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Part XLII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act (RFA) and Executive Order 12866 require each agency to publish semiannually a regulatory agenda (agenda) that includes an inventory of all current and projected rulemakings, including regulations SBA expects to develop during the next 12 months and regulations completed since the last publication of the Agency’s agenda. SBA is publishing this agenda to provide the public with notice about SBA’s regulatory activities and to provide specific information about those activities. This information will promote the public’s participation in SBA’s regulatory activities.

FOR FURTHER INFORMATION CONTACT: For additional information about specific regulatory actions listed in the agenda, you should direct your comments and inquiries to the appropriate agency contact identified in each entry. For general information about the agenda,

you should direct your comments and inquiries to Martin “Sparky” Conrey, Assistant General Counsel for Legislation and Appropriations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 619-0638, martin.conrey@sba.gov.

SUPPLEMENTARY INFORMATION: This agenda announces the proposed regulatory actions that SBA plans for the next 12 months, those that were completed since the fall 2005 edition of the Agenda, and those existing regulations under review, as required by the RFA and Executive Order 12866. As permitted by law, SBA is combining the publication of its agendas required by statute and Executive order and conforming them to the Unified Agenda of Federal Regulatory and Deregulatory Actions format developed by the Regulatory Information Service Center.

Each rulemaking action in SBA’s agenda is grouped according to its stage of development. The stages of development are pre-rulemaking, proposed rules, final rules, and rulemaking actions completed since the fall 2005 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, completed, or

withdrawn by SBA. The agenda is intended to facilitate comments and views by interested members of the public. SBA encourages public participation through www.regulations.gov by placing SBA rules on that website and encouraging the public to submit comments through that medium. SBA also provides a link from www.sba.gov to the website.

Publication of proposed rulemaking actions in the agenda does not impose any obligation on SBA to take any final action with regard to any specific item. Furthermore, SBA is not precluded from rulemaking activities that are not listed in this agenda. The dates listed in the timetables for specific actions are estimates and not commitments to act on or by the particular date. SBA’s regulations promote statutory mandates and Presidential directives linked to SBA’s goals to improve the economic environment for small business, increase small business success by bridging competitive opportunity gaps, restore homes and businesses affected by disaster, and to operate and manage SBA’s programs and resources efficiently and effectively.

Hector V. Barreto,
Administrator.

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3514	Small Business Development Centers (SBDC) Program Revisions	3245-AE05
3515	Small Business Lending Company and Lender Oversight Regulations	3245-AE14
3516	Small Business Investment Companies—Maximum Leverage Eligibility	3245-AE79
3517	HUBZone Empowerment Contracting Program	3245-AF13
3518	Economic Injury Disaster Loans (EIDL)	3245-AF14
3519	Testimony and Production of Records; Office of Inspector General and Office of General Counsel	3245-AF18
3520	Record Disclosure and Privacy/Subparts B and C—The Privacy Act	3245-AF20
3521	Small Business Size Standards; Selected Size Standards Issues	3245-AF22
3522	Premier Certified Lenders Program Proposed Rule	3245-AF23
3523	Small Business Size Standards; Nonmanufacturer Size Standard	3245-AF27
3524	Small Business Size Standards; Support Activities for Air Transportation	3245-AF29
3525	Small Business Size Standards; Mapping Services	3245-AF30
3526	Amendments to the Surety Bond Guarantee Program Regulations	3245-AF39
3527	Women-Owned Small Business Federal Contract Assistance Program	3245-AF40
3528	Definition of “Employee” for Purposes of the HUBZone Program	3245-AF44
3529	Small Business Technology Transfer (STTR) Policy Directive	3245-AF45
3530	Disaster Relief to SBCs Damaged by Drought	3245-AF46
3531	Lender Examination and Review Fees in SBA’s 7(a) Program	3245-AF49
3532	8(a) Business Development/Small Disadvantaged Business Status Determinations	3245-AF53

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Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3533	Small Business Size Standards; Surety Bond Guarantee Program	3245-AE81
3534	Business Loans and Development Company Loans; Liquidation and Litigation Procedures	3245-AE83
3535	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
3536	8(a) Business Development/Small Disadvantaged Business Status Determinations	3245-AF17
3537	Small Business Innovation Research (SBIR) Policy Directive	3245-AF21
3538	Rules of Procedure Governing Cases Before the Office of Hearings and Appeals Arising From the Service-Disabled Veteran-Owned, Small Business Concern Program	3245-AF25
3539	Small Business Size Standards; Security Guards and Patrol Services	3245-AF28
3540	Amendments to the HUBZone Program	3245-AF31
3541	Small Business Size Standards; Inflation Adjustment	3245-AF41
3542	Amendments to the Disaster Loan Program	3245-AF42
3543	Small Business Size Standards—Exclusion of Certain Security Expenses From Consideration for Purposes of Small Business Size Standards	3245-AF50

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3544	Small Business Technology Transfer Program Policy Directive	3245-AE96
3545	Amendment to SBA's Regulations Regarding Administrative Offset	3245-AF19
3546	Small Business Size Regulations (Completion of a Section 610 Review)	3245-AF32
3547	8(a) Business Development/Small Disadvantaged Business Status Determinations (Completion of a Section 610 Review)	3245-AF33
3548	Government Contracting Programs (Completion of a Section 610 Review)	3245-AF34
3549	HUBZone Program (Completion of a Section 610 Review)	3245-AF35
3550	Cosponsorships, Fee- and Non-Fee-Based, SBA-Sponsored Activities and Gifts	3245-AF37
3551	Small Business Size Standards, Gulf Opportunity Pilot Loan Program	3245-AF43

