

*Incident Period:* 07/03/2013 through 07/13/2013.

*Effective Date:* 09/25/2013.

*Physical Loan Application Deadline Date:* 11/25/2013.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/25/2014.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 09/25/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Jackson, Macon, Madison, Mitchell, Polk, Watauga, Yancey, and the Eastern Band of Cherokee Indians.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere .....	2.875
<i>For Economic Injury:</i>	
Non-Profit Organizations Without Credit Available Elsewhere .....	2.875

The number assigned to this disaster for physical damage is 13783B and for economic injury is 13784B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**  
Associate Administrator for Disaster Assistance.

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**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

### Small Business Size Standards: Waiver of the Nonmanufacturer Rule

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of Final Action: Partial Waiver Rescission of the Nonmanufacturer Rule for Aerospace Ball and Roller Bearings.

**SUMMARY:** The U.S. Small Business Administration (SBA) received a request from a small business manufacturer of Aerospace Ball and Roller Bearings to rescind the Class Waiver of the Nonmanufacturer Rule (NMR) for Aerospace Ball and Roller Bearings, under North American Industry Classification System (NAICS) code 332991, Product Service Codes (PSC) 3110. Based on public comments and analysis of data submitted, SBA has determined that several small business manufacturers of aerospace ball and roller bearings exist for many, but not all, of the aerospace ball and roller bearings the Federal government requires. As a result, SBA is partially rescinding the Class Waiver for aerospace ball and roller bearings and replacing it with a class waiver for 305 aerospace ball and roller bearings. A list of the specific 305 aerospace ball and roller bearings can be accessed by accessing the following URL: [http://www.sba.gov/sites/default/files/files/NMR\\_WAIVED\\_3110\\_BEARING\\_LIST.pdf](http://www.sba.gov/sites/default/files/files/NMR_WAIVED_3110_BEARING_LIST.pdf). The partial rescission of this class waiver will require recipients of Federal contracts set aside for small businesses, Service-Disabled Veteran-Owned small businesses, Participants in SBA's 8(a) Business Development Program, or Women-Owned Small Businesses to provide aerospace ball and roller bearings manufactured by small businesses, unless an Individual Waiver of the NMR is granted by SBA or the required bearing is found on the list of aerospace ball and roller bearings for which a class waiver has been granted, maintained by SBA at the aforementioned URL.

**DATES:** This action is effective the date of publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Edward Halstead, (202) 205-9885, [Edward.halstead@sba.gov](mailto:Edward.halstead@sba.gov).

**SUPPLEMENTARY INFORMATION:** Sections 8(a)(17) and 46 of the Small Business Act (the Act) and SBA's implementing regulations generally require that recipients of Federal supply contracts that are set aside for small businesses, Service-Disabled Veteran-Owned small businesses, 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. 15 U.S.C. 637(a)(17), 657s; 13

CFR 121.406(b). This requirement is commonly referred to as the Nonmanufacturer Rule. 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. See 13 CFR 121.1202(c). SBA defines "class of products" as an individual subdivision within a North American Industry Classification System (NAICS) Code as established by the Office of Management and Budget in the NAICS Manual. See 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 April 16, 2001, SBA granted a class waiver for aerospace ball and roller bearings, consisting of, but not limited to, annular ball bearings, cylindrical ball bearings, linear ball bearings, linear roller bearings, needle roller bearings, ball or roller bearing races, roller bearings, tapered roller bearings and thrust roller bearings, identified within NAICS code 332991 under PSC 3110. 66 FR 19381.

Subsequently, a small business manufacturer of roller bearings notified SBA that their firm had lost several aerospace ball and roller bearing contract bids based on the existence of the class waiver and brought to SBA's attention that several small business manufacturers of roller bearing had submitted proposals for bearings contracts or received bearings contracts from the Federal government within the previous 24 months.

On April 4, 2013, SBA published a notice in the **Federal Register** stating that SBA was considering a complete rescission of the NMR class waiver for aerospace ball and roller bearings. 78 FR 20371. The initial public comment period closed May 4, 2013. Subsequently, the public comment period was extended once and reopened once, and closed for the final time on June 25, 2013. Fourteen comments were received from ten submitters.

Some commenters opposed a total rescission of the class waiver. A small business distributor of aerospace ball and roller bearings expressed concern that a total rescission would have a

devastating impact on small value-added distributors. As such, the commenter suggested that SBA analyze data to determine which specific bearings, if any, are manufactured by small manufacturers. A small businesses manufacturer of bearings expressed similar concern over the impact of a complete rescission of this class waiver.

Several commenters supported the proposal for a total rescission of the class waiver. One commenter stated that the class waiver has resulted in severely limiting opportunities for small business manufacturers of these items and acted as a disincentive to a number of small business manufacturers to develop and sell products under this category. Another commenter supported the proposal on the basis that its participation in the federal arena was paramount to its continued viability.

