

PART 125—GOVERNMENT CONTRACTING PROGRAMS

■ 1. The authority citation for 13 CFR part 125 is revised to read as follows:

Authority: 15 U.S.C. 632(p), (q), 634(b)(6), 637, 644, 657f, 657q, 657r, and 657s; 38 U.S.C. 501 and 8127.

■ 2. Amend § 125.3 by:

■ a. Removing the number “\$650,000” in paragraph (a) introductory text and adding in its place the number “\$750,000”;

■ b. Revising paragraph (a)(1)(i)(C);

■ c. Removing the word “and” after the semicolon at the end of paragraph (c)(1)(xi);

■ d. Redesignating paragraph (c)(1)(xii) as paragraph (c)(1)(xiii); and

■ e. Adding a new paragraph (c)(1)(xii).
The revision and addition read as follows:

§ 125.3 What types of subcontracting assistance are available to small businesses?

- (a) * * *
- (1) * * *
- (i) * * *

(C) Where the subcontracting goals pertain only to a single contract with one Federal agency, the contractor may elect to receive credit for small business concerns performing as first-tier subcontractors or subcontractors at any tier pursuant to the subcontracting plans required under paragraph (c) of this section in an amount equal to the dollar value of work awarded to such small business concerns. The election must be recorded in the subcontracting plan. If the contractor elects to receive credit for subcontractors at any tier, the following requirements apply:

(1) The prime contractor must incorporate the subcontracting-plan goals of their lower-tier subcontractors in its individual-subcontracting-plan goals.

(2) To receive credit for their subcontracting, lower-tier subcontractors must have their own individual subcontracting plans.

(3) The prime contractor and any subcontractor with a subcontracting plan are responsible for reporting on subcontracting performance under their contracts or subcontracts at their first tier. This reporting method applies to both individual subcontracting reports and summary subcontracting reports.

(4) The prime contractor’s performance under its individual subcontracting plan will be calculated by aggregating the prime contractor’s first-tier subcontracting achievements with the achievements of the prime contractor’s lower-tier subcontractors that have flow-down subcontracting plans.

(5) If the subcontracting goals pertain to more than one contract with one or more Federal agencies, or to one contract with more than one Federal agency, the prime contractor shall receive credit only for first-tier subcontractors that are small business concerns. This restriction applies to all commercial plans, all comprehensive subcontracting plans with the Department of Defense, governmentwide contracts, and multi-agency contracts.

* * * * *

(c) * * *

(1) * * *

(xii) The prime contractor must provide a written statement of the types of records it will maintain to demonstrate that procedures have been adopted to substantiate the subcontracting credit that the prime contractor elects under paragraph (a)(1)(i)(C) of this section; and

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Isabella Casillas Guzman,
Administrator.

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

RIN 3245–AH70

Ownership and Control and Contractual Assistance Requirements for the 8(a) Business Development Program; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Correcting amendments.

SUMMARY: The Small Business Administration (SBA) is correcting a final rule that was published in the **Federal Register** on April 27, 2023. The rule implemented several changes to the ownership and control requirements for the 8(a) Business Development program, implemented changes relating to 8(a) contracts, and implemented a statutory amendment in the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022.

DATES: Effective October 11, 2023.

FOR FURTHER INFORMATION CONTACT: Donna Fudge, U.S. Small Business Administration, Office of Policy, Planning, and Liaison, 409 Third Street SW, Washington, DC 20416; (202) 205–6363; Donna.fudge@sba.gov. This phone number may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal

Communications Commission’s TTY-Based Telecommunications Relay Service teletype service at 711.

SUPPLEMENTARY INFORMATION: On April 27, 2023, SBA amended its regulation to implement changes to the ownership and control requirements for the 8(a) Business Development program, implement changes related to 8(a) contracts, and implement a statutory amendment from section 863 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022. This is the second set of corrections. The first set of corrections was published in the **Federal Register** on May 5, 2023. (88 FR 28985). This document augments those corrections.

In the final rule at § 125.8(b)(iv), SBA inadvertently omitted a regulatory change instruction to clarify language stating how the funds remaining in the joint venture bank account at the conclusion of the joint venture contract(s) and/or termination of the joint venture are to be distributed. This paragraph is revised to state that the funds remaining in the joint venture bank account shall be distributed at the termination of the joint venture according to the percentage of ownership.

This document also corrects a citation in 13 CFR 125.4(c)(5).

List of Subjects in 13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small businesses, Technical assistance.

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, 657r and 657s.

■ 2. Amend § 125.4 by revising (c)(5) to read as follows:

§ 125.4 What is the Government property sales assistance program?

* * * * *

(c) * * *

(5) These provisions are contained in §§ 121.501 through 121.512 of this chapter.

■ 3. Amend § 125.8 by revising (b)(2)(iv) to read as follows:

§ 125.8 What requirements must a joint venture satisfy to submit an offer for a procurement or sale set aside or reserved for small business?

