

### Applicability

As discussed above, these special conditions are applicable to the Piper PA-32R-301T and PA-32-301FT. Should Piper Aircraft, Inc. apply at a later date for a supplemental type certificate for a type design change to modify any other model on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

### Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

### List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

### Citation

■ The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

### The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Piper PA-32R-301T, Saratoga II TC, and PA-32-301FT, Piper 6X, airplane modified by Piper Aircraft, Inc. to add a G1000 EFIS system.

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF)*. Each system

that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions*: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri, on January 12, 2007.

**Kim Smith,**

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

[FR Doc. E7-1018 Filed 1-23-07; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 33

[Docket No. NE127; Special Conditions No. 33-006-SC]

### Special Conditions: General Electric Company GENx Model Turbofan Engines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the General Electric Company (GE) GENx turbofan engine models GENx-1B54, GENx-1B58, GENx-1B64, GENx-1B67, GENx-1B70, GENx-1B70/72, GENx-1B70/75, GENx-1B72, and GENx-1B75. The fan blades of these engines will have novel or unusual design features when compared to the state of technology envisioned in the part 33 airworthiness standards. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the added safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** *Effective Date:* The effective date of these special conditions is January 12, 2007.

**FOR FURTHER INFORMATION CONTACT:** Robert McCabe, ANE-111, Rulemaking and Policy Branch, Engine and Propeller Directorate Standards Staff, Aircraft Certification Service, 12 New England