

SBA may then identify a specific item within a PSC and NAICS code to which a class waiver would apply. "Available to participate" in the context of the Federal market means that contractors exist that have been awarded or have performed a contract to supply a specific class of products to the Federal Government within 24 months from the date of the request for waiver, either directly or through a dealer, or that have submitted an offer on a solicitation for that class of products within that time frame. 13 CFR 121.1202(c).

On November 2, 2004, SBA granted a class waiver of the Nonmanufacturer Rule for Miscellaneous Electrical Equipment and Component Manufacturing, classified under NAICS code 335999 (All Other Miscellaneous Electrical Equipment and Component Manufacturing), PSC 5999 (Miscellaneous Electrical and Electronic Components). 69 FR 61429. On January 28, 2008, SBA granted a class waiver for Fluorescent Lamps, Incandescent Lamps, etc., classified under NAICS code 335999, PSC 6240 (Electric Lamps). 73 FR 4940. The same day, SBA granted a class waiver for Electric Lamp Starters and Lamp Holders, etc., classified under NAICS code 335999, PSC 6250 (Ballasts, Lampholders, and Starters). 73 FR 4941. On March 21, 2008, SBA granted a class waiver for Indoor and Outdoor Electric Lighting Fixtures, classified under NAICS code 335999, PSC 6210 (Indoor and Outdoor Electrical Lighting Fixtures). 73 FR 15251.

In 2013, SBA received a request from a small business manufacturer to rescind the class waiver of the Nonmanufacturer Rule for Miscellaneous Electrical Equipment and Component Manufacturing (classified under NAICS code 335999, PSC 5999). According to the request, there was at least one small business manufacturer that had conducted business with the Federal Government within the previous 24 months and provided at least one of the various supplies listed under the class waiver applicable to Miscellaneous Electrical Equipment and Component Manufacturing. SBA's independent research resulted in the discovery of other small business manufacturers of various items listed under the descriptors applicable to Miscellaneous Electrical Equipment and Component Manufacturing.

On July 17, 2013, SBA published a notice in the **Federal Register** stating that SBA intended to rescind the class waiver for NAICS code 335999. 78 FR 42817. The public comment period for this notice closed on August 1, 2013. Soon after it closed, a small business

manufacturer requested that the public comment period be reopened to allow submission of additional data. SBA reopened the comment period from August 20, 2013 to September 19, 2013. 78 FR 51263. During the comment periods, five respondents submitted eight comments.

Two commenters strongly supported rescinding the class waiver for NAICS code 335999, PSC 5999. These commenters also stated that the three other previously granted class waivers under NAICS code 335999 were misclassified and recommended that SBA reclassify them under different NAICS codes. Another respondent, a small business manufacturer of electrical equipment, fully supported the rescission of the class waiver for NAICS code 335999, PSC 5999. A fourth commenter opposed the rescission but insisted that SBA adopt the above revisions and reclassifications of the class waivers under NAICS code 335999. A fifth respondent, a small distributor of lighting, electrical and voice and data products, opposed rescinding the waiver and commented that the rescission of this waiver would negatively impact his business. However, the commenter did not provide an explanation or evidence as to how rescission of this waiver would negatively impact his business. That same commenter also recommended that the class waivers for PSCs 6210, 6240, and 6250 be reclassified under different NAICS codes. A small business distributor of electrical supplies supported the rescission of the class waiver for NAICS code 335999, PSC 5999 on the grounds that contracting officers are justifying their refusal to set aside contracts for the procurement of miscellaneous electrical equipment based on this waiver being in place. Another respondent, a small business lighting products distributor, supported rescission of all of the class waivers classified under NAICS code 335999. This respondent commented that a class waiver should never have been granted for PSC 5999 and that the waivers for PSCs 6210, 6240, and 6250 are misclassified under NAICS code 335999, resulting in contracting officials refusing to set aside these procurements for small business and instead choosing to procure through unrestricted procedures. One commenter's request was not relevant to the purpose of this class waiver and therefore is not addressed here.