* * * * *

(b) * * *

(2) * * *

(iv) Stating that the small business participant(s) must receive profits from

the joint venture commensurate with the work performed by them, or a percentage agreed to by the parties to the joint venture whereby the small business participant(s) receive profits from the joint venture that exceed the percentage commensurate with the work performed by them, and that at the termination of a joint venture, any funds remaining in the joint venture bank account shall be distributed according to the percentage of ownership;

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Larry Stubblefield,

Acting Associate Administrator, Government Contracting and Business Development.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA-2023-0623]

Policy for Type Certification of Very Light Airplanes as a Special Class of Aircraft

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

ACTION: Notification of policy.

SUMMARY: The FAA announces the policy for the type certification of Very Light Airplanes (VLA) as a special class of aircraft under the Federal Aviation Regulations.

DATES: This policy is effective October 11, 2023.

FOR FURTHER INFORMATION CONTACT:

Hieu Nguyen, Product Policy Management, AIR-62B, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration; telephone 816-329-4123; email hieu.nguyen@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed policy, which published in the **Federal Register** on August 9, 2023 (88 FR 53815). The FAA received comments from two commenters. The comments are available to view in Docket No. FAA-2023-0623 at www.regulations.gov.

Discussion of Comments

The FAA received one comment from an individual that was unrelated to the notice and outside the scope of the proposed policy. The other comment

was a request from the General Aviation Manufacturers Association asking for a 30-day extension to the comment period. However, the FAA did not extend the comment period. The FAA chose a 30-day comment period because it balances the need to have a final policy available for applicants with the need for interested persons to have time to comment on the proposed policy. The FAA determined that a 30-day comment period provided adequate time for interested persons to submit comments and that it would not be in the public interest to extend the comment period.

Authority Citation

The authority citations for these airworthiness criteria are as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

Policy

The FAA will continue to allow type certification of VLA as a special class of aircraft under 14 CFR 21.17(b) using CS-VLA or JAR-VLA requirements, while also allowing eligibility for certification as a normal category airplane in accordance with part 23 using accepted means of compliance. The FAA accepts CS-VLA and JAR-VLA airworthiness criteria as providing an equivalent level of safety under § 21.17(b) special class type certification of VLA airplanes. The FAA will consider proposals for airplane designs that differ from the VLA limits defined in AC 21.17-3 for type certification as a special class of aircraft under § 21.17(b), provided the VLA were certificated to the JAR-VLA or CS-VLA requirements plus additional airworthiness criteria the FAA finds appropriate and applicable for the proposed design. Additional design requirements may include but are not limited to the airworthiness criteria identified in the following paragraphs. Other additional airworthiness criteria may be required to address specific design proposals.

Advanced Avionic Displays

If the airplane has advanced avionic displays installed, the following requirements from 14 CFR part 23 apply:

- 14 CFR 23.1307 at amendment 23-49, Miscellaneous Equipment.
- 14 CFR 23.1311 at amendment 23-62, Electronic Display Instrument Systems.
- 14 CFR 23.1321 at amendment 23-49, Arrangement and Visibility.
- 14 CFR 23.1359 at amendment 23-49, Electrical System Fire Protection.

Winglets

If the airplane has any outboard fins or winglets installed, the design must comply with JAR 23.445.

Engine Mount to Composite Airframe

VLA.001

The requirements in this section are applicable to airplanes with an engine mounting to composite airframe. Tests must be performed that demonstrate that the interface between the metallic engine mount and the glass fiber reinforced plastic fuselage withstand a fire for 15 minutes while carrying loads under the following conditions:

(a) With one lost engine mount fitting the loads are distributed over the remaining three engine mount fittings. The most critical of these fittings must be chosen for the test.

The loads are:

(1) In Z-direction the mass of the propulsion unit multiplied by a maneuvering load factor resulting from a 30° turn for 15 minutes, superimposed by a maneuvering load of 3 seconds representing the maximum positive limit maneuvering load factor of $n=3.8$ from JAR-VLA 337(a).

(2) In X-direction the engine propulsion force at maximum continuous power for 5 minutes.

(b) The flame to which the component test arrangement is subjected must provide a temperature of 500 °C within the target area.

(c) The flame must be large enough to maintain the required temperature over the entire test zone, *i.e.*, the fitting on the engine compartment side.

(d) It must be shown that the test equipment, *e.g.*, burner and instrumentation are of sufficient power, size, and precision to yield the test requirements arising from paragraphs (a) through (c) of this section.

Night-VFR Operations

VLA.005

The requirements in sections VLA.005 through VLA.105 are applicable to airplanes with a single engine (spark- or compression-ignition) having not more than two seats, with a maximum certificated takeoff weight of not more than 750 kg and a stalling speed in the landing configuration of not more than 83 km/h (45 knots)(CAS), to be approved for day-VFR [visual flight rules] or for day-and night-VFR.

VLA.010

(a) Any short period oscillation not including combined lateral-directional oscillations occurring between the stalling speed and the maximum allowable speed appropriate to the