

On July 3, 1996, FSIS published a proposed rule in the Federal Register (61 FR 34748) to increase the fees charged by FSIS to provide voluntary inspection, identification, and certification services, and overtime and holiday services. FSIS also proposed to reduce the fees charged for providing laboratory services to meat and poultry establishments.

FSIS did not receive any comments in response to the proposed rule and is finalizing the rule as proposed. FSIS maintains that the increased rates are necessary and reflect the cost of providing inspection services. The new rates reflect only a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services and a decrease in program support costs.

Accordingly, FSIS is amending § 391.2 to increase the base time rate for providing voluntary inspection, identification, and certification services from \$31.92 per hour, per program employee to \$32.88 per hour, per program employee. FSIS is amending § 391.3 to increase the rate for providing overtime and holiday services from \$32.96 per hour per program employee to \$33.76 per hour, per program employee.

In its analysis of projected costs for fiscal year 1996, FSIS also identified a decrease in the cost of providing laboratory services to meat and poultry establishments resulting from the use of automated equipment for testing laboratory samples and for other inspection services not covered under the base time, overtime, and holiday costs, such as travel expenses. Therefore, FSIS is amending § 391.4 of the regulations to reduce the fee charged for providing laboratory services from \$52.92 per hour, per program employee, to \$48.56 per hour per program employee.

To recover the increased costs in an expeditious manner, the Administrator has determined that these amendments should be effective less than 30 days after publication in the Federal Register.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866. The fee increases for voluntary inspection, identification, and certification services, overtime, and holiday inspection services primarily reflect the 1996 increase in salaries of Federal employees allocated by Congress under the Federal Employees Pay

Comparability Act of 1990. The fee decrease for laboratory services reflects the use of automated equipment for testing laboratory samples and other inspection related services not covered under the base time, overtime, and holiday costs such as travel expenses.

The Administrator, FSIS, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The fee increases provided for in this document will reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services and a decrease in program support costs.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule (1) preempts all State and local laws, regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

List of Subjects in 9 CFR Part 391

Fees and charges, Meat inspection, Poultry products inspection.

For the reasons set out in the preamble, 9 CFR part 391 is amended as follows:

PART 391—FEES AND CHARGES FOR INSPECTION SERVICES

1. The authority citation for part 391 continues to read as follows:

Authority: 7 U.S.C. 138f; 7 U.S.C. 394, 1622, and 1624; 21 U.S.C. 451 *et seq.*; 21 U.S.C. 601–695; 7 CFR 2.18 and 2.53.

2. Sections 391.2, 391.3, and 391.4 are revised to read as follows:

§ 391.2 Base time rate.

The base time rate for inspection services provided pursuant to §§ 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be \$31.92 per hour, per program employee.

§ 391.3 Overtime and holiday rate.

The overtime and holiday rate for inspection services provided pursuant to §§ 307.5, 350.7, 351.8, 351.9, 352.5, 354.101, 355.12, 362.5, and 381.38 shall be \$32.96 per hour, per program employee.

§ 391.4 Laboratory services rate.

The rate for laboratory services provided pursuant to §§ 350.7, 351.9, 352.5, 354.101, 355.12, and 362.5 shall be \$52.92 per hour, per program employee.

Done at Washington, DC, on December 6, 1996.

Thomas J. Billy,
Administrator.

[FR Doc. 96–31609 Filed 12–12–96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–136; Special Conditions No. 25–ANM–122]

Special Conditions: Gulfstream Model G1159A Airplane; High-Intensity Radiated Fields

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Gulfstream Model G1159A airplane, modified by Chrysler Pentastar to include a Flight Vision Heads-Up Display (FV–2000) system, that provides critical data to the flightcrew. The applicable regulations do not contain adequate or appropriate safety standards for the protection of this system 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 that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is December 4, 1996. Comments must be received on or before January 13, 1997.

ADDRESSES: Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM–7), Docket No. NM–136, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–136. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Connie Bean, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (206) 227–2796; facsimile (206) 227–1149.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA has determined that good cause exists for making these special conditions effective upon issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special condition number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-136." The postcard will be date stamped and returned to the commenter.

Background

Chrysler Pentastar Aviation, Inc., Waterford, Michigan, has applied for a supplemental type certificate in the transport airplane category for the Gulfstream Model G1159A, modified to include a new Flight Vision Heads-Up Display (FV-2000) system. The Model G1159A is a T-tail, low swept-wing, small transport airplane powered by two Rolls Royce SPEY RB (163-25) engines mounted on pylons extending from the aft fuselage. The airplane has a maximum takeoff weight of 69,700 pounds.

Type Certification Basis

Under the provisions of § 21.101 of 14 CFR part 21, Chrysler Pentastar must show that the Model G1159A, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate A12EA, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. A12EA are as follows:

Part 25 of the FAR, effective February 1, 1965, as amended by Amendments 25-1

through 25-8, 25-10, 25-12, 25-16 through 25-22, 25-24, 25-26, 25-27, 25-29 through 25-31, 25-34, 25-37, 25-40 (as applicable to a new APU installation); § 25.1309, as amended by Amendment 25-41, and § 25.329 (as applied to a new autopilot installation), § 25.994 (crashworthiness fuel system components), and § 25.581 (lightning protection), as amended by Amendment 25-23; Special FAR part 27, as amended by Amendment 27-2 (fuel venting emission); and part 36, as amended by Amendment 36-8 (noise requirements). The special conditions contained in the FAA's letter to Grumman dated September 27, 1965, applicable to the Gulfstream Model G-1159 airplane, are also applicable to the Gulfstream Model G-1159A airplane, except that reference to § 4b.450 in the "Cooling Systems" special conditions is replaced by § 25.1043, effective February 1, 1965. In addition, the certification basis includes special conditions pertaining to dynamic gust loads contained in the enclosed to FAA AEA-212 letter dated July 22, 1980.

