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SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY:

U.S. Small Business Administration

ACTION:

Reopen the public comment period for 78 FR 42817.

SUMMARY:

The U.S. Small Business Administration is reopening the public comment period for the notice to rescind a class waiver of the Nonmanufacturer Rule for *All Other Miscellaneous Electrical Equipment and Component Manufacturing*, North American Industry Classification System (NAICS) code 335999, Product Service Code (PSC) 5999, made available for public comment on July 17, 2013 (78 FR 42817). The public comment period for the notice to rescind this class waiver closed on August 1, 2013, and, because of a public request to reopen, is reopened and will close on **[Insert date 30 Days from date of publication in the FR]**.

The public comment period for the notice was initially published on July 17, 2013 (78 FR 42817,) and closed on August 1, 2013. A small business manufacturer requested the public comment period be reopened to allow submission of additional data. The SBA reviewed the request to reopen the public comment period and decided to grant the request. The public comment period shall reopen with an end **[30 Days from date of publication in the FR]**.

FOR FURTHER INFORMATION CONTACT:

You may submit comments, identified by docket number SBA-2013-17035, by any of the following methods:

- *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier*: Edward Halstead, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street SW., 8th floor, Washington, DC 20416.

All comments will be posted on www.Regulations.gov. If you wish to include within your comment confidential business information (CBI) as defined in the Privacy and Use Notice/User Notice at www.Regulations.gov and you do not want that information disclosed, you must submit the comment by either Mail or Hand Delivery. In the submission, you must highlight the information that you consider is CBI and explain why you believe this information should be withheld as confidential. SBA will make a final determination, in its sole discretion, as to whether the information is CBI and therefore will be published or withheld.

FOR FURTHER INFORMATION CONTACT:

Edward Halstead, (202) 205-9885, Edward.halstead@sba.gov.

SUPPLEMENTARY INFORMATION:

Section 8(a)(17) of the Small Business Act (the Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations generally require that recipients of Federal supply contracts that are set aside for small businesses, Small Disabled Veteran Owned Small Business, Women-Owned Small Businesses, or Participants in the SBA's 8(a) Business Development Program provide the product of a domestic small business manufacturer or processor if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b). The Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market. In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract or received a contract from the Federal government within the last 24 months. 13 CFR 121.1202(c). SBA defines "class of products" as an individual subdivision within a North American Industry Classification System (NAICS) Industry Number as established by the Office of Management and Budget in the NAICS Manual. 13 CFR 121.1202(d). In addition, SBA uses Product Service Codes (PSCs) to further identify particular products within the NAICS code to which a waiver would apply. SBA may then identify a specific item within a PSC and NAICS code to which a class waiver would apply.

On July 17, 2013, SBA published a notice in the *Federal Register* announcing that SBA was considering rescinding a class waiver of the Nonmanufacturer Rule for *All Other Miscellaneous Electrical Equipment and Component Manufacturing*, NAICS code 355999, based on information submitted by a small business manufacturer of *All Other Miscellaneous Electrical Equipment and Component Manufacturing*, that has done business with the Federal government within the previous 24 months. 78 FR 42817. The public comment period for the notice to rescind the class waiver under this NAICS code closed on August 1, 2013. This notice announces a reopening of the public comment period until **[Insert date 30 Days from date of publication in the FR]**.

Ajoy K. Sinah,

Deputy Director, Office of Government Contracting.

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