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3514. 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: This rule would propose amendments to SBA's SBDC program regulations for the purpose of conforming the regulations to existing statutory requirements. This rule would amend: (1) Procedures for approving and funding of SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews,

accreditation reviews, and other SBA oversight activities; (4) requirements for new and renewal applications for SBDC awards, including the requirements for electronic submission through the approved electronic Government submission facility; and (5) provisions regarding the collection and use of individual SBDC client data.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

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

Agency Contact: Antonio Doss, Associate Administrator/OSBDC, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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RIN: 3245-AE05**3515. SMALL BUSINESS LENDING COMPANY AND LENDER OVERSIGHT REGULATIONS****Priority:** Other Significant**Legal Authority:** 15 USC 650**CFR Citation:** 13 CFR 120**Legal Deadline:** None

Abstract: This rule would implement the Small Business Administration's (SBA) statutory authority under the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (Reauthorization Act) to regulate Small Business Lending Companies (SBLCS) and non-federally regulated lenders (NFRLs). It also would conform SBA

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rules to various changes in the Section 7(a) Business Loan Program and the Certified Development Company (CDC) Program enacted by the Reauthorization Act.

In particular, this rule would: (1) Define SBLCs and NFRLs; (2) clarify SBA's authority to regulate SBLCs and NFRLs; (3) authorize SBA to set minimum capital standards for SBLCs, to issue cease and desist orders, and revoke or suspend lending authority of SBLCs and NFRLs; (4) establish the Bureau of Premier Certified Lender Program Oversight in the Office of Lender Oversight; (5) transfer existing SBA enforcement authority over CDCs from the Office of Financial Assistance to the Office of Lender Oversight; and (6) define SBA's enforcement authorities relative to all SBA lenders participating in the 7(a) and CDC programs and intermediaries in the Microloan program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

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RIN: 3245-AE14

3516. 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 would implement a provision of the New Markets Venture Capital Program Act of 2000 that makes small business investment companies eligible for additional Government leverage based on their investments in low-income areas.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3245-AE79

3517. HUBZONE EMPOWERMENT CONTRACTING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 657a

CFR Citation: 13 CFR 126

Legal Deadline: None

Abstract: SBA published an Advance Notice of Proposed Rulemaking (ANPRM) requesting comments regarding the HUBZone Program and agricultural commodities purchased by the U.S. Department of Agriculture (USDA). According to the Small Business Act, in the case of a contract for the procurement by the USDA of agricultural commodities, a qualified HUBZone small business concern may not purchase the commodity from a subcontractor if the subcontractor will supply the commodity in substantially the final form in which it is to be supplied to the Government. SBA sought comments on how to define "substantially the final form" with respect to this statutory requirement. Additionally, SBA sought comments on the implementation of a statutory provision regarding HUBZone set-asides and the definition of "employee." SBA is reviewing comments received on or before the deadline specified in the ANPRM and deliberating policy internally to support a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	05/13/04	69 FR 26511
ANPRM Comment Period End	07/12/04	
NPRM	08/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael P. McHale, Associate Administrator for HUBZone Program, Small Business Administration, 409 Third Street SW, Washington, DC 20416
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RIN: 3245-AF13

3518. ECONOMIC INJURY DISASTER LOANS (EIDL)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 102-395, 106 Stat 1828; PL 103-75, 107 Stat 739

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: This rule would conform SBA's regulations governing economic injury disaster loans (EIDL) to the regulations governing physical injury disaster loans. Specifically, this rule would ensure that when a small business entity is engaged in both agricultural and non-agricultural business ventures, SBA can provide EIDLs to the non-agricultural business when it has been hurt economically by fires, floods, or other disasters. A similar rule is in effect for physical disaster loans (13 CFR 123.001(b)). For example, if the total business operation is comprised of a retail store on a ranch, and the retail store is financially harmed by a fire, the retail store would be eligible for EIDL assistance (assuming that it meets other requirements) under the proposed rule, even if the ranching portion of the business generated more revenue than the retail store. SBA is conforming these regulations because the Agency has determined that distinguishing between EIDLs and physical disaster loans in this regard is not justified.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Cheri L. Cannon, Deputy Associate Administrator for

SBA

Proposed Rule Stage

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RIN: 3245-AF14

3519. TESTIMONY AND PRODUCTION OF RECORDS; OFFICE OF INSPECTOR GENERAL AND OFFICE OF GENERAL COUNSEL

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: This proposed rule would revise the procedures applicable to SBA's response to a subpoena seeking testimony or evidence in proceedings where SBA or the United States is not a party. The purpose of this revision is to help conserve SBA resources, minimize agency involvement in matters unrelated to its mission and programs, and avoid needless and potentially costly involvement in litigation to which SBA or the United States is not a party.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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RIN: 3245-AF18

3520. RECORD DISCLOSURE AND PRIVACY/SUBPARTS B AND C—THE PRIVACY ACT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552a

