



Federal Register

**Tuesday,
May 27, 2003**

Part XLIV

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Regulatory Agenda

AGENCY: Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: The entries below represent SBA's 48th semiannual regulatory agenda (agenda). SBA drafted the agenda to meet both the criteria and the spirit of the regulatory review process. SBA publishes this agenda pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

FOR FURTHER INFORMATION CONTACT: For further information on agenda items,

SBA encourages the public to contact the individual agency official referenced in each entry. For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin S. Conrey, Acting Assistant General Counsel for Legislation and Regulations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 619-0638.

SUPPLEMENTARY INFORMATION: SBA's semiannual regulatory agenda is designed to increase public knowledge of SBA's anticipated regulatory activities. Publication may encourage increased public participation in the regulatory review and development process.

SBA's agenda is divided into three parts: Part I, Proposed Rules (includes those rules that are likely to be proposed during the next 12 months); Part II, Final Rules (includes proposed rules that will probably be finalized during the agenda period); Part III, Completed Actions (includes regulations completed or withdrawn and any reviews completed since the preceding agenda).

Publication of the agenda does not impose any binding obligation on SBA with regard to any specific item. Moreover, regulatory actions not listed in the agenda are not precluded. SBA regulations are developed in a manner that promotes economic growth without imposing unnecessary regulatory burdens on the public.

Hector V. Barreto,
Administrator.

Small Business Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3652	Surety Bond Guarantee	3245-AE13

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3653	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration	3245-AC96
3654	Disclosure of Information Regulations; Subpart B	3245-AE03
3655	Small Business Development Centers (SBDC) Program Revisions	3245-AE05
3656	Small Business Lending Companies Regulations	3245-AE14
3657	8(a) Business Development/Program Improvement and Technical Amendments	3245-AE38
3658	Development Company Loan (504) Program Changes	3245-AE41
3659	SDB Certification and Eligibility—Program Improvement and Technical Amendments	3245-AE47
3660	Small Business Investment Companies—Civil Penalties for Late Submission of Required Reports	3245-AE69
3661	Small Business Investment Companies—Amendment Under the Small Business Reauthorization Act of 2000	3245-AE70
3662	Small Business Size Regulations; Small Business Innovation Research Program	3245-AE76
3663	Small Business Investment Companies—Maximum Leverage Eligibility	3245-AE79
3664	Small Business Size Standards; Surety Bond Guarantee Program	3245-AE81
3665	Business Loans and Development Company Loans; Applications by Certified Development Companies (CDCs) for Liquidation and Litigation Authority/Uniform Liquidation and Litigation Procedures	3245-AE83
3666	Small Business Technology Transfer Program Policy Directive	3245-AE96
3667	Small Business Size Standards; New Car Dealers	3245-AF01
3668	Size for Purposes of the Multiple Award Schedule and Other Multiple Award Contracts; Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations	3245-AF06

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3669	Administrative Wage Garnishment and Administrative Offset	3245-AE50

SBA

Small Business Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3670	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs or Activities Receiving Federal Financial Assistance	3245-AE59
3671	HUBZone Empowerment Contracting Program	3245-AE66
3672	Business Loans and Development Company Loans 2000 Act Changes	3245-AE68
3673	Small Business Size Standards; Testing Laboratories	3245-AE78
3674	Small Business Size Standards; Information Technology Value Added Resellers	3245-AE80
3675	Small Business Size Standards; Forest Fire Suppression and Fuels Management Services	3245-AE89
3676	Small Business Size Regulations: Rules of Procedure Governing Cases Before the Office of Hearings and Appeals	3245-AE92
3677	Record Disclosure and Privacy; The Electronic Freedom of Information Act Amendments of 1996	3245-AE94
3678	Small Business Size Standards; Facilities Support Services (Including Base Maintenance)	3245-AF03
3679	Prime Contracting Assistance; Contract Bundling	3245-AF07

Small Business Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3680	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	3245-AE61

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3681	Size Standards: Inflation Adjustment	3245-AE56
3682	Small Business Size Regulation; Petroleum Refineries	3245-AE84
3683	New Markets Venture Capital Program; Amendments	3245-AE91
3684	Disaster Loan Program—Disaster Mitigation Act of 2000	3245-AE97
3685	Small Business Size Standards; Tour Operators	3245-AE98
3686	Small Business Size Standards; Job Corp Centers	3245-AF02

