



# Federal Register

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Monday,  
May 13, 2002

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Part XLIII

## Small Business Administration

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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 46th 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, Attorney Advisor, 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 Part III, Completed Actions, includes regulations completed or withdrawn and any reviews completed since the preceding agenda.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.

**Dated:** March 18, 2002.

**Hector V. Barreto,**  
*Administrator.*

**Small Business Administration—Prerule Stage**

Sequence Number	Title	Regulation Identification Number
3454	Surety Bond Guarantee .....	3245-AE13
3455	Development Company Loan (504) Program Changes .....	3245-AE41

**Small Business Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
3456	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration .....	3245-AC96
3457	Record Disclosure and Privacy Regulations; Subpart B .....	3245-AE03
3458	Small Business Development Centers (SBDC) Program Revisions .....	3245-AE05
3459	Small Business Lending Companies Regulations .....	3245-AE14
3460	8(a) Business Development/Program Improvement and Technical Amendments .....	3245-AE38
3461	SDB Certification and Eligibility—Program Improvement and Technical Amendments .....	3245-AE47
3462	Size Standards: Subcontracting Size Standards .....	3245-AE57
3463	Small Business Investment Companies—Civil Penalties for Late Submission of Required Reports .....	3245-AE69
3464	Small Business Investment Companies—Amendment Under the Small Business Reauthorization Act of 2000 .....	3245-AE70
3465	Small Business Size Regulation; 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals .....	3245-AE71
3466	Small Business Size Regulations; Small Business Innovation Research Program .....	3245-AE76
3467	Small Business Size Standards; Testing Laboratories .....	3245-AE78
3468	SBIC—Maximum Leverage Eligibility .....	3245-AE79
3469	Small Business Size Standards; Information Technology Value Added Resellers .....	3245-AE80
3470	Small Business Size Standards; Surety Bond Guarantee Program .....	3245-AE81
3471	Business Loans and Development Company Loans; Applications by Certified Development Companies (CDCs) for Liquidation and Litigation Authority/Uniform Liquidation and Litigation Procedures .....	3245-AE83
3472	Business Loans and Development Company Loans; Premier Certified Lender Program (PCLP) .....	3245-AE87
3473	Small Business Investment Companies .....	3245-AE88
3474	Small Business Size Standards; Forest Fire Suppression and Fuels Management Services .....	3245-AE89
3475	New Markets Venture Capital Program; Amendments .....	3245-AE91
3476	Small Business Size Regulations: Rules of Procedure Governing Cases Before the Office of Hearings and Appeals .....	3245-AE92
3477	Record Disclosure and Privacy; The Electronic Freedom of Information Act Amendments of 1996 .....	3245-AE94
3478	Small Business Size Standards; Travel Agencies .....	3245-AE95

**SBA**

## Small Business Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3479	Small Business Technology Transfer Program Policy Directive .....	3245-AE96

## Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3480	Pre-Disaster Mitigation Loan Program Amendments .....	3245-AE44
3481	Administrative Wage Garnishment and Administrative Offset .....	3245-AE50
3482	Size Standards: Inflation Adjustment .....	3245-AE56
3483	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs or Activities Receiving Federal Financial Assistance .....	3245-AE59
3484	HUBZone Empowerment Contracting Program .....	3245-AE66
3485	Business Loans and Development Company Loans .....	3245-AE68
3486	Small Business Innovation Research (SBIR) Program Policy Directive .....	3245-AE72
3487	Small Business Size Regulation; Petroleum Refineries .....	3245-AE84

## Small Business Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3488	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
3489	Size Standards for Compliance With Programs of Other Agencies .....	3245-AE42
3490	Disaster Loan Program .....	3245-AE82
3491	Small Business Size Regulation; Travel Agencies Affected by September 11, 2001 .....	3245-AE93

## Small Business Administration—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
3245-AE18	Small Business Size Standards; Electric Services	03/06/2002	Withdrawn
3245-AE65	The Women-Owned Small Business Federal Contract Assistance Program	04/24/2002	Withdrawn
3245-AE85	8(a) Business Development/Small Disadvantage Business Status Determination	03/18/2002	Withdrawn

## Small Business Administration (SBA)

Prerule Stage

**3454. 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 program regulations to include policy and procedural modifications. Planned regulatory changes would pertain to both the Prior Approval and the Preferred Surety Bond programs.**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/03	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Dionne Neal, Acting DAA/Office of Surety Guarantees, Small Business Administration, 409

Third Street SW, Washington, DC 20416

Phone: 202 205-7601

**RIN:** 3245-AE13**3455. 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 to publish an Advanced Notice of Proposed Rulemaking to solicit opinions regarding our intention to propose 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 and whether CDCs should be allowed to establish entities to participate as 7(a) lenders. As part of the regulation, for-profit CDCs' organizational requirements will be dealt with specifically to ensure that they are in compliance with the congressional intent for the program.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/02	

**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

## Small Business Administration (SBA)

Proposed Rule Stage

**3456. 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	FR Cite
NPRM	03/00/03	

**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**3457. RECORD DISCLOSURE AND PRIVACY REGULATIONS; SUBPART B****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104-231; 5 USC 552; 5 USC 552a**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 requesters, 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	FR Cite
NPRM	10/00/02	

**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**3458. SMALL BUSINESS DEVELOPMENT CENTERS (SBDC) PROGRAM REVISIONS****Priority:** Substantive, Nonsignificant**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.