CFR Citation: 13 CFR 102

Legal Deadline: None

Abstract: This proposed rule brings the SBA regulations implementing the Privacy Act of 1974 into compliance with the information privacy requirements of the E-Government Act of 2002. This rule is proposed to ensure the security and confidentiality of records and to protect against hazard to their integrity. Subpart B addresses the protection of privacy and access to individual records under the Privacy Act and includes procedures for record access appeals, amendments, accounting of disclosures and record preservation. Subpart C describes SBA's process for compliance with the privacy provisions and the Privacy Impact Assessment requirement of the E-Government Act of 2002. It also addresses the Privacy Act responsibilities of SBA employees and contractors who develop and manage information technology systems, Privacy Act systems of records, computer matching, standards of conduct for Agency employees, training and reporting requirements pursuant to Privacy Act guidelines and the Office of Management and Budget (OMB) guidance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3245-AF20

3521. SMALL BUSINESS SIZE STANDARDS; SELECTED SIZE STANDARDS ISSUES

Priority: Other Significant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: SBA published an Advanced Notice of Proposed Rulemaking (ANPRM) seeking public comment on a number of issues pertaining to SBA's size standards, such as areas to simplify size standards and alternative calculations of the employment size of businesses (69 FR 70197). The ANPRM also sought comment on the participation in the Small Business Innovation Research Program by businesses that are majority-owned by venture capital companies (VCC). Specifically, SBA sought comment on whether the Agency should provide an exclusion from affiliation with VCCs in determining small business eligibility for this program. In summer 2005, SBA held public hearings on issues identified in the ANPRM and issues raised by public comments on it. SBA is considering public comments as it deliberates internally on options for simplifying and restructuring size standards.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/04	69 FR 70197
ANPRM Comment Period Extended	01/19/05	70 FR 2976
ANPRM Comment Period End	04/03/05	
NPRM	12/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary M. Jackson, Assistant Administrator/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
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RIN: 3245-AF22

3522. PREMIER CERTIFIED LENDERS PROGRAM PROPOSED RULE

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 108-232

CFR Citation: 13 CFR 120

Legal Deadline: Final, Statutory, July 12, 2004, PCLP Improvement Act of 2003, enacted 5/28/2004, requires publication of rule.

Abstract: SBA proposes to amend its Premier Certified Lenders Program

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(PCLP) in accordance with recent statutory amendments to the PCLP. Certified Development Companies (CDCs) participating in the PCLP receive increased authority in connection with making and servicing loans made under SBA's Development Company Loan Program ("504 loans"). One PCLP requirement relates to a loan loss reserve fund ("LLRF"), which a CDC participating in the PCLP ("PCLP CDC") must maintain to cover losses it may incur in connection with 504 loans made under the PCLP ("PCLP loans"). Recent statutory changes to the PCLP have amended PCLP LLRF requirements, most significantly by establishing an alternative set of PCLP LLRF requirements ("Alternative LLRF Requirements") and authorizing certain qualified PCLP CDCs to elect to meet the Alternative LLRF Requirements in lieu of the existing LLRF requirements that would otherwise be applicable. These statutory amendments have been introduced as "pilot" programs, which are initially scheduled to last approximately 2 years. (All PCLP CDCs will still be required to meet existing LLRF requirements unless it is qualified to elect to meet the Alternative LLRF Requirements and properly makes that election and satisfies the alternative requirements.) The proposed regulations would implement the statutory amendments to the PCLP LLRF requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Charles Thomas, Director, Program Development, Small Business Administration, 409 Third Street SW, 8th Floor, Washington, DC 20416

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RIN: 3245-AF23**3523. SMALL BUSINESS SIZE STANDARDS; NONMANUFACTURER SIZE STANDARD****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

Abstract: This rule would propose revising the 500 employee small business size standard applicable to nonmanufacturers supplying manufactured products to the Federal Government (see 13 CFR 121.406 (b)). The proposed revision would address concerns that the current size standard adversely affects Federal contracting opportunities for small businesses and that businesses no longer disadvantaged due to size benefit from the size standard.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

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

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RIN: 3245-AF27**3524. SMALL BUSINESS SIZE STANDARDS; SUPPORT ACTIVITIES FOR AIR TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

Abstract: This rule would propose revising the \$6.5 million small business size standard applicable to airport operations and other support activities for air transportation. An internal review conducted by SBA suggests that the size standard does not reflect the structural characteristics of firms in this industry.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

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

Sectors Affected: 488111 Air Traffic Control; 488119 Other Airport Operations; 48819 Other Support Activities for Air Transportation

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RIN: 3245-AF29**3525. SMALL BUSINESS SIZE STANDARDS; MAPPING SERVICES****Priority:** Other Significant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

Abstract: This rule would propose establishing a separate small business size standard for mapping services, which is currently included in surveying and mapping industry. SBA has received requests from mapping firms to consider establishing a separate size standard. Our preliminary analysis suggests that mapping firms have significantly different characteristics than surveying firms.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	

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

Sectors Affected: 54136 Geophysical Surveying and Mapping Services; 54137 Surveying and Mapping (except Geophysical) Services

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RIN: 3245-AF30**3526. AMENDMENTS TO THE SURETY BOND GUARANTEE PROGRAM REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 694b**CFR Citation:** 13 CFR, 115.32**Legal Deadline:** None