Small Business Administration—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
3245-AE87	Business Loans and Development Company Loans; Premier Certified Lender Program (PCLP)	04/29/2003	Merged With 3245-AE41

Small Business Administration (SBA)

Prerule Stage

3652. SURETY BOND GUARANTEE**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC app 3; 15 USC 687b; 15 USC 694b; PL 105-135; 15 USC 687c; 15 USC 694a**CFR Citation:** 13 CFR 115**Legal Deadline:** None**Abstract:** SBA is considering revising the Preferred Surety Bond and the Prior Approval program regulations to simplify the language, make the rule easier to understand, and clarify policy.**Timetable:**

Action	Date
ANPRM	09/00/03

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Dionne Neal, Acting AA, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW, Washington, DC 20416

SBA

Prerule Stage

Phone: 202 205-6549

RIN: 3245-AE13

Small Business Administration (SBA)

Proposed Rule Stage

3653. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE SMALL BUSINESS ADMINISTRATION**Priority:** Other Significant**Legal Authority:** 15 USC 684; 15 USC 637(a)(18); 15 USC 637(a)(19); EO 12674**CFR Citation:** 5 CFR 5400**Legal Deadline:** None

Abstract: The SBA and the Office of Government Ethics (OGE) are jointly issuing this rule, which is designed to establish uniform standards of ethical conduct for the officers and employees of the SBA. The rule will be published at 5 CFR chapter XLIV and will supplement the Standards of Ethical Conduct for Employees of the executive branch issued by the OGE (57 FR 35006; August 7, 1992). The rule is necessary to supplement the standards issued by OGE because it addresses ethical issues that are unique to SBA.

Timetable:

Action	Date
NPRM	03/00/04

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Robinson S. Nunn, Chief Counsel for Ethics, Small Business Administration, 409 Third Street SW, 7th Floor, Washington, DC 20416

Phone: 202 205-6642

RIN: 3245-AC96

3654. DISCLOSURE OF INFORMATION REGULATIONS; SUBPART B**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104-231; 5 USC 552**CFR Citation:** 13 CFR 102**Legal Deadline:** None

Abstract: This proposed regulation will amend 13 CFR 102, amendments to subpart B "The Privacy Act" (PA). This action proposes to add new routine

disclosures, correct the definition of "system of records," require identification of requestors, clarify when lack of social security number can cause benefit denial, and provide for one free copy of an official personnel file.

Timetable:

Action	Date
NPRM	12/00/03

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Lisa Babcock, Chief, Freedom of Information Act Office, Small Business Administration, Room 2441, 409 Third Street SW, Washington, DC 20416
Phone: 202 401-8200
Fax: 202 205-7059
Email: lisa.babcock@sba.gov

RIN: 3245-AE03

3655. SMALL BUSINESS DEVELOPMENT CENTERS (SBDC) PROGRAM REVISIONS**Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 15 USC 648**CFR Citation:** 13 CFR 130**Legal Deadline:** None

Abstract: SBA is revising its SBDC regulations to reflect statutory and other changes. The proposed regulation incorporates provisions from Public Law 103-403, enacted on October 22, 1994; Public Law 104-208, enacted on September 30, 1996; and Public Law 105-135, enacted on December 2, 1997. This regulation will bring SBA into compliance with the statutory requirements for due process procedures in termination of Small Business Development lead centers. In addition, the funding formulas will be updated and the use of appropriated funds for administration of the program will be aligned with the statutory requirements.

Timetable:

Action	Date
NPRM	12/00/03

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Johnnie L. Albertson, AA/SBDCs, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6766

RIN: 3245-AE05

3656. SMALL BUSINESS LENDING COMPANIES REGULATIONS**Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(b)**CFR Citation:** 13 CFR 120.470**Legal Deadline:** None

Abstract: This rulemaking would amend 13 CFR 120.470 to clarify and strengthen the rules regarding Small Business Lending Companies (SBLCs) monitoring and oversight for safety and soundness, compliance, and related areas.

