increased to $2,200, or $5,500 for a knowing and willful violation. These increased CMP's shall apply only to violations that occur after March 12, 1997.

These CMP provisions do not currently appear in the Commission's rules. However, section 4(1) of the Interest Adjustment Act directs the Commission to ''*by regulation* adjust each civil monetary penalty'' by the specified percentage (emphasis added). The Commission is accordingly adopting new 11 CFR 111.24, ''Civil Penalties,'' for this purpose. This section lists each penalty established at 2 U.S.C. 437g(a)(5), (6) and (12), adjusted upwards by 10% as required by the Interest Adjustment Act.

The Commission has no discretion in taking this action, but is doing so pursuant to a statutory mandate. These are thus technical amendments that are exempt from the notice and comment requirements of the Administrative Procedure Act at 5 U.S.C. 553(b)(B) and the legislative review requirements of 2 U.S.C. 438(d). These exemptions allow the rule to become effective immediately upon publication in the Federal Register. Accordingly, these amendments are effective on March 12, 1997.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act are not applicable to this final rule because the agency was not required to publish a notice of proposed rulemaking under 5 U.S.C. 553 or any other laws. Therefore, no regulatory flexibility analysis is required.

List of Subjects in 11 CFR Part 111

Administrative practice and procedure, Elections, Law enforcement.

For the reasons set out in the preamble, Subchapter A, Chapter I of Title 11 of the Code of Federal Regulations is amended to read as follows:

PART 111—COMPLIANCE PROCEDURE (2 U.S.C. 437g, 437d(a))

1. The authority citation for Part 111 is revised to read as follows:

Authority: 2 U.S.C. 437g, 437d(a), 438(a)(8); 28 U.S.C. 2461 nt.

2. Part 111 is amended by adding new section 111.24, to read as follows:

§ 111.24 Civil Penalties (2 U.S.C. 437g(a)(5), (6), (12), 28 U.S.C. 2461 nt.).

(a) Except as provided in paragraph (b) of this section, a civil penalty negotiated by the Commission or imposed by a court for a violation of the Act or chapter 95 or 96 of title 26 shall not exceed the greater of $5,500 or an amount equal to any contribution or expenditure involved in the violation. In the case of a knowing and willful violation, the civil penalty shall not exceed the greater of $11,000 or an amount equal to 200% of any contribution or expenditure involved in the violation.

(b) Any Commission member or employee, or any other person, who in violation of 2 U.S.C. 437g(a)912)(A) makes public any notification or investigation under 2 U.S.C. 437g without receiving the written consent of the person receiving such notification, or the person with respect to whom such investigation is made, shall be fined not more than $2,200. Any such member employee, or other person who knowingly and willfully violates this provision shall be fined not more than $5,500.

Dated: March 6, 1997.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 97–6098 Filed 3–11–97; 8:45 am]

BILLING CODE 6715–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Regulations; Affiliation With Investment Companies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is amending part 121 section103(b)(5) of its size regulations to make clear that, for purposes of the Small Business Investment Act of 1958 (SBIAct), certain venture capital firms and pension plans that make investments in small firms are not considered affiliated with those firms in which they invest. As a result, for any assistance under the SBIAct, an applicant concern is not affiliated with these investors. This final rule is in accordance with section 208 of the Small Business Programs Improvement Act of 1996.

EFFECTIVE DATE: March 12, 1997.

FOR FURTHER INFORMATION CONTACT: Gary M. Jackson, Assistant Administrator for Size Standards, 409 3rd Street, SW, Washington, DC 20416, (202) 205–6618.

SUPPLEMENTARY INFORMATION: Division D of the Omnibus Consolidated Appropriations Act for Fiscal Year 1997 (Public Law 104–208) is the Small Business Programs Improvement Act of 1996 (SBPIAct), which amended the Small Business Investment Act of 1958 (SBIAct). Title II, Section 208 of the SBPIAct amends the definition of ''small business concern'' to clarify that, for purposes of the SBIAct, a business which receives an investment from certain types of venture capital firms and pension plans shall not be considered affiliates of one another. Specifically, section 208 of the amendment provides that such investments shall not cause a business concern to be deemed not independently owned and operated; and further, the investments shall be disregarded in determining whether or not a business is a small concern under the SBA's size standards. The types of venture capital and pension plans covered by this amendment are listed in § 121.103(b)(5), and include venture capital firms, investment companies, small business investment companies, employee welfare benefit plans or pension plans, and trusts, foundations, or endowments exempt from Federal income taxation.

The SBA had recently revised its Small Business Size Regulation (Federal Register, Wednesday, January 31, 1996, Vol. 61. No. 21 FR 3280) to extend its exclusion from affiliation for SBICs that invests in small businesses to include venture capital firms, pension funds, and certain charitable entities exempt from Federal taxation, as long as the investors do not control the concern. For purposes of that provision, control was defined in § 107.865 of this part. This rule eliminates the condition that affiliation between certain investors and small business would be found present if control by an investor existed over the small business. However, SBICs continue to be restricted in the exercise of control over a small business they invest in as stated in § 107.865 of this part.