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Abstract: SBA proposes to amend existing regulations to accomplish five objectives. First, SBA would increase its share of loss to 90 percent on bonds issued by Prior Approval Sureties after the effective date of the change for the benefit of small businesses owned and operated by veterans and service-disabled veterans. Second, SBA would impose a 45-day deadline for the payment of certain fees owed by Prior Approval Sureties in lieu of the present 90-day grace period. In turn, SBA would obligate itself to pay refunds within 45 days. Third, SBA would no longer require prospective Preferred Surety Bond (PSB) Sureties to promise adherence to the suggested premiums promulgated by the Surety Association of America in August 1987; they may charge premiums at the highest rate authorized by applicable State law. This permission will be extended to current PSB Sureties. Fourth, regulatory references to the expiration of the PSB program will be deleted: The program was made permanent by Public Law 108-447. Finally, affiliates of PSB Sureties will be allowed to participate in the Prior Approval Surety program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

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

Agency Contact: Frank Lalumiere, Associate Administrator, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW, Washington, DC 20416
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RIN: 3245-AF39**3527. WOMEN-OWNED SMALL BUSINESS FEDERAL CONTRACT ASSISTANCE PROGRAM****Priority:** Other Significant**Legal Authority:** 15 USC 637(m); 15 USC 637(d)**CFR Citation:** 13 CFR 125**Legal Deadline:** None

Abstract: SBA proposes to establish regulations to implement the Women-Owned Small Business Federal Contract Assistance Program, authorized under section 8(m) of the

Small Business Act. Section 8(m) was enacted as part of Public Law 106-554 to provide a targeted procurement mechanism to assist Federal agencies in achieving the statutory goal of 5 percent for contracting with women-owned small businesses (WOSBs). In accordance with section 8(m), the new regulations would authorize contracting officers to restrict competition to eligible WOSBs for certain Federal contracts in industries in which SBA has determined that WOSBs are underrepresented or substantially underrepresented in Federal procurement. Also consistent with section 8(m), the authority to restrict competition would be limited to contracts not exceeding \$3 million, or \$5 million in the case of manufacturing contracts. In implementing section 8(m) the proposed regulations would further provide the specific eligibility requirements for WOSBs to qualify for program participation; the procedures for concerns to certify their eligibility; the process for SBA to verify the continuing eligibility of WOSBs; the contractual and business development assistance available under the program; the relevant protest and appeal procedures; and the applicable penalties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Undetermined

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RIN: 3245-AF40**3528. • DEFINITION OF "EMPLOYEE" FOR PURPOSES OF THE HUBZONE PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 657 (a)**CFR Citation:** 13 CFR 126**Legal Deadline:** None

Abstract: The purpose of this proposed rule is to amend the definition of "employee" under 13 CFR 126.103. The definition of "employee" in part 126 is relevant to SBA's determination of whether a concern is eligible for certification as a HUBZone small business concern. On May 13, 2004, SBA issued an Advance Notice of Proposed Rulemaking requesting comments on, among other things, specific issues related to the definition of "employee," including the status of part-time, leased, and temporary employees, and the use of the term "full-time equivalent" in the definition of "employee." After careful consideration of the comments received, SBA has decided to amend the definition of "employee" to reflect current business operations, market conditions, and personnel practices within the small business community.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Additional Information: Draft Text revising the HubZone use of the term 'employee' is now under review within the Agency. Publication of this revision will occur once this internal review is completed.

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RIN: 3245-AF44**3529. • SMALL BUSINESS TECHNOLOGY TRANSFER (STTR) POLICY DIRECTIVE****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 638 PL 107.50**CFR Citation:** None**Legal Deadline:** None

Abstract: SBA is proposing to add to its current STTR Policy Directive a section describing the purpose and intended effects of Executive Order (E.O.) 13329. SBA is proposing to add

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provisions to define the term "manufacturing-related research and development" and to describe its four main areas: Unit process level technologies, machine level technologies, system level technologies, and environment or societal technologies. In accordance with the E.O. 13329, SBA is also proposing to impose new requirements on Federal agencies participating in the STTR Program. Pursuant to these proposed amendments, Federal agencies would be required to: (1) Include specific statements relating to E.O. 13329 in program solicitations; (2) develop an Action Plan for implementing E.O. 13329, including adding information to the agency's website; and (3) report to SBA on the agency's efforts to implement E.O. 13329.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

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

Agency Contact: Edsel Brown, Assistant Administrator for Technology, Office of Government Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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RIN: 3245-AF45**3530. • DISASTER RELIEF TO SBSCS DAMAGED BY DROUGHT****Priority:** Other Significant**Legal Authority:** 15 USC 634(b)(a), 636(b), 636(c)**CFR Citation:** 13 CFR 123**Legal Deadline:** Final, Statutory, February 20, 2006.

Implement the National Defense Authorization Act for fiscal year which requires the SBA to provide disaster loans for drought of low water conditions.