The Defense Logistics Agency (DLA) suggested a partial rescission of the class waiver, based on the possible damage to the small business dealer base that might result from a complete rescission of the class waiver. DLA provided a list of bearings for which there was no known small business manufacturers in existence. Another commenter expressed support for DLA's recommendation of a partial rescission. The commenter noted that a partial rescission of the class waiver would strike the balance of meeting the Government's needs while stimulating the growth and development of small business manufacturers of aerospace ball and roller bearings who have the capabilities and resources to meet standard commercial item descriptions. The commenter further noted that a partial rescission of the class waiver would not only invigorate domestic small business bearing manufacturers to develop new procedures and abilities, but it would also encourage others who have been on the side lines because of this waiver to reenter the market and some to enter the market.

SBA considered all of the comments and data presented by all of the commenters. After conducting independent market analysis, analyzing the data submitted by DLA and small bearing manufacturers, and considering public comments, SBA has decided to partially rescind the Aerospace Ball and Roller Bearing Class Waiver and replace it with a waiver for 305 specifically identified aerospace ball and roller bearings, which can be viewed at: <http://www.sba.gov/sites/default/files/>

*files/NMR\_WAIVED\_3110\_BEARING\_LIST.pdf.*

**Judith Roussel,**

*Director, Office of Government Contracting.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Public Comments on the Caribbean Basin Economic Recovery Act and the Caribbean Basin Trade Partnership Act: Report to Congress

**AGENCY:** Office of the United States Trade Representative (USTR).

**ACTION:** Notice and request for public comment.

**SUMMARY:** The Trade Policy Staff Committee (TPSC) is seeking the views of interested parties on the operation of the Caribbean Basin Economic Recovery Act (CBERA), as amended by the Caribbean Basin Trade Partnership Act (CBTPA) (19 U.S.C. 2701 et seq.). Section 212(f) of the CBERA, as amended, requires the President to submit a report to Congress regarding the operation of the CBERA and CBTPA (together commonly referred to as the Caribbean Basin Initiative, or CBI) on or before December 31, 2001, and every two years thereafter. The TPSC invites written comments concerning the operation of the CBI, including comments on the performance of each CBERA and CBTPA beneficiary country under the criteria described in sections 212(b), 212(c), and 213(b)(5)(B) of CBERA, as amended. This information will be used in the preparation of the report to Congress on the operation of the program.

**DATES:** Public comments are due at USTR no later than 5 p.m., November 1, 2013.

**ADDRESSES:** USTR strongly prefers electronic submissions made at <http://www.regulations.gov>, docket number USTR-2013-0036 (see "Requirements for Submission" below). If you are unable to make a submission at [www.regulations.gov](http://www.regulations.gov), please contact Don Eiss, Trade Policy Staff Committee, at (202) 395-3475 to make other arrangements.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning written comments, contact Don Eiss, Office of the United States Trade Representative, at (202) 395-3475. All other questions should be directed to Fran Huegel, Office of the Western Hemisphere, Office of the United States Trade Representative, 600 17th Street NW.,

Room 523, Washington, DC 20508. The telephone number is (202) 395-9588.

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to submit comments on any aspect of the program's operation, including the performance of CBERA and CBTPA beneficiary countries, as the case may be, under the criteria described in sections 212(b), 212(c), and 213(b)(5)(B) of the CBERA, as amended. Those criteria may be accessed at <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title19/html/USCODE-2011-title19-chap15.htm> and are summarized below. Other issues to be examined in this report include: The CBI's effect on the volume and composition of trade and investment between the United States and the Caribbean Basin beneficiary countries; and its effect on advancing U.S. trade policy goals as set forth in the CBTPA. The following countries are both CBERA and CBTPA beneficiary countries: Barbados, Belize, Guyana, Haiti, Jamaica, Saint Lucia, and Trinidad and Tobago. Antigua and Barbuda, Aruba, The Bahamas, British Virgin Islands, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines currently receive benefits only under CBERA. Panama ceased to be designated as a beneficiary country when the Panama-United States Trade Promotion Agreement entered into force on October 31, 2012.

### Eligibility Criteria for CBI Beneficiary Countries

In determining whether to designate a country as a CBTPA beneficiary country, the President must take into account the criteria contained in sections 212(b) and (c) of CBERA, and other appropriate criteria, including, *inter alia*, the following:

(1) Whether the beneficiary country has demonstrated a commitment to undertake its obligations under the World Trade Organization (WTO) on or ahead of schedule and participate in negotiations toward the completion of the Free Trade Area of the Americas (FTAA) or another free trade agreement.

(2) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights.

(3) The extent to which the country provides internationally recognized worker rights including—

- (I) The right of association;
- (II) The right to organize and bargain collectively;
- (III) A prohibition on the use of any form of forced or compulsory labor;