Timetable:

Action	Date
NPRM	09/00/03

Regulatory Flexibility Analysis Required: Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Janet A. Tasker, Associate Administrator for Lender Oversight, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-3049
Email: janet.tasker@sba.gov

RIN: 3245-AE14

SBA

Proposed Rule Stage

3657. 8(A) BUSINESS DEVELOPMENT/PROGRAM IMPROVEMENT AND TECHNICAL AMENDMENTS**Priority:** Other Significant**Legal Authority:** 15 USC 631**CFR Citation:** 13 CFR 124**Legal Deadline:** None

Abstract: This rule will make technical corrections and clarifying amendments to the 8(a) regulations. Among other things, the rule will clarify: The mentor/protege program, who will be considered socially disadvantaged, who will be considered economically disadvantaged, and the provision requiring firms to make substantial and sustained efforts to attain the targeted levels of non-8(a) revenue established in their business plans as it applies only to firms in the developmental stage of program participation. The rule will also give SBA the discretion to permit a disadvantaged individual to meet the full-time devotion requirement and prohibit tribes from being majority owner of more than one 8(a) concern in the same or similar line of business. The rule will set forth the procedures for terminations and early graduations and amend the rules governing Federal surplus property. The rule will clarify what criteria an 8(a) participant must meet in order to be considered eligible for a sole source 8(a) contract. Part 124 will also be amended to include certain new policies and procedures.

Timetable:

Action	Date
NPRM	12/00/03

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Luz Hopewell, Associate Administrator for Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6412

RIN: 3245-AE38**3658. DEVELOPMENT COMPANY LOAN (504) PROGRAM CHANGES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 695**CFR Citation:** 13 CFR 120**Legal Deadline:** None

Abstract: The Office of Financial Assistance proposes a regulation to consider 504 program changes, including a better definition of "local economic development" and the organizational and program requirements Certified Development Companies (CDCs) must satisfy in order to be in compliance with this concept. This rule proposes to identify certain Premier Certified Lenders Program participation requirements and various policies and procedures designed to ensure the program is properly administered, managed, and controlled. Further, this proposed rule would amend the rules governing the job opportunity objective for the 504 program.

Timetable:

Action	Date
ANPRM	12/06/02 67 FR 72622
ANPRM Comment Period Extended	02/03/03 68 FR 5234
ANPRM Comment Period End	03/06/03
NPRM	07/00/03

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

Agency Contact: Gail Hepler, Chief, 504 Branch, Small Business Administration, Room 804, 409 Third Street SW, Washington, DC 20416
Phone: 202 653-7530

RIN: 3245-AE41**3659. SDB CERTIFICATION AND ELIGIBILITY—PROGRAM IMPROVEMENT AND TECHNICAL AMENDMENTS****Priority:** Other Significant

Legal Authority: 15 USC 634(b)(6); 15 USC 636(j); 15 USC 637(a); 15 USC 637(d); PL 99-661; PL 100-656, sec 1207; PL 101-37; PL 101-574; 42 USC 9815

CFR Citation: 13 CFR 124; 13 CFR 134**Legal Deadline:** None

Abstract: Program improvements and technical amendments to clarify regulations governing the SDB program. The proposed changes clarify requirements, enhance customer service, and correct omissions. For example: A procedure for recertifying

eligible firms is established; circumstances under which SBA may reevaluate determinations made by Private Certifiers is broadened; provisions are made to prevent loss of SDB certification by a subcontractor following award of a contract; and stipulations are made requiring contracting officers to forward protests to SBA for determination of merit.

Timetable:

Action	Date
NPRM	02/00/04

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Luz Hopewell, Associate Administrator for Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6412

RIN: 3245-AE47**3660. SMALL BUSINESS INVESTMENT COMPANIES—CIVIL PENALTIES FOR LATE SUBMISSION OF REQUIRED REPORTS****Priority:** Substantive, Nonsignificant

Legal Authority: 15 USC 681 et seq; 15 USC 683; 15 USC 687(c); 15 USC 687b; 15 USC 687d; 15 USC 687g; 15 USC 687m; 15 USC 662

CFR Citation: 13 CFR 107**Legal Deadline:** None

Abstract: This rule will provide for the imposition of civil penalties on small business investment companies that fail to file required reports by the applicable due date. The proposed amount of civil penalties are for each day past the due date, it must pay to SBA \$100.00 per day per report. The civil penalties will continue to accrue until and including the date upon which it submits the complete and accurate report.