Abstract: This rule amends the definition of "disaster" in part 123 to include drought, below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns; limits the amount of appropriated funds SBA can use during

each fiscal year for drought-related disaster loans; and requires SBA to respond in writing to a State Governor's request for disaster assistance not later than 30 days after receipt of the request.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

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

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RIN: 3245-AF46**3531. • LENDER EXAMINATION AND REVIEW FEES IN SBA'S 7(A) PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** sec 131, Div K, PL 108-447**CFR Citation:** 13 CFR 120**Legal Deadline:** None

Abstract: The purpose of this action is to implement the fee authority that Congress recently granted SBA in section 11 of Division K of Public Law 108-447. SBA is authorized to require lenders that make loans under section 7 of the Small Business Act to pay fees to cover the Agency's cost of lender examinations and reviews and other lender oversight activities. Under the proposed rules, SBA would have the authority to assess fees to cover the costs of the following lender oversight activities: (1) On-site safety and soundness examinations of Small Business Lending Companies and non-federally regulated lenders (together "SBA Supervised Lenders"); (2) on-site reviews of other 7(a) lenders (which SBA intends at this time for such lenders with \$10 million or more in outstanding SBA guarantees); (3) off-site quarterly reviews of all lenders; and (4) other lender oversight activities.

SBA contracts with other financial services entities to assist in conducting the reviews and examinations. SBA's

proposed assessment methodology will primarily cover the direct costs charged by these contractors.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3245-AF49**3532. • 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 637 (b) (6), 636 (j), 637 (2), 637 (d)**CFR Citation:** 13 CFR 124**Legal Deadline:** None

Abstract: This proposed rule makes five specific changes to the regulations governing the 8(a) Business Development (8(a) BD) program. The proposed rule would: (1) Provide that sole source contracts to joint ventures between 8(a) concerns owned and controlled by Indian tribes or Alaska Native Corporations (ANCs) and other concerns are not included in the special exemption from the requirement that 8(a) contracts must be competed if they are valued at or above certain dollars thresholds; (2) implement statutory changes permitting Native Hawaiian Organizations (NHOs) to enter into sole source contracts with the Department of Defense (DOD) where such contract are in excess of the competitive threshold amounts; (3) amend SBA's regulations to provide more flexibility to the Agency in determining whether to admit a company for program participation where a family member of an individual claiming disadvantaged status for an applicant to the 8(a) program owns a concern already participating in the 8(a) program of a former participant; (4) amend SBA's

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regulations to clarify how agencies can receive credit towards their 8(a) prime contracting goals when placing orders under multiple award contracts; and (5) add certain words that were inadvertently omitted from section 124.105(h)(2) to clarify that principals of non-8(a) concern may not own more than certain prescribed percentages in

current 8(a) firms in the same or a similar line of business.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3245-AF53

Small Business Administration (SBA)

Final Rule Stage

3533. 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 interim final rule revised the size eligibility criteria for its Surety Bond Guarantee (SBG) Program for construction or service concerns performing contracts in the Presidentially declared disaster area resulting from the 2005 Hurricanes Katrina, Rita, or Wilma. This rule amended the SBG size standard for some concerns by requiring them to meet either the size standard for the primary industry in which it, together with its affiliates, is engaged, or the current \$6.5 million standard for the SBG Program, whichever is higher.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/05	70 FR 69048
Interim Final Rule Comment Period End	12/14/05	
Final Action	07/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3245-AE81

3534. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS; 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); PL 106-554

CFR Citation: 13 CFR 120

Legal Deadline: Final, Statutory, May 21, 2001, Small Business Reauthorization Act of 2000, enacted 12/21/2000, requires publication of rule.

Abstract: This rule would implement statutory provisions authorizing SBA to delegate to qualified Certified Development Companies (CDCs) authority to conduct liquidation and debt collection litigation of loans that are funded with the proceeds of debentures guaranteed by the SBA under the 504 loan program. It also provides for new liquidation and debt collection litigation procedures for authorized CDCs and participating 7(a) lenders.

In particular, this rule would establish: (1) Procedures for CDCs to obtain delegated authority for such liquidation and litigation; (2) guidelines for CDCs exercising this authority; and (3) procedures for SBA's payment of legal fees and expenses to CDCs and Lenders; among other things. This rule would also require lenders to complete all cost-effective debt recovery actions prior to requesting guaranty purchase by SBA.

Timetable:

Action	Date	FR Cite
NPRM	11/03/05	70 FR 66800
NPRM Comment Period End	01/03/06	
NPRM Comment Period Reopened	01/25/06	71 FR 4062

Action	Date	FR Cite
NPRM Comment Period End	02/24/06	
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3245-AE83

3535. 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 would amend SBA's small business size regulations relating to the time at which size is determined for purposes of the General Services Administration's (GSA) Multiple Award Schedule (MAS) Program. Currently, SBA determines the size of a concern as of the date the concern submits a written self-certification that it is small to the procuring agency as part of its initial offer. However, this practice is problematic because multiple award contracts may have terms of 5, 10, or

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20 years. Thus, over the contract's duration, the firm may grow and no longer qualify as a small business, yet still receive the same benefits under the contract reserved exclusively for small businesses. SBA proposes to address this situation with this rule.

Timetable:

Action	Date	FR Cite
NPRM	04/25/03	68 FR 20350
NPRM Comment Period End	06/24/03	
Final Action	07/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 3245-AF06

3536. 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS

Priority: Info./Admin./Other

Legal Authority: 15 USC 636; 15 USC 637

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: The purpose of this direct final rule is to clarify SBA's requirements applicable to business concerns or individuals (acting on behalf of business concerns) applying for 8(a) Business Development (8(a) BD) Program participation or Small Disadvantaged Business (SDB) certification using paper applications or electronic applications via the Internet. SBA believes that a direct final rule is the appropriate rulemaking action because this rule implements a non-controversial, administrative change. This administrative change would facilitate the use of SBA's electronic application for the 8(a) BD Program and SDB certification, while providing the means for SBA to acquire validating documentation in support of the electronic application.