These special conditions form an additional part of the type certification basis.

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 Gulfstream Model G1159A because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, are issued in accordance with 14 CFR § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Model G1159A is modified to incorporate a new avionic/electronic installation, including the Flight Vision Heads-Up Display (FV-2000) system. This system 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 the regulations incorporated by reference, a special condition is needed for the Model G-1159A, as modified by Chrysler Pentastar, which requires that new electrical and electronic systems, such as the Heads-Up Display, that perform critical functions be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of HIRF.

High-Intensity Radiated Fields (HIRF)

With the trend toward increased power levels from ground-based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of critical digital avionics systems, such as Heads-Up Display, to HIRF must be established.

It is not possible to precisely define the HIRF to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling of electromagnetic energy to cockpit-installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing HIRF emitters, an adequate level of protection exists when compliance with the HIRF protection special condition is shown with either paragraphs 1 OR 2 below:

1. A minimum threat of 100 volts per meter peak electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. A threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz-100 KHz	50	50
100 KHz-500 KHz	60	60
500 KHz-2 MHz	70	70
2 MHz-30 MHz	200	200
30 MHz-100 MHz	30	30
100 MHz-200 MHz	150	33
200 MHz-400 MHz	70	70
400 MHz-700 MHz	4,020	935
700 MHz-1 GHz	1,700	170
1 GHz-2 GHz	5,000	990
2 GHz-4 GHz	6,680	840
4 GHz-6 GHz	6,850	310
6 GHz-8 GHz	3,600	670
8 GHz-12 GHz	3,500	1,270

Frequency	Peak (V/M)	Average (V/M)
12 GHz–18 GHz	3,500	360
18 GHz–40 GHz	2,100	750

As discussed above, these special conditions are applicable to the Gulfstream Model G–1159A, modified by Chrysler Pentastar to incorporate a Flight Vision Heads-Up Display. Should Chrysler Pentastar apply at a later date for a Supplemental Type Certificate to modify any other model included on Type Certificate No. A12EA to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain design features on Gulfstream Model G–1159A airplanes, modified by Chrysler Pentastar to include a Flight Vision Heads-Up Display. 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 the special conditions for this airplane has been subject to the notice and comment procedure 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 immediately. Therefore, these special conditions are being made effective 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 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for this special condition is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for

the Gulfstream Model G–1159A airplane, as modified by Chrysler Pentastar.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF)*. Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of this special condition, the following definition applied: *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 Renton, Washington, on December 4, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate Aircraft Certification Service, ANM-100.

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DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 734, 740, 742, 762 and 774

[Docket No. 960918265–6296–02]

RIN 0694–AB09

Licensing of Key Escrow Encryption Equipment and Software

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Interim final rule.

This interim final rule amends the Export Administration Regulations (EAR) by imposing national security controls on Key escrow information security (encryption) equipment and software transferred from the U.S. Munitions List to the Commerce Control List following a commodity jurisdiction determination by the Department of State.

This interim final rule also amends the EAR to exclude key escrow items from the *de minimis* provisions for items exported from abroad and to exclude key escrow encryption software from mass market eligibility. Further, key escrow encryption software is subject to the EAR even when made publicly available.

DATES: *Effective date.* This rule is effective December 13, 1996. *Comment*

date: Comments, should be submitted on or before January 13, 1997.

ADDRESSES: Written comments should be sent to Nancy Crowe, Regulatory Policy Division, Office of Exporter Services, Bureau of Export Administration, Room 2705, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

James A. Lewis, Office of Strategic Trade and Foreign Policy Controls, Telephone (202) 482–0092.

SUPPLEMENTARY INFORMATION:

Background

In August 1995 the United States decided to ease export licensing requirements for key escrow encryption software products. As part of this decision to allow the export of these products, draft criteria were developed for key escrow products and for key holders. Products that conform to these criteria will be considered for transfer from the U.S. Munitions List to the Commerce Control List following a case-by-case determination by the Department of State through the commodity jurisdiction procedures.

Once transferred, key escrow encryption items will be controlled for national security reasons. A license will be required from the Department of Commerce to all destinations, except Canada. This is an initial step in liberalizing the treatment of encryption exports.

The Bureau of Export Administration is preparing regulations to further implement the Administration's encryption policies, which will be published in the Federal Register in the near future. These further measures are based upon the Administration's October 1, 1996 announcement of plans to make it easier for Americans to use stronger encryption products to protect their privacy, intellectual property and other valuable information, and the November 15, 1996, Presidential Memorandum and Executive Order 13026 (15 November 1996, 61 FR 58767) (Memorandum) directing that all encryption items controlled on the U.S. Munitions List, except those specifically designed, developed, configured, adapted, or modified for military applications, be transferred to the Commerce Control List. The plan to make it easier for Americans to use stronger encryption products to protect their privacy, intellectual property and other valuable information envisions a worldwide key management infrastructure with the use of key recovery and key escrow encryption items to promote electronic commerce