Timetable:

Action	Date
NPRM	10/00/03

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Jeffrey D. Pierson, Associate Administrator for Investment,

SBA

Proposed Rule Stage

Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416
Phone: 202 205-6510
Fax: 202 205-6959

RIN: 3245-AE69

3661. SMALL BUSINESS INVESTMENT COMPANIES—AMENDMENT UNDER THE SMALL BUSINESS REAUTHORIZATION ACT OF 2000

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 681 et seq; 15 USC 683; 15 USC 687(c); 15 USC 687b; 15 USC 687d; 15 USC 687g; 15 USC 687m; PL 106-554

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: The Small Business Reauthorization Act of 2000 made a number of changes to the Small Business Investment Act of 1958, as amended. For the Small Business Investment Companies (SBIC) Program, the changes include provisions effecting the definition of "long-term financing," the timing of permitted tax distributions by SBICs, and the establishment of subsidy fees to be paid by SBICs. This rule will incorporate these changes.

Timetable:

Action	Date
NPRM	10/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeffrey D. Pierson, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416
Phone: 202 205-6510
Fax: 202 205-6959

RIN: 3245-AE70

3662. SMALL BUSINESS SIZE REGULATIONS; SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule will allow wholly owned subsidiaries to be eligible for

Small Business Innovation Research funding agreements. Current regulations limit the eligibility of the program to businesses owned by individuals.

Timetable:

Action	Date
NPRM	08/00/03

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6618
Fax: 202 205-6390

RIN: 3245-AE76

3663. SMALL BUSINESS INVESTMENT COMPANIES—MAXIMUM LEVERAGE ELIGIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 662; 15 USC 681 et seq; 15 USC 683; 15 USC 687(c); 15 USC 687b; 15 USC 687d; 15 USC 687g; 15 USC 687m

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: This rule will implement a provision of the New Markets Venture Capital Program Act of 2000 that allows small business investment companies to be eligible for additional Government leverage based on their investments in low-income areas.

Timetable:

Action	Date
NPRM	10/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jeffrey D. Pierson, Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416
Phone: 202 205-6510
Fax: 202 205-6959

RIN: 3245-AE79

3664. SMALL BUSINESS SIZE STANDARDS; SURETY BOND GUARANTEE PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule will revise the size standard applicable to construction and service companies seeking assistance under SBA's Surety Bond Guarantee Program. Changes in the program and economic trends support an increase above the current \$6 million size standard.

Timetable:

Action	Date
NPRM	12/00/03

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6618
Fax: 202 205-6390

RIN: 3245-AE81

3665. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS; APPLICATIONS BY CERTIFIED DEVELOPMENT COMPANIES (CDCS) FOR LIQUIDATION AND LITIGATION AUTHORITY/UNIFORM LIQUIDATION AND LITIGATION PROCEDURES

Priority: Other Significant

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 15 USC 697(a)(2)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This proposed rule would implement statutory provisions that give some Certified Development Companies (CDCs) authority to handle liquidation and litigation of loans that are funded with the proceeds of debentures guaranteed by the SBA under the 504 loan program. It also proposes uniform liquidation and litigation procedures for authorized CDCs and for lenders participating in the 7(a) business loan program.

Timetable:

Action	Date
NPRM	10/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

SBA

Proposed Rule Stage

Agency Contact: James W. Hammersley, Director, Office of Loan Policy, Small Business Administration, 8th Floor, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6490
RIN: 3245-AE83

3666. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM POLICY DIRECTIVE

Priority: Other Significant
Legal Authority: 15 USC 638
CFR Citation: None
Legal Deadline: None

Abstract: This policy directive proposes to incorporate recently enacted statutory requirements. The purpose of the directive is to provide guidance to participating Federal agencies for the general conduct of the Small Business Technology Transfer Program.

Timetable:

Action	Date
Notice of Proposed Policy Directive	08/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Maurice Swinton, Assistant Administrator for Technology, Small Business Administration, Office of Government Contracting/Business Development, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6450
RIN: 3245-AE96

3667. SMALL BUSINESS SIZE STANDARDS; NEW CAR DEALERS

Priority: Other Significant
Legal Authority: 15 USC 632(a)
CFR Citation: 13 CFR 121
Legal Deadline: None

Abstract: This rule proposes to increase the current size standard for the New Car Dealer industry. Changes in the industry over the last 10 years indicate that a size standard review of the current \$24.5 million is warranted.