Timetable:

Action	Date	FR Cite
Direct Final Rule	06/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3245-AF17

3537. SMALL BUSINESS INNOVATION RESEARCH (SBIR) POLICY DIRECTIVE

Priority: Other Significant

Legal Authority: 15 USC 638(j)(1)

CFR Citation: None

Legal Deadline: None

Abstract: SBA proposed amendments to the Small Business Innovation and Research (SBIR) Program Policy Directive. Those amendments reflected the requirements that Executive Order 13329 "Encouraging Innovation in Manufacturing," February 24, 2004, imposed on SBA and Federal agencies participating in the SBIR Program (70 FR 28975). In accordance with the Executive order, SBA will issue guidelines on implementing the Executive order, including requiring participating agencies to: (1) Give high priority to SBIR projects that are focused on manufacturing-related R&D in a manner consistent with their missions and the purpose of the SBIR program; (2) develop an action plan for implementing the order; and (3) report to SBA annually on these implementation plans.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy Directive	05/19/05	70 FR 28975
Comment Period End	06/20/05	
Notice of Final Policy Directive	09/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 3245-AF21

3538. RULES OF PROCEDURE GOVERNING CASES BEFORE THE OFFICE OF HEARINGS AND APPEALS ARISING FROM THE SERVICE-DISABLED VETERAN-OWNED, SMALL BUSINESS CONCERN PROGRAM

Priority: Other Significant

Legal Authority: PL 108-183, sec 308

CFR Citation: 13 CFR 134

Legal Deadline: None

Abstract: On February 24, 2005, SBA published an interim final rule amending the interim final regulations issued on May 5, 2004, governing the Service-Disabled, Veteran-Owned (SDVO) Small Business Concern Program. This interim final rule clarified procedures for making an appeal to SBA's Office of Hearings and Appeals by specifying: (1) Who may appeal to OHA; (2) when an appeal petition must be filed; (3) the substantive requirements for an appeal petition; (4) the effect of an appeal on the procurement action at issue; among other things. SBA believes that the procedures established by this interim final rule provide the necessary due process to SDVO small business concerns and to parties who protest their status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/24/05	70 FR 8923
Interim Final Rule Comment Period End	03/28/05	
Final Action	06/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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SBA

Final Rule Stage

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Related RIN: Split from 3245-AF16

RIN: 3245-AF25

3539. SMALL BUSINESS SIZE STANDARDS; SECURITY GUARDS AND PATROL SERVICES

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule revises the \$11.5 million small business size standard for the security guards and patrol services industry (North American Industry Classification code 561612). SBA has received requests from the public to review this size standard because increased labor costs and trends in Federal contracting suggest that a revision to the size standard may be warranted.

Timetable:

Action	Date	FR Cite
NPRM	11/10/05	70 FR 68368
NPRM Comment Period End	12/12/05	
Final Action	08/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3245-AF28

3540. AMENDMENTS TO THE HUBZONE PROGRAM

Priority: Other Significant

Legal Authority: 15 USC 632 (p), 657a (b) (d)

CFR Citation: 13 CFR 126

Legal Deadline: None

Abstract: The interim final rule implements statutory amendments of the Small Business Reauthorization and Manufacturing Assistance Act of 2004, subtitle E, HUBZone Program (Reauthorization Act), and make SBA regulations consistent with the changes in law.

The purpose of the HUBZone program is to provide Federal contracting assistance for qualified small business concerns (SBCs) located in historically underutilized business zones, or HUBZones, in an effort to promote economic development and employment opportunities in those areas. To receive SBA certification as a qualified HUBZone SBC under current SBA regulations, an SBC must show: i) It is exclusively owned and controlled by persons who are U.S. citizens; ii) it has a principal office in a HUBZone; iii) at least 35 percent of its employees reside in a HUBZone; and iv) the SBC must certify that it will attempt to maintain that percentage during performance of the HUBZone contract and that it will comply with certain performance requirements of the HUBZone contract. SBA designates areas as HUBZones using data from the U.S. Census Bureau and the Department of Labor in accordance with law.

Among other things, the Reauthorization Act amended eligibility requirements for SBC certification under the Small Business Act and made changes relating to HUBZone designations. These amendments became law on December 8, 2004, and took effect immediately upon enactment. Accordingly, this interim final rule revises 13 CFR part 126 to conform SBA regulations to various amendments under the Reauthorization Act. This interim final rule: (1) Authorizes HUBZone firms to be at least 51 percent owned and controlled by U.S. citizens; (2) amends the definition of the term "HUBZone small business concern" to include small agricultural cooperatives organized and incorporated in the U.S.; (3) designates base closure areas that have undergone final closure as qualified HUBZones for a period of 5 years; (4) amends the definition of a "qualified non-metropolitan county" to allow for a comparison of the county's unemployment rate to either the Statewide average or the national average, whichever is less; and (5) extends the redesignation period for HUBZone areas through the release of the 2010 census data. This interim final rule amends the HUBZone price preference for agricultural commodities purchased for export operations through international food aid programs by providing a 5 percent evaluation

preference on 20 percent of the contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/30/05	70 FR 51243
Interim Final Rule Comment Period End	10/31/05	
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Tribal

Additional Information: Comments received by the 10/31/2005 deadline resulted in the Agency proposing a revision to 126.607 to reflect a General Service Administration concern that the published rule was overly broad. Publication of the revision will follow internal SBA review of proposed text.

