

time nor 100 free pages of reproduction of documents.

\* \* \* \* \*

(v) *Fees for unsuccessful search and review.* The Council may assess fees for time spent searching and reviewing, even if it fails to locate the records or if records located are determined to be exempt from disclosure.

\* \* \* \* \*

Federal Financial Institutions Examination Council.

Judith E. Dupre,  
FFIEC Executive Secretary.

[FR Doc. 2016-30696 Filed 12-23-16; 8:45 am]

BILLING CODE 7535-01-P 6714-01-P 6210-01-P 4810-33-P 4810-AM-P

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Parts 125, 126, and 127**

RIN 3245-AG24

**Small Business Mentor Protégé Programs; Correction**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Correcting amendments.

**SUMMARY:** The U.S. Small Business Administration (SBA) published a final rule in the **Federal Register** on July 25, 2016, amending its regulations to establish a new Government-wide mentor-protégé program for all small business concerns, consistent with SBA's mentor-protégé program for Participants in SBA's 8(a) Business Development (BD) program. The rule also made several additional changes to current size, 8(a), Office of Hearings and Appeals, and HUBZone regulations, concerning among other things, ownership and control, changes in primary industry, economic disadvantage of a Native Hawaiian Organization (NHO), standards of review, and interested party status for some appeals. This document makes several technical corrections to that final rule, eliminating a portion of a sentence concerning joint venture profits.

**DATES:** Effective December 27, 2016.

**FOR FURTHER INFORMATION CONTACT:** Michael McLaughlin, Office of Policy, Planning & Liaison, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416; 202-205-5353; michael.mclaughlin@sba.gov.

**SUPPLEMENTARY INFORMATION:** The final rule published on July 25, 2016, at 81 FR 48557, contained errors that must be corrected in order ensure consistency within the regulations and to avoid public uncertainty or confusion.

On October 19, 2016, SBA issued a correction pertaining to 8(a) joint venture profits. 81 FR 71981. As SBA explained, due to the change made to § 121.103(h), which eliminated the ability of a joint venture to be populated with individuals intended to perform contracts awarded to the joint venture, a conforming correction was needed to § 124.513(c), which references populated joint ventures. Specifically, § 124.513(c)(4) provided that in the case of a populated separate legal entity joint venture, 8(a) Participant(s) must receive profits from the joint venture commensurate with their ownership interests in the joint venture. Because SBA eliminated populated joint ventures, that provision was superfluous and was deleted. SBA's 8(a) joint venture rule now states that the 8(a) Participant(s) in a joint venture must receive profits from the joint venture commensurate with the work performed by the 8(a) Participant(s). 13 CFR 124.513(c)(4). This change was necessary because under the mentor protégé program, a protégé may perform as little as 40% of the total work performed by the joint venture in aggregate. It would not make sense to require a firm to receive 51% of the profits for doing only 40% of the work.

The same language that SBA corrected in the 8(a) regulations is currently in place for joint ventures under all small mentor protégé, Service-Disabled Veteran-Owned, Women-Owned and HUBZone small business programs. SBA's intent was for profits to be commensurate with the work performed by each member of the joint venture. These rules currently state that in the case of a separate legal entity, the firm must receive profits commensurate with their ownership interests in the joint venture, which is contrary to SBA's intent. Consequently, SBA is correcting §§ 125.8(b)(2)(iv), 125.18(b)(2)(iv), 126.616(c)(4) and 127.506(c)(4) to the make the rules consistent with 124.513(c)(4) and across all programs.

**List of Subjects**

*13 CFR 125*

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

*13 CFR 126*

Administrative practice and procedure, Government procurement, Penalties, Reporting and recordkeeping requirements, Small businesses.

*13 CFR 127*

Government contracts, Reporting and recordkeeping requirements, Small businesses.

Accordingly, 13 CFR parts 125, 126, and 127 are corrected by making the following correcting amendments:

**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, 657f, and 657q.

■ 2. In § 125.8, revise paragraph (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?**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(iv) Stating that each participant must receive profits from the joint venture commensurate with the work performed by the concern;

\* \* \* \* \*

■ 3. In § 125.18, revise paragraph (b)(2)(iv) to read as follows:

**§ 125.18 What requirements must an SDVO SBC meet to submit an offer on a contract?**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(iv) Stating that the SDVO SBC(s) must receive profits from the joint venture commensurate with the work performed by the SDVO SBC;

\* \* \* \* \*

**PART 126—HUBZONE PROGRAM**

■ 4. The authority citation for part 126 continues to read as follows:

