

Proposed Rules

Federal Register

Vol. 64, No. 62

Thursday, April 1, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Request for Comments

AGENCY: Small Business Administration.
ACTION: Request for comments.

SUMMARY: The Small Business Administration (SBA) is requesting public comment on the definition "Manufacturer," which appears in SBA's regulations on small business size standards, as it applies to the computer industry. Because some in the computer industry have interpreted this definition too broadly, SBA's Nonmanufacturer Rule may have been applied inappropriately. The Nonmanufacturer Rule is intended to provide assurance that agency contract awards are directed solely for the purpose of assisting and developing small business manufacturers. In order to provide more precise guidance on the application of the Nonmanufacturer Rule, SBA, in conjunction with public input, wants to develop a modern definition of the term "Manufacturer" and to establish a new definition for the term "Remanufacturer."

DATES: Submit comments on or before June 1, 1999.

ADDRESSES: Submit comments to David Wm. Loines, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: David Wm. Loines, Procurement Analyst, (202) 205-6475, FAX (202) 205-7324.

SUPPLEMENTARY INFORMATION: The Small Business Administration (SBA) is requesting public comment on the definition "Manufacturer," which appears in SBA's regulations on small business size standards, as it applies to the computer industry. In 13 CFR 121.406(b)(2), SBA currently defines Manufacturer as "the concern which, with its own facilities, performs the primary activities in transforming

inorganic or organic substances, including the assembly of parts and components, into the end item being acquired." Some computer industry businesses believe that SBA's definition of Manufacturer is too broad, and allows a firm that has made only minor modifications to a finished product (manufactured by another company) to be classified as a Manufacturer. This loose interpretation of the definition may have caused the inappropriate application of SBA's Nonmanufacturer Rule (13 CFR 121.406 (b)). The Nonmanufacturer Rule is intended to provide assurance that agency contract awards are directed solely for the purpose of assisting and developing small business manufacturers.

In order to provide more precise guidance on the application of the Nonmanufacturer Rule, SBA, in conjunction with public input, wants to develop a current definition of the term "Manufacturer," and a new definition for the term "Remanufacturer." SBA has developed the following description for Remanufacturer: "any person that processes, conditions, renovates, repackages, restores, or does any other act to a finished product that significantly changes the finished products performance or specification, or intended use." SBA would appreciate comments from the public.

The SBA also seeks public comment and industry-based data on the specific questions listed below. Commenters are not limited to, nor obligated to address, every question. In providing comments, please key your response to the number of the applicable question (e.g., "Response to question 1."). Please be industry specific. Comments should be as precise as possible. The use of examples is encouraged.

Comments are requested on the following issues:

1. Should small business concerns that make minor modifications to finished products be classified as manufacturers?
2. What is manufacturer in the computer industry (hardware, Value-added changes, Software)?
3. What classifies as minor modifications?
4. Should Value-Added Resellers (VARs) be considered manufacturers?
5. Should the definition for Remanufacturer be used to describe these small businesses?

6. Your recommendation(s) for classifying these types of small businesses as manufacturers.

7. The impact that a reclassification of these small businesses would have on the small business community.

Dated: March 5, 1999.

Richard L. Hayes,

Associate Deputy Administrator for Government Contracting and Minority Enterprise Development.

[FR Doc. 99-7740 Filed 3-31-99; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-AWS-08]

Proposed Revocation of Class D Airspace; Dallas NAS, Dallas, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the Class D airspace area at Dallas Naval Air Station (NAS), Dallas, TX. The FAA is taking this action due to the closure of Dallas NAS. The United States Navy no longer requires use of the airspace. The intended effect of this proposal is to revoke the Class D airspace at Dallas NAS since it is no longer needed.

DATES: Comments must be received on or before June 1, 1999.

ADDRESSES: Send comments on the proposal in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 99-ASW-08, Fort Worth, TX 76193-0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX, between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. As informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, southwest Region, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air