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RIN: 3245-AF31

3541. SMALL BUSINESS SIZE STANDARDS; INFLATION ADJUSTMENT

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: SBA is adjusting its monetary based size standards (e.g., receipts, net income, net worth, and financial assets), for the effect of inflation that has occurred since the last inflation adjustment in February 2002. Since the last inflation adjustment, the general level of prices has increased 8.7 percent. This action restores small business eligibility to businesses that have lost that status due to inflation. In addition, this rule changes the process for determining the size of small business concerns applying for SBA Business Loans and Economic Injury Disaster Loans (EIDL) from a test considering only the primary industry of the applicant to a two-part test considering both the primary industry

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of the applicant with affiliates. This rule also changes the date on which SBA determines size status for purpose of EIDL applications for businesses located in disaster areas declared as a result of Hurricanes Katrina, Rita, and Wilma.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/06/05	70 FR 72577
Interim Final Rule Comment Period End	01/05/06	
Final Action	06/00/06	

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

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RIN: 3245-AF41**3542. ● AMENDMENTS TO THE DISASTER LOAN PROGRAM****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 634 (b) (6), 636 (b), 636 (c) and 636 (f)**CFR Citation:** 13 CFR 101, 123**Legal Deadline:** None

Abstract: SBA's Office of Disaster Assistance (ODA) is implementing a reorganization plan which realigns its employees and space to operate more

efficiently to better serve its customers, the disaster victims. Part of the reorganization plan allows the Administrator to name and list five disaster centers, four of which involve program administration (e.g., field operations, customer service and loan processing) and the fifth which provides administrative support to the other disaster centers. In addition the SBA is implementing a fully web-enabled technology, which allows the ODA to process disaster loans anywhere at any time.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3245-AF42**3543. ● SMALL BUSINESS SIZE STANDARDS—EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSES OF SMALL BUSINESS SIZE STANDARDS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 15 USC 634 (b) (6), 636(a) and (a), 696(3), and 697(a) (2)**CFR Citation:** 13 CFR 121.104**Legal Deadline:** None

Abstract: The U.S. Small Business Administration is incorporating into its regulations a provision in the National Defense Authorization Act for Fiscal Year 2006 (Pub. L. 109-163) allowing small business concerns that are performing contracts in qualified combat zones certain exclusions when determining average annual receipts for small business size status. Firms will be allowed to exclude from consideration in business prime contractors for subcontracts for the sole purpose of providing security services in a qualified combat zone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 3245-AF50

Small Business Administration (SBA)

Completed Actions

3544. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM POLICY DIRECTIVE**Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Action	12/16/05	70 FR 74926

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Edsel Brown

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RIN: 3245-AE96**3545. AMENDMENT TO SBA'S REGULATIONS REGARDING ADMINISTRATIVE OFFSET****Priority:** Info./Admin./Other**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Withdrawn	03/06/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Walter C. Intlekofer

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RIN: 3245-AF19

SBA

Completed Actions

3546. SMALL BUSINESS SIZE REGULATIONS (COMPLETION OF A SECTION 610 REVIEW)**Priority:** Info./Admin./Other**Legal Authority:** Regulatory Flexibility Act, 5 USC 610; 15 USC 632, 634, 636, 637, and 644**CFR Citation:** 13 CFR 121**Legal Deadline:** None

Abstract: On January 31, 1996 (61 FR 3286), SBA promulgated a rulemaking establishing SBA size standards used to define small business concerns and size eligibility for SBA programs and other Government assistance, among other things. Certain sections within the rule may have been subsequently amended. The current requirements are codified in the Code of Federal Regulations at 13 CFR part 121. In developing this rule, SBA performed a Regulatory Flexibility Analysis, which indicated the rule could have a significant economic impact on a substantial number of small entities. SBA then used this analysis to develop the rule in such a way that mitigated small entity impact to the extent possible while still fulfilling SBA's statutory mandates.

SBA has reviewed this regulation pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610). The purpose of the review was to determine whether the rule should be continued without change, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with the provisions of the Small Business Act. SBA solicited comments on the continued need for the rule; the complexity of the rule; the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules, and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. The Agency received no comment on the action and has concluded that the rule needs no revisions to minimize impacts on small entities while still complying with the Small Business Act.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
Comment Period End	07/31/05	
End Review	11/30/05	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson, Assistant Administrator/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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RIN: 3245-AF32**3547. 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS (COMPLETION OF A SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** Regulatory Flexibility Act, 5 USC 610; 15 USC 634, 636, and 637**CFR Citation:** 13 CFR 124**Legal Deadline:** None

Abstract: On June 30, 1998 (63 FR 35739), SBA promulgated a rulemaking establishing eligibility requirements for participation in the 8(a) Business Development and Federal Small Disadvantaged Business programs, and application, certification, and protest procedures, among other things. Certain sections within the rule may have been subsequently amended. The current requirements are codified in the Code of Federal Regulations at 13 CFR part 124. In developing this rule, SBA performed a Regulatory Flexibility Analysis, which indicated the rule could have a significant economic impact on a substantial number of small entities. SBA then used this analysis to develop the rule in such a way that mitigated small entity impact to the extent possible while still fulfilling SBA's statutory mandates.

