

specifications defining the limiting conditions in a license to operate a light-water-cooled nuclear power reactor or a license whose holder has submitted a certification of permanent cessation of operations under § 50.82(a)(1).

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PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

32. The authority citation for Part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953, (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3033–3041; and sec. 193, Pub. L. 101–575, 104 Stat. 2835 42 U.S.C. 2243). Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, and sec. 148, Pub. L. 100–203, 101 Stat. 1330–223 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021) and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also under Nuclear Waste Policy Act of 1982, sec. 114(f), 96 Stat. 2216, as amended (42 U.S.C. 10134(f)).

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33. Section 51.53, paragraph (b) is revised to read as follows:

§ 51.53 Supplement to environmental report.

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(b) *Post operating license stage.* Each applicant for a license amendment authorizing decommissioning activities for a production or utilization facility either for unrestricted use or based on continuing use restrictions applicable to the site; and each applicant for a license amendment approving a license termination plan or decommissioning plan under § 50.82 of this chapter either for unrestricted use or based on continuing use restrictions applicable to the site; and each applicant for a license or license amendment to store spent fuel at a nuclear power reactor after expiration of the operating license for the nuclear power reactor shall submit with its application the number of copies, as specified in § 51.55, of a separate document, entitled “Supplement to Applicant’s Environmental Report—Post Operating License Stage,” which will update “Applicant’s Environmental Report—Operating License Stage,” as appropriate, to reflect any new

information or significant environmental change associated with the applicant’s proposed decommissioning activities or with the applicant’s proposed activities with respect to the planned storage of spent fuel. Unless otherwise required by the Commission, in accordance with the generic determination in § 51.23(a) and the provisions in § 51.23(b), the applicant shall only address the environmental impact of spent fuel storage for the term of the license applied for. The “Supplement to Applicant’s Environmental Report—Post Operating License Stage” may incorporate by reference any information contained in “Applicant’s Environmental Report—Construction Permit Stage,” “Supplement to Applicant’s Environmental Report—Operating License Stage,” final environmental impact statement, supplement to final environmental impact statement—operating license stage, or in the records of decision prepared in connection with the construction permit or the operating license for that facility.

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34. Section 51.95, paragraph (b) is revised to read as follows:

§ 51.95 Supplement to final environmental impact statement.

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(b) *Post operating license stage.* In connection with the amendment of an operating license authorizing decommissioning activities at a production or utilization facility covered by § 51.20, either for unrestricted use or based on continuing use restrictions applicable to the site, or with the issuance, amendment or renewal of a license to store spent fuel at a nuclear power reactor after expiration of the operating license for the nuclear power reactor, the NRC staff will prepare a supplemental environmental impact statement for the post operating license stage or an environmental assessment, as appropriate, which will update the prior environmental review. The supplement or assessment may incorporate by reference any information contained in the final environmental impact statement, the supplement to the final environmental impact statement—operating license stage, or in the records of decision prepared in connection with the construction permit or the operating license for that facility. The supplement will include a request for comments as provided in § 51.73. Unless otherwise required by the Commission, in accordance with the generic determination in § 51.23(a) and the

provisions of § 51.23(b), a supplemental environmental impact statement for the post operating license stage or an environmental assessment, as appropriate, will address the environmental impacts of spent fuel storage only for the term of the license, license amendment or license renewal applied for.

Dated at Rockville, MD, this 19th day of July, 1996.

For the Nuclear Regulatory Commission.
John C. Hoyle,
Secretary of the Commission.

[FR Doc. 96–19031 Filed 7–26–96; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

Government Contracting Assistance; Correction

AGENCY: Small Business Administration.
ACTION: Correction to final regulation.

SUMMARY: This document contains corrections to a final rule published by the Small Business Administration (SBA) in the Federal Register on Wednesday, January 31, 1996 (61 FR 3310). The regulation related to small business prime contractor’s performance. The correction is needed to ensure consistency with other provisions contained in SBA’s regulations.

EFFECTIVE DATE: July 29, 1996.

FOR FURTHER INFORMATION CONTACT: Richard Sadowski, Acting Assistant Administrator, Office of Industrial Assistance, (202) 205–6475.

