

**SMALL BUSINESS ADMINISTRATION****13 CFR Part 121****Small Business Size Standards; Waiver of the Nonmanufacturer Rule**

**AGENCY:** Small Business Administration.

**ACTION:** Notice to waive the Nonmanufacturer Rule for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones.

**SUMMARY:** This notice advises the public that the Small Business Administration (SBA) is establishing a waiver of the Nonmanufacturer Rule for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. The basis for a waiver is that no small business manufacturers are available to participate in the Federal market for these products. The effect of a waiver will allow otherwise qualified nonmanufacturers to supply the products of any domestic manufacturer on a Federal contract set-aside for small businesses or awarded through the SBA 8(a) Program.

**EFFECTIVE DATE:** July 20, 1998.

**ADDRESSES:** David Wm. Loines, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street S.W., Washington, DC 20416, Tel: (202) 205-6475.

**FOR FURTHER INFORMATION CONTACT:** David Wm. Loines, (202) 205-6475.

**SUPPLEMENTARY INFORMATION:** Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set-aside for small businesses or the SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal Government within the last 24 months. The SBA defines "class of products" based on two coding systems. The first is the

Office of Management and Budget Standard Industrial Classification Manual. The second is the Product and Service Code (PSC) established by the Federal Procurement Data System.

The SBA was asked to issue a waiver for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones because of an apparent lack of any small business manufacturers or processors for them within the Federal market. The SBA searched its Procurement Marketing and Access Network (PRO-net) for small business participants and found none. We then published a notice in the **Federal Register** on April 23, 1998 (vol. 63, no. 78, p. 20139), of our intent to grant a waiver for these classes of products unless new information was found. The proposed waiver covered Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. The notice described the legal provisions for a waiver, how SBA defines the market, and asked for small business participants of these classes of products.

After the 15-day comment period, no small businesses were identified for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. This waiver is being granted pursuant to statutory authority under section 303(h) of Public Law 100-656 for Towers, Telegraph Apparatus, Turbines, Cellular Handsets and Telephones, Automobile Motor Vehicles, Motor Trucks, and Radiotelephones. The waiver will last indefinitely but is subject to both an annual review and a review upon receipt of information that the conditions required for a waiver no longer exist. If such information is found, the waiver may be terminated.

**Judith A. Roussel,**

*Associate Administrator for Government Contracting.*

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**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 97-SW-58-AD; Amendment 39-10421; AD 98-07-03]

**RIN 2120-AA64**

**Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A Model AB 412 Helicopters; Correction**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a technical bulletin date in airworthiness directive (AD) 98-07-03 that was incorrectly published in the **Federal Register** on March 24, 1998 (63 FR 14026). This AD is applicable to Bell Helicopter Textron, Inc. Model 412 helicopters and Agusta S.p.A Model AB 412 helicopters and requires a temporary reduction of the never-exceed velocity (Vne) limitation until an inspection of the tail rotor yoke (yoke) assembly for fatigue damage and installation of a redesigned yoke flapping stop are accomplished. Recurring periodic and special inspections to detect occurrences of yoke overload are also required.

**DATES:** Effective April 8, 1998.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of April 8, 1998 (63 FR 14026, March 24, 1998).

**FOR FURTHER INFORMATION CONTACT:** Mr. Shep Blackman, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5296, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:**

Airworthiness Directive (AD) 98-07-03, amendment 39-10421, applicable to Bell Helicopter, Textron, Inc. Model 412 Helicopters and Agusta S.p.A Model AB 412 helicopters was published in the **Federal Register** on March 24, 1998 (63 FR 14026). That AD requires a temporary reduction of the Vne limitation until an inspection of the yoke assembly for fatigue damage and installation of a redesigned yoke flapping stop are accomplished. Recurring periodic and special inspections to detect occurrences of yoke overload are also required.

As published, the Agusta Technical Bulletin date given in the Supplementary Information and in paragraphs (c)(1) and (g) is incorrect.