

Federal supply contracts set-aside for small businesses, SDVO small businesses, WOSB concerns, or Participants in the SBA's 8(a) BD Program provide the product of a 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. See 13 CFR 121.406(b), 125.15(c), 127.505. Sections 8(a)(17)(B)(iv)(II) and 46(a)(4)(B) of the Act authorize SBA to waive the Nonmanufacturer Rule for any "class of products" (known as a "class waiver") 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 solicitation 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 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 PSCs to further identify particular products within the NAICS Code to which a waiver would apply. SBA may then identify a specific item with a PSC and NAICS code to which a class waiver would apply.

SBA received a request to waive the Nonmanufacturer Rule for commercial ovens and broilers, PSC 7310, under NAICS code 333319 (Other Commercial and Service Industry Machinery Manufacturing). (Note: On October 1, 2012, the NAICS code for Ovens, commercial-type, manufacturing, Ranges, commercial-type, manufacturing and Gas ranges, commercial-type, manufacturing changed from 333319 to 333318.)

On May 22, 2013, SBA published in the **Federal Register** a notice of intent to waive the Nonmanufacturer Rule for the above-listed class of products. 78 FR 12108. SBA announced in the notice that it was soliciting comments and sources of small business manufacturers of this class of products. In addition, SBA used the Dynamic Small Business Search (DSBS) database to conduct independent market research. This research did not reveal any small business manufacturers that participated in the Federal market during the previous 24 months.

In response to this notice, SBA received two comments. One respondent, a small business commercial appliance equipment

dealer, claimed their market research found no small business manufacturers of this type of equipment that had conducted business with the Federal government within 24 months prior to June 1, 2013. Both respondents supported the granting of a class waiver of the Nonmanufacturer Rule for commercial-type ovens, ranges, and gas ranges. Both respondents stated that a class waiver of the Nonmanufacturer Rule would increase set-aside contract opportunities for all small businesses in an industry dominated by large businesses.

SBA considered all of the comments submitted, and after conducting thorough market research analysis, has concluded that there are no small business manufacturers of Commercial-type Ovens, Ranges, and Gas ranges. As a result, SBA is granting a class waiver of the Nonmanufacturer Rule for Commercial-type Ovens, Commercial-type Ranges, and Commercial-Type Gas ranges, under PSC 7310, NAICS Code 333318. The effect of this class waiver is to allow otherwise qualified small businesses to supply the products of other than small manufacturers or processors on intended small business set-aside contracts. However, it must be emphasized that this class waiver of the Nonmanufacturer Rule does not waive other legal requirements applicable to Government procurements, such as the Buy American Act and the Trade Agreements Act.

**Judith A. Roussel,**

*Director, Office of Government Contracting.*

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## DEPARTMENT OF STATE

[Public Notice 8561]

**In the Matter of the Designation of Al-Mulathamun Battalion, Also Known as al-Mulathamun Brigade, Also Known as al-Muwaqqi'un bil-Dima, Also Known as Those Signed in Blood Battalion, Also Known as Signatories in Blood, Also Known as Those Who Sign in Blood, Also Known as Witnesses in Blood, Also Known as Signed-in-Blood Battalion, Also Known as Masked Men Brigade, Also Known as Khaled Abu al-Abbas Brigade, Also Known as al-Mulathamun Masked Ones Brigade, Also Known as al-Murabitoun, Also Known as The Sentinels, as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act, as Amended**

Based upon a review of the Administrative Record assembled in this matter and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to the al-Mulathamun Battalion, also known as al-Mulathamun Brigade, also known as al-Muwaqqi'un bil-Dima, also known as Those Signed in Blood Battalion, also known as Signatories in Blood, also known as Those who Sign in Blood, also known as Witnesses in Blood, also known as Signed-in-Blood Battalion, also known as Masked Men Brigade, also known as Khaled Abu al-Abbas Brigade, also known as al-Mulathamun Masked Ones Brigade, also known as al-Murabitoun, also known as The Sentinels.

Therefore, I hereby designate the aforementioned organization and its aliases as a Foreign Terrorist Organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: December 6, 2013.

**John F. Kerry,**

*Secretary of State.*

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