SUPPLEMENTARY INFORMATION: On January 31, 1996, SBA published in the Federal Register (61 FR 3310) a complete revision to the regulations pertaining to SBA’s procurement assistance programs. Included within this final rule was a new section (§ 125.6) entitled “Prime contractor performance requirements (limitations on subcontracting).” 61 FR 3315. As published, the final regulation contains two errors that may be misleading and need to be changed. First, § 125.6(a)(2) uses the term “regular dealer.” However, the definition of “regular dealer” was abolished by section 7201 of the Federal Acquisition Streamlining Act of 1994 (FASA). Specifically, FASA repealed the “regular dealer” or “manufacturer” eligibility requirements imposed by the Walsh-Healey Public Contracts Act. Without a current definition for the term “regular dealer,” SBA believes that its use in this

regulation would be confusing. As such, this correction rule substitutes the term "non-manufacturer" for "regular dealer" in § 125.6(a)(2) to ensure consistency with other sections of 13 CFR Part 125 and to remove the ambiguity created by the use of the term "regular dealer."

Second, as set forth in the January 31, 1996 final rule, § 125.6(c) stated that compliance with the Prime Contractor Performance Requirements would be determined as of the date the bid was submitted in a sealed bid procurement, and as of the date the concern submits its best and final offer in a negotiated procurement. This provision is inconsistent with the general responsibility requirements. In determining an offeror's responsibility to perform a specific contract as part of a Certificate of Competency review, SBA determines whether the offeror is capable of performing the contract at the time of award. The offeror can make changes to demonstrate that it can perform the contract up until the time of award. Because the Prime Contractor Performance Requirements are now to be considered an issue of responsibility, compliance with them also should be able to be demonstrated up until the time of award. Thus, this correction rule eliminates § 125.6(c) for internal consistency, and redesignates paragraphs (d), (e), (f), and (g) as paragraphs (c), (d), (e), and (f), respectively.

Correction of Publication

Accordingly, the publication on January 31, 1996, of the final regulations that were the subject of FR Doc. 96-1157, is corrected as follows:

§ 125.6 [Corrected]

1. On page 3315 in the third column, § 125.6(a)(2), remove the words "regular dealer" and add in their place the word "non-manufacturer".

2. On page 3316, in the first column, section 125.6, remove paragraph (c) in its entirety and redesignate paragraphs (d) through (g) as (c) through (f), respectively.

Dated: July 16, 1996.

Ginger Lew,

Deputy Administrator.

[FR Doc. 96-19171 Filed 7-26-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM-123; Special Conditions No. 25-ANM-118]

Special Conditions: Embraer (Brazil) Aircraft Corporation Model EMB-145 Airplane; High-Intensity Radiated Fields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Embraer Model EMB-145 airplane. This new airplane will utilize new avionics/electronic systems that provide critical data to the flightcrew. The applicable regulations do not contain adequate or appropriate safety standards for the protection of these systems from the effects of high-intensity radiated fields. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: August 28, 1996.

FOR FURTHER INFORMATION CONTACT: Gerry Lakin, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington, 98055-4056; telephone (206) 227-1187; facsimile (206) 227-1149.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1989, Embraer Aircraft Corporation, Caixa Postal 343, 12227-901 Sao Jose dos Campos, Sao Paulo SP Brasil, applied for a new type certificate in the transport airplane category for the Model EMB-145 airplane. The EMB-145 is a T-tail, low swept wing, small transport airplane powered by two Allison GMA-3007A turbofan engines mounted on pylons extending from the aft fuselage. Each engine will be capable of delivering 7,040 pounds thrust. The flight controls will be powered and capable of manual reversion. The airplane has a seating capacity of up to 50 passengers, and a maximum takeoff weight of 42,328 pounds.

Type Certification Basis

Under the provisions of § 21.17 of the FAR, Embraer must show that the Model EMB-145 meets the applicable provisions of part 25, effective February 1, 1965, as amended by Amendments 25-1 through 25-75. In addition, the

certification basis for the Model EMB-145 includes part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and part 36, effective December 1, 1969, as amended by Amendment 36-1 through the amendment in effect at the time of certification. No exemptions are anticipated. These special conditions form an additional part of the type certification basis. In addition, the certification basis may include other special conditions that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Embraer Model EMB-145 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Model EMB-145 incorporates new avionic/electronic installations, including a digital Electronic Flight Instrument System (EFIS), Air Data System, Attitude and Heading Reference System (AHRS), Navigation and Communication System, Autopilot System, and a Full Authority Digital Engine Control (FADEC) system that controls critical engine parameters. These systems may be vulnerable to high-intensity radiated fields (HIRF) external to the airplane.

Discussion

There is no specific regulation that addresses protection requirements for electrical and electronic systems from HIRF. Increased power levels from ground-based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by