

with another firm in the same or similar line of business, and that firm or an owner, director, officer, or manager, or a direct relative of an owner, director, officer, or manager of that firm owns an equity interest in the concern.

(5) A non-service-disabled veteran individual or entity, having an equity interest in the concern, provides critical financial or bonding support.

(6) In circumstances where a critical license is held by a non-service-disabled individual, or other entity, the non-service-disabled individual or entity may be found to control the firm. A critical license is considered any license that would normally be required of firms operating in the same field or industry, regardless of whether a specific license is required on a specific contract.

(7) Business relationships exist with non-service-disabled veteran individuals or entities which cause such dependence that the applicant or concern cannot exercise independent business judgment without great economic risk.

(j) *Critical financing.* A non-service-disabled veteran individual or entity may be found to control the concern through loan arrangements with the concern or the service-disabled veteran(s). Providing a loan or a loan guaranty on commercially reasonable terms does not, by itself, give a non-service-disabled veteran individual or entity the power to control a firm, but when taken into consideration with other factors may be used to find that a non-service-disabled firm or individual controls the concern.

(k) *Normal business hours.* There is a rebuttable presumption that a service-disabled veteran does not control the firm when the service-disabled veteran is not able to work for the firm during the normal working hours that businesses in that industry normally work. This may include, but is not limited to, other full-time or part-time employment, being a full-time or part-time student, or any other activity or obligation that prevents the service-disabled veteran from actively working for the firm during normal business operating hours.

(l) *Close proximity.* There is rebuttable presumption that a service-disabled veteran does not control the firm if that individual is not located within a reasonable commute to firm's headquarters and/or job-sites locations, regardless of the firm's industry. The service-disabled veteran's ability to answer emails, communicate by telephone, or to communicate at a distance by other technological means, while delegating the responsibility of

managing the concern to others is not by itself a reasonable rebuttal.

(m) *Exception for "extraordinary circumstances."* SBA will not find that a lack of control exists where a service-disabled veteran does not have the unilateral power and authority to make decisions in "extraordinary circumstances." The only circumstances in which this exception applies are those articulated in the definition.

(n) *Exception for reservists recalled to active duty.* Notwithstanding the provisions of this section requiring a service-disabled veteran to control the daily business operations and long-term strategic planning of a concern, where a service-disabled veteran individual upon whom eligibility is based is a reserve component member in the United States military who has been recalled to active duty, the concern may elect to designate in writing one or more individuals to control the concern on behalf of the service-disabled veteran during the period of active duty. The concern will not be considered ineligible based on the absence of the service-disabled veteran during the period of active duty. The concern must keep records evidencing the active duty and the written designation of control, and provide those documents to VA, and if requested to SBA.

■ 5. Amend § 125.22 by revising paragraph (a) to read as follows:

**§ 125.22 When may a contracting officer set-aside a procurement for SDVO SBCs?**

(a) The contracting officer first must review a requirement to determine whether it is excluded from SDVO contracting pursuant to § 125.21.

\* \* \* \* \*

■ 6. Amend § 125.23 by revising paragraphs (a) and (b) to read as follows:

**§ 125.23 When may a contracting officer award sole source contracts to SDVO SBCs?**

\* \* \* \* \*

(a) None of the provisions of § 125.21 or § 125.22 apply;

(b) The anticipated award price of the contract (including options) will not exceed \$6,500,000 in the case of a contract assigned a NAICS code for manufacturing, or \$4,000,000 in the case of any other contract opportunity;

\* \* \* \* \*

Dated: January 18, 2018.

**Linda E. McMahon,**  
*Administrator.*

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**NATIONAL LABOR RELATIONS BOARD**

**29 CFR Parts 101 and 102**

**RIN 3142-AA12**

**Representation-Case Procedures**

**AGENCY:** National Labor Relations Board.

**ACTION:** Request for information; extension of time to submit responses.

**SUMMARY:** The National Labor Relations Board (the Board) published a Request for Information in the **Federal Register** on December 14, 2017, seeking information from the public regarding its representation election regulations, with a specific focus on amendments to the Board's representation case procedures adopted by the Board's final rule published on December 15, 2014. The date to submit responses to the request for information is extended for three days as a result of the lapse in appropriations for the Federal government. The Board is also granting an additional 30 days to file responses to the request for information.

**DATES:** Responses to the request for information must be received by the Board on or before March 19, 2018. No late responses will be accepted. Responses are limited to 25 pages.

**ADDRESSES:** Electronic responses may be submitted by going to [www.nlrb.gov](http://www.nlrb.gov) and following the link to submit responses to this request for information. The Board encourages electronic filing. If you do not have the ability to submit your response electronically, responses may be submitted by mail to: Roxanne Rothschild, Deputy Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570.

Dated: January 24, 2018.

**Roxanne Rothschild,**

*Deputy Executive Secretary.*

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**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 901**

[SATS No. AL-081-FOR; Docket ID: OSM-2017-0006; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520]

**Alabama Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.