Timetable:

Action	Date
NPRM	07/00/03

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6618
Fax: 202 205-6390
RIN: 3245-AF01

3668. • SIZE FOR PURPOSES OF THE MULTIPLE AWARD SCHEDULE AND OTHER MULTIPLE AWARD CONTRACTS; SMALL BUSINESS SIZE REGULATIONS; 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS

Priority: Other Significant
Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule proposes to amend SBA's small business size regulations as it relates to the General Services Administration's Multiple Award Schedule Program, including the Federal Supply Schedule, multiple award contracts, including Governmentwide Acquisition Contracts.

Timetable:

Action	Date
NPRM	04/25/03 68 FR 20350
NPRM Comment Period End	06/24/03
Final Action	12/00/03

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Linda Williams, AA, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 401-8150
Fax: 202 205-6390
RIN: 3245-AF06

Small Business Administration (SBA)

Final Rule Stage

3669. ADMINISTRATIVE WAGE GARNISHMENT AND ADMINISTRATIVE OFFSET

Priority: Other Significant
Legal Authority: 5 USC 504; 15 USC 632; 15 USC 634(b)(6); 15 USC 637(a); 31 USC 3711; 31 USC 3720; 31 USC 3716

CFR Citation: 13 CFR 134; 13 CFR 140

Legal Deadline: None

Abstract: SBA is issuing a rule adopting administrative wage garnishment and administrative offset

regulations to implement the Debt Collection Improvement Act of 1996. The rule would allow SBA to garnish the wages of a person indebted to the United States for any non-tax debt without first obtaining a judgment. The debtor generally would be entitled to a hearing before an appropriate official. The proposed rule would also include administrative offset and other remedies to comply with Treasury directives.

Timetable:

Action	Date
NPRM	06/27/00 65 FR 39567
NPRM Comment Period End	08/28/00
Final Action	09/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Arnold Rosenthal, Assistant Administrator for Portfolio Management, Small Business

SBA

Final Rule Stage

Administration, 409 Third Street SW,
Washington, DC 20416
Phone: 202 205-6481

RIN: 3245-AE50

3670. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

CFR Citation: 13 CFR 112; 13 CFR 113; 13 CFR 117

Legal Deadline: None

Abstract: The Department of Justice proposes that 24 Federal agencies jointly issue amendments to their regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to title VI and added a definition "program or activity" to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRRA's definition of "program or activity" and "program" into the Agency's title VI, section 504, and Age Discrimination Act regulations.

Timetable:

Action	Date
NPRM	12/06/00 65 FR 76460
NPRM Comment Period End	01/06/01
Final Action	09/00/03
Final Action Effective	10/00/03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: L. Rose Trujillo, Acting Assistant Administrator, Office

of Civil Rights Compliance, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6750

RIN: 3245-AE59

3671. HUBZONE EMPOWERMENT CONTRACTING PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); 15 USC 662(5); PL 105-135, sec 601 et seq, 111 Stat 2592; sec 304, PL 103-403, 108 Stat 4175, 4188

CFR Citation: 13 CFR 121; 13 CFR 125; 13 CFR 126

Legal Deadline: None

Abstract: SBA amends its regulations for the HUBZone Empowerment Contracting Program to incorporate changes enacted by Public Law 106-554. The amended regulation addresses eligibility requirements for small business concerns owned by Native American Tribal Governments and Community Development Corporations and the addition of new HUBZone areas called redesignated areas. This rule will: (1) consolidate all subcontracting requirements into one regulation, (2) provide language on how to petition for changes in subcontracting requirements, (3) apply nonmanufacturer rules consistently for all programs, (4) provide how small nonmanufacturers should submit products of any manufacturer for contracts below the simplified acquisition threshold, (5) address statutory amendments, and (6) make technical changes.

Timetable:

Action	Date
NPRM	01/28/02 67 FR 3826
NPRM Comment Period Extended	02/26/02 67 FR 8739
NPRM Comment Period End	02/27/02
NPRM Comment Period End	03/29/02
Final Action	08/00/03

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael P. McHale, Associate Administrator for HUBZone Empowerment Contracting Program, Small Business Administration, 409

Third Street SW, Washington, DC 20416
Phone: 202 205-6731

RIN: 3245-AE66

3672. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS 2000 ACT CHANGES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 15 USC 696(3); 15 USC 697(a)(2)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: Recently enacted statutory amendments require changes to SBA rules concerning loan guaranty and loan amounts, minimum guaranteed dollar amount of 7(a) loans, percentages of financing which can be guaranteed by SBA, guarantee fees paid by lenders, real estate occupancy rules, and borrower prepayment penalties. This direct final rule would implement the statutory provisions. This Direct Final Rule was withdrawn, and SBA is redrafting a new Direct Final Rule.