**Authority:** 15 U.S.C. 632(a), 632(j), 632(p), 644; and 657a; Pub. L. 111-240, 24 Stat. 2504.

■ 5. In § 126.616, revise paragraph (c)(4) to read as follows:

**§ 126.616 What requirements must a joint venture satisfy to submit an offer on a HUBZone contract?**

\* \* \* \* \*

(c) \* \* \*

(4) Stating that the HUBZone SBC(s) must receive profits from the joint venture commensurate with the work performed by the HUBZone SBC;

\* \* \* \* \*

**PART 127—WOMEN-OWNED SMALL BUSINESS FEDERAL CONTRACT PROGRAM**

■ 6. The authority citation for part 127 continues to read as follows:

**Authority:** 15 U.S.C. 632, 634(b)(6), 637(m), and 644.

■ 7. In § 127.506, revise paragraph (c)(4) to read as follows:

**§ 127.506 May a joint venture submit an offer on an EDWOSB or WOSB requirement?**

\* \* \* \* \*

(c) \* \* \*

(4) Stating that the WOSB(s) must receive profits from the joint venture commensurate with the work performed by the WOSB;

\* \* \* \* \*

Dated: December 16, 2016.

**A. John Shoraka,**

*Associate Administrator, Office of Government Contracting & Business Development.*

[FR Doc. 2016-30873 Filed 12-23-16; 8:45 am]

**BILLING CODE 8205-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2015-5807; Directorate Identifier 2015-SW-063-AD; Amendment 39-18754; AD 2016-25-28]

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Helicopters**

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS355NP helicopters. This AD requires removing and installing the fire extinguishing system pipes. This AD is prompted by the discovery that the left-hand and right-hand fire extinguishing discharge systems were incorrectly connected. The actions of this AD are intended to correct the unsafe condition on these products.

**DATES:** This AD is effective January 31, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of January 31, 2017.

**ADDRESSES:** For service information identified in this final rule, contact

Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at <http://www.airbushelicopters.com/techpub>.

You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-5807.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-5807; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) ADs, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800-647-5527) is U.S. Department of Transportation, Docket Operations Office, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

George Schwab, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5110; email [george.schwab@faa.gov](mailto:george.schwab@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On April 12, 2016, at 81 FR 21493, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS355NP helicopters with an Arrius 1A1 fire extinguishing system installed. The NPRM proposed to require removing and correctly installing the fire extinguishing system pipes in accordance with Airbus Helicopters' service information and removing any placards on the instrument panel if installed. The proposed requirements were intended to correct the connections and to prevent the fire extinguishing system from discharging to the wrong engine compartment, failure of the fire extinguishing system to control a fire, and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2011-0192-E, dated October 4, 2011, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter (now Airbus Helicopters) Model AS355NP helicopters with an Arrius 1A1 fire extinguishing system installed through production modification (mod) OP-3931.

EASA advises that during an inspection of the engine fire extinguishing system on an AS355NP helicopter, the left-hand (LH) fire extinguisher discharge system was found connected to the right-hand (RH) engine compartment and the RH discharge system was connected to the LH engine compartment. An investigation showed that this erroneous installation was inherent in Eurocopter production modification (mod) OP-3931. According to EASA, this condition, if not detected and corrected, could lead to the discharge of the fire extinguisher in the wrong engine compartment in the event of a fire. Pending the development of a modified extinguishing system, EASA Emergency AD No. 2011-0192-E required installing a placard warning the flight crew of the erroneous installation until the squibs on each fire extinguisher are exchanged.

After EASA issued Emergency AD No. 2011-0192-E, Airbus Helicopters developed a permanent modification of the discharge system to reconfigure the position of the squibs on each fire extinguisher to line up with the control buttons. EASA subsequently issued superseding EASA AD No. 2015-0181, dated August 31, 2015, to retain the requirements of its previous Emergency AD and require the modification of the engine fire extinguishing discharge system within 12 months.

**Comments**

After our NPRM (81 FR 21493, April 12, 2016) was published, we received two comments from Airbus Helicopters.

**Request**

Airbus Helicopters requested that the proposed AD have mod 073990 as a terminating action and exempt Model AS355NP aircraft that are "post mod 073990" from the AD's requirements.

We agree with the comment but disagree that a change to the AD is necessary. The AD requires compliance with the service information that Airbus Helicopters has identified as mod 073990. A Model AS355NP helicopter in a "post mod 073990" configuration has complied with the service information, and therefore has also previously complied with the required