Based on the public comments received, SBA's analysis of data submitted, and independent market research performed by SBA, it has been determined that several small business

manufacturers of miscellaneous electrical equipment are currently available to participate in the Federal marketplace. In addition, SBA's research validated the commenters' assertions regarding the improper NAICS code classification of the class waivers for PSCs 6210, 6240, and 6250. Therefore, SBA has decided to take the following actions: (1) Rescind the class waiver for Miscellaneous Electrical Equipment and Component Manufacturing, classified under NAICS code 335999, PSC 5999 (*see* 69 FR 61429); (2) rescind the class waiver for Indoor and Outdoor Electric Lighting Fixtures, classified under NAICS code 335999, PSC 6210 (*see* 73 FR 15251), and replace it by granting a class waiver for Indoor and Outdoor Electrical Lighting Fixtures, under NAICS code 335122 (Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing), PSC 6210 (Indoor and Outdoor Electrical Lighting Fixtures); (3) rescind the class waiver for Fluorescent Lamps, Incandescent Lamps, etc., classified under NAICS code 335999, PSC 6240 (*see* 73 FR 4940) and replace it by granting a class waiver for Electric Lamps, under NAICS code 335110 (Electric Lamp Bulb and Part Manufacturing), PSC 6240 (Electric Lamps); and (4) rescind the class waiver for Electric Lamp Starters and Lamp Holders, etc., classified under NAICS code 335999, PSC 6250 (*see* 73 FR 4941) and replace it by granting a class waiver for Ballasts, Lampholders, and Starters, under NAICS code 335311 (Power, Distribution, and Specialty Transformer Manufacturing), PSC 6250 (Ballasts, Lampholders, and Starters).

Dated: March 31, 2014.

**Judith A. Roussel,**

*Director, Office of Government Contracting.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee—Transport Airplane Performance and Handling Characteristics—Continuing a Task

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

**ACTION:** Notice of phase 2 task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new phase 2 task to provide recommendations regarding

new or updated standards in the highest priority topic areas for airplane performance and handling characteristics. This task addresses the Flight Test Harmonization Working Group's recent recommendations. This notice informs the public of phase 2 ARAC activity and does not solicit membership for the existing Flight Test Harmonization Working Group (FTHWG).

**FOR FURTHER INFORMATION CONTACT:** Joe Jacobsen, Airplane & Flight Crew Interface Branch, ANM-111, Transport Airplane Directorate, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98057-3356; telephone 425-227-2011, facsimile 425-227-1149; email [joe.jacobsen@faa.gov](mailto:joe.jacobsen@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **ARAC Acceptance of Task**

As a result of the March 20, 2014, ARAC meeting, the FAA has assigned and ARAC has accepted this task and will use the existing FTHWG. The FTHWG will serve as staff to ARAC and provide advice and recommendations on the assigned task. ARAC will review and approve the recommendation report that will be sent to the FAA.

##### **Background**

The FAA established ARAC to provide advice and recommendations to the FAA Administrator, through the Associate Administrator of Aviation Safety, on the FAA's rulemaking activities. ARAC's objectives are to improve the development of the FAA's regulations by providing information, advice, and recommendations related to aviation issues.

The FTHWG will provide advice and recommendations to ARAC on new and updated standards for the highest priority topic areas for airplane performance and handling characteristics.

In March 2013, the FAA tasked ARAC to provide advice and recommendations in prioritizing potential topic areas for the development of new or revised standards for airplane performance and handling characteristics in new transport category airplanes. The output of that task is now complete and is the basis for this new task. The highest priority topic areas were determined to be new or updated standards for fly-by-wire (FBW) flight controls, wet runway stopping performance, runway excursion hazard classification, stall speed in ground effect, steep approach, flight test methods used to determine maximum tailwind and crosswind capability, susceptibility to pilot-

induced oscillations/airplane-pilot coupling (PIO/APC), and guidance material for assessing handling qualities. This task will be to develop these high priority topic areas.

##### **The Task**

The working group should develop recommended standards in the following topic areas. If there are disagreements within the working group, these should be documented, including the reasons for the disagreement and rationale from each party. The following subject areas should be worked upon within this task:

1. Fly-by-wire Flight Controls. Regulatory requirements and associated guidance material for airworthiness certification of airplane designs using fly-by-wire technology to remove the need for longstanding, repetitively-used fly-by-wire special conditions. Specific areas include:

- a. Applicability/adaptation of Amendment 25-121 airplane performance and handling characteristics in icing conditions requirements,
- b. Lateral/directional/longitudinal stability,
- c. Out of trim requirements,
- d. Side stick controls, and
- e. Flight envelope protection.

2. Takeoff and Landing Performance. Regulatory requirements and associated guidance material for airworthiness certification in the following areas listed below. (Note: This topic area excludes items addressed by the Takeoff and Landing Performance Assessment Aviation Rulemaking Committee.)

- a. Flight test methods used to determine maximum tailwind and crosswind capability. For crosswind testing, better define intended operational use of demonstrated maximum steady and gusting crosswind performance.