Timetable:

Action	Date
Direct Final Rule	11/14/01 66 FR 56985
Direct Final Rule Withdrawn	12/14/01 66 FR 64739
Direct Final Rule Comment Period End	12/14/01
Direct Final Rule	08/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: James W. Hammersley, Director, Office of Loan Policy, Small Business Administration, 8th Floor, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6490

RIN: 3245-AE68

3673. SMALL BUSINESS SIZE STANDARDS; TESTING LABORATORIES

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule revises the size standard for the Testing Laboratories

SBA

Final Rule Stage

industry. Changes in the composition of the industry indicate a higher size standard than \$6 million is warranted to define which businesses are small businesses.

Timetable:

Action	Date
NPRM	04/09/02 67 FR 17020
NPRM Comment Period End	05/10/02
NPRM Comment Period Extended	09/03/02 67 FR 56966
Final Action	07/00/03

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6618

Fax: 202 205-6390

RIN: 3245-AE78

3674. SMALL BUSINESS SIZE STANDARDS; INFORMATION TECHNOLOGY VALUE ADDED RESELLERS

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule will establish a size standard for Information Technology (IT) Value Added Resellers. Current regulations apply the same eligibility requirements to these types of businesses as for dealers and nonmanufacturers. To establish more appropriate eligibility requirements for IT Value Added Resellers, a new industry category and size standard will be established.

Timetable:

Action	Date
NPRM	07/24/02 67 FR 48419
NPRM Comment Period End	08/23/02
Final Action	09/00/03

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business

Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-6618

Fax: 202 205-6390

RIN: 3245-AE80

3675. SMALL BUSINESS SIZE STANDARDS; FOREST FIRE SUPPRESSION AND FUELS MANAGEMENT SERVICES

Priority: Other Significant

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 638; 15 USC 644(c); 15 USC 662(5)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule will establish a size standard for Forest Fire Suppression and Fuels Management.

Timetable:

Action	Date
NPRM	07/19/02 67 FR 47480
NPRM Comment Period End	08/19/02
Final Action	07/00/03

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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RIN: 3245-AE89

3676. SMALL BUSINESS SIZE REGULATIONS: RULES OF PROCEDURE GOVERNING CASES BEFORE THE OFFICE OF HEARINGS AND APPEALS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-135, sec 601 et seq, 111 Stat 2592; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 644(c); 15 USC 662(5); PL 102-486, 106 Stat 2776, 3133

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule will amend SBA's Small Business Size Regulations and the regulations applying to appeals of size determinations. The rule will further amend the definitions of affiliation, annual receipts, and

employees. It will also make procedural and technical changes to cover additional programs such as SBA's HUBZone program and the Governmentwide Small Disadvantaged Business Program. This rule will codify several long-standing precedents of SBA's Office of Hearing and Appeals and will clarify the jurisdiction of that office. Further, the rule will amend all references in part 134 from the Standard Industrial Classification code to the North American Industry Classification System (NAICS) code because on October 1, 2000, SBA converted to NAICS.

Timetable:

Action	Date
NPRM	11/22/02 67 FR 70339
NPRM Comment Period End	01/21/03
Final Rule	12/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

Agency Contact: Linda Williams, AA, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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RIN: 3245-AE92

3677. RECORD DISCLOSURE AND PRIVACY; THE ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552

CFR Citation: 13 CFR 102, subpart A

Legal Deadline: None

Abstract: The Electronic Freedom of Information Act Amendments of 1996 made several changes. The amended regulations will implement those changes, making more information available electronically, allowing more time to respond to requests, increasing processing fees, etc.