SBA has reviewed this regulation pursuant to section 610 of this Regulatory Flexibility Act (5 U.S.C. 610). The purpose of the review was to determine whether the rule should be continued without changes, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with provisions of the Small Business Act. SBA solicited comment on the continued need for the rule, the complexity of the rule, the extent to

which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules, and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. The Agency received no comment on the action and has concluded that the rule needs no revisions to minimize impacts on small entities while still complying with the Small Business Act.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
Comment Period End	07/31/05	
End Review	11/30/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Sheila Thomas, Acting Associate Administrator for Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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RIN: 3245-AF33**3548. GOVERNMENT CONTRACTING PROGRAMS (COMPLETION OF A SECTION 610 REVIEW)****Priority:** Info./Admin./Other**Legal Authority:** Regulatory Flexibility Act, 5 USC 610; 15 USC 634, 637, and 644**CFR Citation:** 13 CFR 125**Legal Deadline:** None

Abstract: On January 31, 1996 (61 FR 3312), SBA promulgated a rulemaking identifying requirements for four Government contracting assistance programs: Prime contracting assistance, subcontracting assistance, Government property sales assistance, and the Certificate of Competency program. Certain sections within the rule may have been subsequently amended. The current requirements are codified in the Code of Federal Regulations at 13 CFR part 125. In developing this rule, SBA performed a Regulatory Flexibility Analysis, which indicated the rule could have a significant economic impact on a substantial number of small entities. SBA then used this analysis to develop the rule in such a way that mitigated small entity impact

SBA

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to the extent possible while still fulfilling the programs' statutory mandates.

SBA has reviewed this regulation pursuant to section 610 of this Regulatory Flexibility Act (5 U.S.C. 610). The purpose of the review was to determine whether the rule should be continued without changes, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with provisions of the Small Business Act. SBA solicited comment on the continued need for the rule, the complexity of the rule, the extent to which it overlaps, duplicates, or conflicts with other Federal, State, or local government rules, and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. The Agency received no comment on the action and has concluded that the rule needs no revisions to minimize impacts on small entities while still complying with the Small Business Act.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
Comment Period End	07/31/05	
End Review	11/30/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3245-AF34

3549. HUBZONE PROGRAM (COMPLETION OF A SECTION 610 REVIEW)

Priority: Info./Admin./Other

Legal Authority: Regulatory Flexibility Act, 5 USC 610; 15 USC 632 and 657a

CFR Citation: 13 CFR 126

Legal Deadline: None

Abstract: On June 11, 1998 (63 FR 31908), SBA promulgated a rulemaking establishing eligibility requirements for qualified HUBZone small business

concerns, procedures for certification program examinations and protests, and provisions relating to HUBZone contracts, among other things. Certain sections within the rule may have been subsequently amended. The current requirements are codified in the Code of Federal Regulations at 13 CFR part 126. In developing this rule, SBA performed a Regulatory Flexibility Analysis, which indicated the rule could have a significant economic impact on a substantial number of small entities. SBA then used this analysis to develop the rule in such a way that mitigated small entity impact to the extent possible while still fulfilling SBA's statutory mandates.

SBA has reviewed this regulation pursuant to section 610 of this Regulatory Flexibility Act (5 U.S.C. 610). The purpose of the review was to determine whether the rule should be continued without changes, or should be amended or rescinded, to minimize economic impacts on small entities while still complying with provisions of the Small Business Act. SBA solicited comment on the continued need for the rule, the complexity of the rule, and the degree to which technology, economic conditions, or other relevant factors have changed since the rule was promulgated. The Agency received no comment on the action and has concluded that the rule needs no revisions to minimize impacts on small entities while still complying with Small Business Act.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
Comment Period End	07/31/05	
End Review	11/30/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3245-AF35

3550. COSPONSORSHIPS, FEE- AND NON-FEE-BASED, SBA-SPONSORED ACTIVITIES AND GIFTS

Priority: Info./Admin./Other

CFR Citation: 13 CFR 106

Completed:

Reason	Date	FR Cite
Final Rule	11/23/05	70 FR 70704
Correction	12/22/05	70 FR 75932

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3245-AF37

3551. • SMALL BUSINESS SIZE STANDARDS, GULF OPPORTUNITY PILOT LOAN PROGRAM

Priority: Other Significant

Legal Authority: 15 U.S.C. 636

CFR Citation: 13 CFR 120.301(a)

Legal Deadline: None

Abstract: The U.S. Small Business Administration (SBA) is temporarily amending the size eligibility criteria for loan assistance provided under the "Gulf Opportunity Pilot Loan Program," a pilot under the 7(a) Business Loan Program. The pilot program makes available on an expedited basis 7(a) loans to small businesses located in, or relocating to, disaster areas declared by the President as a result of Hurricanes Katrina and Rita and any contiguous parishes or counties. This interim final rule makes financial assistance under the pilot program available to businesses that are considered small for the purpose of SBA's 7(a) Business Loan Program and businesses considered small for the purpose of SBA's Certified Development Company Program. SBA prepared this rule as an interim final rule because its immediate implementation will facilitate the reconstruction and economic recovery of the Gulf Coast.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/05	70 FR 69045
Interim Final Rule Comment Period End	12/14/05	

SBA**Completed Actions**

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For Public Comments:**

www.regulations.gov

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