- b. Wet runway stopping performance. Recent landing overruns on wet runways have raised questions regarding current wet runway stopping performance requirements and methods. Analyses indicate that the braking coefficient of friction in each case was significantly lower than expected for a wet runway (i.e., lower than the level specified in FAA regulations). Consideration should also be given to the scheduling of landing performance on wet porous friction course and grooved runway surfaces. Recommendations may include the need for additional data gathering, analysis, and possible rulemaking.

- c. Steep approach landing performance. Current airplane certification standards are not

harmonized among the U.S., Canadian, Brazilian, and European airworthiness authorities.

- d. Guidance material addressing the adverse effects on stall speed in ground effect.

- e. Runway excursion hazard classification. Current safety assessments are not harmonized among the U.S., Canadian, Brazilian, and European airworthiness authorities.

3. Handling Characteristics. Guidance material for airworthiness certification in the following areas:

- a. Guidance material for assessing handling qualities. Current Advisory Circular 25-7, "Flight Test Guide for Certification of Transport Category Airplanes," provides an FAA Handling Quality Rating Method that is intended to provide a systematic way of determining appropriate minimum handling qualities requirements and evaluating those handling qualities for conditions affecting an airplane's flying qualities. The FAA handling quality rating system is not universally accepted within industry, nor is it accepted by EASA.

- b. Guidance for assessing susceptibility to pilot-induced oscillations/airplane-pilot coupling (PIO/APC). Guidance provided in Advisory Circular 25-7C for evaluating PIO/APC is also not well accepted by airplane manufacturers, is not harmonized with EASA, and has been superseded to some extent in recent certification programs. Modified guidance is needed to both simplify and standardize the methods for evaluating an airplane's susceptibility to PIO/APC.

##### **Schedule**

The recommendation report must be submitted to the FAA for review and acceptance no later than 3 years from the publication date of this tasking. The FAA expects to publish additional ARAC taskings for follow-on phases to develop other topic areas which were lower in priority.

##### **Working Group Activity**

The FTHWG must comply with the procedures adopted by ARAC. As part of the procedures, the working group must:

1. Conduct a review and analysis of the assigned task and any other related materials or documents.

2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the Transport Airplane and Engine (TAE) Subcommittee.

3. Provide a status report at each TAE Subcommittee meeting.

4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.

5. Present the recommendation report at the TAE Subcommittee meeting.

#### Participation in the Working Group

The existing FTHGW is comprised of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee. In accordance with the June 18, 2010, memorandum entitled "Lobbyists on Agency Boards and Commissions," members are not federally registered lobbyists, who are subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C. 1603, 1604, and 1605, at the time of appointment or reappointment to an advisory committee, and has not served in such a role for three consecutive quarters prior to appointment. (For further information see the Office of Management and Budget final guidance on appointment of lobbyists to federal boards and commissions (76 FR 61756, October 5, 2011).

All existing FTHWG members who wish to participate in this task must actively participate by attending all meetings, and providing written comments when requested to do so. Each member must devote the resources necessary to support the working group in meeting any assigned deadlines. Each member must keep their management chain, and those they may represent, advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with their sponsoring organization's position when the subject is presented to ARAC for approval. Once the FTHWG has begun deliberations, members will not be added or substituted without the approval of the FAA and the Working Group Chair.

The Secretary of Transportation determined the formation and use of ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, meetings of the FTHWG are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of FTHWG meetings.

Issued in Washington, DC, on April 8, 2014.

**Lirio Liu,**

*Designated Federal Officer, Aviation Rulemaking Advisory Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Approval of Noise Compatibility Program; Southwest Florida International Airport, Fort Myers, FL

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

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the Lee County Port Authority under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as "the Act") and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 30, 2013, the FAA determined that the noise exposure maps submitted by the Lee County Port Authority under Part 150 were in compliance with applicable requirements. On April 4, 2014, the FAA approved the Southwest Florida International Airport Noise Compatibility Program. Some of the recommendations of the Program were approved by FAA.

**DATES:** Effective Date: The effective date of the FAA's approval of the Southwest Florida International Airport Noise Compatibility Program is April 4, 2014.

#### FOR FURTHER INFORMATION CONTACT:

Allan Nagy, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazelton National Drive, Suite 400, Orlando, FL 32822, phone number: (407) 812-6331.

Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Southwest Florida International Airport, effective April 4, 2014.

Under Section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and

prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Title 14 Code of Federal Regulations (CFR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport operator with respect to which measure should be recommended for action. The FAA's approval or disapproval of 14 CFR Part 150 Program recommendations is measured according to the standards expressed in 14 CFR Part 150 and the Act, and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of 14 CFR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in 14 CFR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the Program nor a determination that all measures covered by the Program are