Timetable:

Action	Date
NPRM	09/11/02 67 FR 57539
NPRM Comment Period End	11/12/02
Final Action	06/00/03

SBA

Final Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lisa Babcock, Chief,
Freedom of Information Act Office,
Small Business Administration, Room
2441, 409 Third Street SW,
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Phone: 202 401-8200

Fax: 202 205-7059

Email: lisa.babcock@sba.gov

RIN: 3245-AE94

**3678. • SMALL BUSINESS SIZE
STANDARDS; FACILITIES SUPPORT
SERVICES (INCLUDING BASE
MAINTENANCE)**

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule will revise the
small business size standard for
facilities support services and base
maintenance. A review of industry data
indicates an increase to the size
standard is needed to better define the

size of a small business in this
industry.**Timetable:**

Action	Date
NPRM	02/03/03 68 FR 5234
NPRM Comment Period End	04/04/03
Final Action	12/00/03

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 56121 Facilities
Support Services

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Washington, DC 20416

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RIN: 3245-AF03

**3679. • PRIME CONTRACTING
ASSISTANCE; CONTRACT BUNDLING**

Priority: Other Significant

Legal Authority: 15 USC 634(b)

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: This rule will revise the
definition of bundling and coordinate
procedures for advising small business
specialists of proposed acquisition
strategies or plans on contracts or
orders above a specified dollar
threshold.

Timetable:

Action	Date
NPRM	01/31/03 68 FR 5134
NPRM Comment Period End	04/01/03
Final Action	12/00/03

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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Small Business Administration, 409
Third Street SW, Washington, DC
20416

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Fax: 202 205-6390

RIN: 3245-AF07

Small Business Administration (SBA)

Long-Term Actions

**3680. GOVERNMENTWIDE
DEBARMENT AND SUSPENSION
(NONPROCUREMENT) AND
GOVERNMENTWIDE REQUIREMENTS
FOR DRUG-FREE WORKPLACE
(GRANTS)**

Priority: Substantive, Nonsignificant

CFR Citation: 13 CFR 145

Timetable:

Action	Date
NPRM	01/23/02 67 FR 3266
NPRM Comment Period End	03/25/02
Final Rule	To Be Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Michael Campilongo
Phone: 202 205-6879

RIN: 3245-AE61

Small Business Administration (SBA)

Completed Actions

**3681. SIZE STANDARDS: INFLATION
ADJUSTMENT**

Priority: Other Significant

CFR Citation: 13 CFR 121

Completed:

Reason	Date
Final Action	10/24/02 67 FR 65285

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Agency Contact: Gary M. Jackson

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RIN: 3245-AE56

**3682. SMALL BUSINESS SIZE
REGULATION; PETROLEUM
REFINERIES**

Priority: Other Significant

CFR Citation: 13 CFR 121

Completed:

Reason	Date
Final Action	03/28/03 68 FR 15047
Final Action Effective	04/28/03

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Agency Contact: Gary M. Jackson

Phone: 202 205-6618

SBA

Completed Actions

Fax: 202 205-6390

RIN: 3245-AE84

3683. NEW MARKETS VENTURE CAPITAL PROGRAM; AMENDMENTS

Priority: Other Significant

CFR Citation: 13 CFR 108

Completed:

Reason	Date
Final Rule	11/12/02 67 FR 68498
Final Rule Effective	12/12/02

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: Austin J. Belton
Phone: 202 205-7027

RIN: 3245-AE91

3684. DISASTER LOAN PROGRAM—DISASTER MITIGATION ACT OF 2000

Priority: Other Significant

CFR Citation: 13 CFR 123

Completed:

Reason	Date
Interim Final Rule Effective	10/15/02
Interim Final Rule	10/21/02 67 FR 64517
Interim Final Rule Comment Period End	12/20/02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Becky Celeste Brantley
Phone: 202 205-6734
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RIN: 3245-AE97

3685. SMALL BUSINESS SIZE STANDARDS; TOUR OPERATORS

Priority: Other Significant

CFR Citation: 13 CFR 121

Completed:

Reason	Date
NPRM	10/02/02 67 FR 61829
Final Action	04/04/03 68 FR 16405

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Agency Contact: Gary M. Jackson
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RIN: 3245-AE98

3686. SMALL BUSINESS SIZE STANDARDS; JOB CORP CENTERS

Priority: Other Significant

CFR Citation: 13 CFR 121

Completed:

Reason	Date
NPRM	11/22/02 67 FR 70330
Final Rule	03/21/03 68 FR 13807

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

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RIN: 3245-AF02

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