Also, under that regulation and prior to this legislation, the exclusion from affiliation had been limited to applicants for assistance under the Small Business Investment Company (SBIC) Program, and only, as stated above, where the investor(s) did not control the concern. In addition to the SBIC Program, the SBIAct has established a number of other SBA financial and management assistance programs, namely: the Surety Bond Guarantee Program, the Certified State and Local Development Company Program the Lease Guarantees and the Pollution Control Guarantee Program. While the SBIAct may authorize all of these programs, assistance under the Lease Guarantee and the Pollution Control Guarantee Programs has not been available for several years. Nor

does SBA intend for this regulation to be understood as re-establishing the availability of assistance under those programs. Hence, since this legislation now extends the exclusion form affiliation to small concerns that apply for any type of assistance under the SBIAct, the exclusion from affiliation applies solely to applicants for available financial, management, or technical assistance under the SBIC, the Surety Bond Guarantee, and the Certified State and Local Development Company Programs.

SBA is issuing this as a final rule and not as a proposed rule, because Sba is merely incorporating this Congressionally mandated interpretation and clarification of the definition of small business into its existing regulations. SBA is not modifying or othewise changing its regulations in any way other than to the extent that the statute directs the Agency to do so.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601, et seq.), and the Paperwork Reduction Act (44 U.S.C. Ch. 5).

Under the Regulatory Flexibility Act (RFA), SBA is not required to analyze the impact of this revision of its size regulations on small businesses because: the RFA applies to Federal rules that require public comment; and this is a final rule, incorporating into SBA's Small Business Size Regulations a Congressionally mandated interpretation and clarification of the definition of small business, and therefore requires no comment. In Fiscal Year 1995 SBICs invested in 2,221 enterprises. SBA believes that clarifying this definition actually increases the number of small businesses that may apply for assistance under the SBIAct. It also provides more programs under which these small businesses may seek assistance. Under this amendment, venture capital companies can invest in small businesses confident that they are not jeopardizing a small business' eligibility for additional funding and assistance as well.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA certifies that this final rule contains no new reporting or recordkeeping requirements. For purposes of Executive Order 12612, SBA certifies that this rule does not have federalism implications warranting the preparation of a Federalism Assessment. For purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

List of Subjects in 13 CFR Part 121

Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Small businesses.

PART 121—[AMENDED]

1. The authority citation for 13 CFR Part 121 is revised to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a), 644(c) and 662(5);

2. Section 121.103(b)(5) introductory text is revised to read as follows:

* * * * *

(5) For financial, management or technical assistance under the Small Business Investment Company Act of 1958, as amended, (and applicant is not affiliated with the investors listed in paragraphs (b)(5)(I) through (vi) of this section.

* * * * *

Dated: February 24, 1997.

Aida Alvarez,

Administrator.

[FR Doc. 97–5739 Filed 3–11–97; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–SW–24–AD; Amendment 39–9959; AD 97–06–02]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B–1 and 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214B, 214B–1, and 214ST helicopters, that currently establishes a retirement life of 40,000 high-power events for the lower planetary spider (spider). This amendment changes the method of calculating the retirement life for the spider from high-power events to a maximum accumulated Retirement Index Number (RIN) of 80,000, and makes this RIN applicable to an additional part-numbered spider. This amendment is prompted by fatigue analyses and tests that show certain spiders fail sooner than originally anticipated because of the unanticipated higher number of external load lifts and takeoffs (torque events) performed with those spiders, in addition to the time-in-service (TIS) accrued under other operating conditions. The actions specified by this AD are intended to prevent fatigue failure of the spider, which could result in failure of the main transmission and subsequent loss of control of the helicopter.

EFFECTIVE DATE: April 16, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Ft. Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Mr. Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Certification Office, Rotorcraft Directorate, Fort Worth, Texas 76193–0170, telephone (817) 222–5157, fax (817) 222–5959.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93–05–02, Amendment 39–8608 (58 FR 45833, August 31, 1993), which is applicable to BHTI Model 214B, 214B–1, and 214ST helicopters, was published in the Federal Register on November 14, 1996 (61 FR 58353). That action proposed changing the method of calculating the retirement life for the spider from high-power events to a maximum accumulated RIN of 80,000, and proposed making this RIN applicable to an additional part-numbered spider.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with some editorial changes. The FAA has determined that these changes will neither increase the economic burden on any operator nor expand the scope of the AD.

The FAA estimates that 11 helicopters of U.S. registry will be affected by this AD, that it will take approximately (1) 48 work hours to replace a spider affected by the new method of determining the retirement life required by this AD; (2) 2 work hours per helicopter to create the component history card or equivalent record (record), and (3) 10 work hours per helicopter to maintain the record each year, and that the average labor rate is $60 per work hour. Required parts will cost approximately $10,920 per helicopter. Based on these figures, the