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## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis****Required:** Undetermined**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**3459. 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	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**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**3460. 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. The

amendments will clarify, and in some cases modify, certain requirements and procedures. For example, the rules governing the mentor/protege program will be clarified. Part 124 will also be amended to include certain new policies and procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

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

**Agency Contact:** Martin Gold, Acting Deputy AA/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-7340

**RIN:** 3245-AE38**3461. 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	FR Cite
NPRM	07/00/02	

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

**Agency Contact:** Martin Gold, Acting Deputy AA/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

Phone: 202 205-7340

**RIN:** 3245-AE47**3462. SIZE STANDARDS: SUBCONTRACTING SIZE STANDARDS****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 revise the size standards applicable to subcontractors to Federal prime contractors.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**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

**RIN:** 3245-AE57**3463. 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.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis****Required:** No

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## Proposed Rule Stage

**Government Levels Affected:** None

**Agency Contact:** Harry Haskins, Acting Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416  
Phone: 202 205-6694  
Fax: 202 205-6959

**RIN:** 3245-AE69

**3464. 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 incorporates these changes.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Harry Haskins, Acting Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416  
Phone: 202 205-6694  
Fax: 202 205-6959

**RIN:** 3245-AE70

**3465. SMALL BUSINESS SIZE REGULATION; 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS; RULES OF PROCEDURE GOVERNING CASES BEFORE THE OFFICE OF HEARINGS AND APPEALS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 504; 15 USC 632; 15 USC 634(b)(6); 15 USC 637(a)

**CFR Citation:** 13 CFR 134

**Legal Deadline:** None

**Abstract:** This rule amends the regulations governing proceedings before SBA’s Office of Hearings and Appeals (OHA) to change and clarify procedures to make them easier to use and more efficient, codify OHA case law pertaining to its own procedures, and conform regulations to longstanding practice. In addition, the rule conforms OHA’s regulations to reflect the North American Industry Classification System (NAICS), which has replaced the Standard Industrial Code (SIC) system.

**Timetable:**

Action	Date	FR Cite
NPRM	03/12/02	67 FR 11057
NPRM Comment Period End	04/11/02	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Gloria Blazsik, Acting Assistant Administrator for Hearings and Appeals, Small Business Administration, 409 Third Street SW, Suite 5900, Washington, DC 20416  
Phone: 202 401-8200

**RIN:** 3245-AE71

**3466. 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	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**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

**RIN:** 3245-AE76

**3467. 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 will revise the size standard for the Testing Laboratories 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	FR Cite
NPRM	04/09/02	67 FR 17020
NPRM Comment Period End	05/10/02	
Final Action	12/00/02	

**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

**RIN:** 3245-AE78

**3468. SBIC—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

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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	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Harry Haskins, Acting Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416  
Phone: 202 205-6694  
Fax: 202 205-6959

**RIN:** 3245-AE79

### 3469. 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	FR Cite
NPRM	07/00/02	

**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

**RIN:** 3245-AE80

### 3470. 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 to the current \$6 million size standard.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/02	

**Regulatory Flexibility Analysis Required:** Undetermined

**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

**RIN:** 3245-AE81

### 3471. 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	FR Cite
NPRM	06/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James W. Hammersley, Director for Secondary Market Sales, Small Business Administration, 8th Floor, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6490

**RIN:** 3245-AE83

### 3472. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS; PREMIER CERTIFIED LENDER PROGRAM (PCLP)

**Priority:** Other Significant

**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:** This proposed rule identifies certain Premier Certified Lenders Program participation requirements and various policies and procedures designed to ensure the program is properly administered, managed, and controlled.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Thomas, Director, Program Development, Small Business Administration, Financial Assistance, 409 Third Street SW, 8th Floor, Washington, DC 20416  
Phone: 202 205-6656

**RIN:** 3245-AE87

### 3473. SMALL BUSINESS INVESTMENT COMPANIES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 13 CFR 107

**Legal Deadline:** None

**Abstract:** This proposed rule would allow a Small Business Investment Company (SBIC) to assume control over a small business concern, without

## SBA

## Proposed Rule Stage

notice to the SBA, and to retain such control for a period of up to 5 years or longer with SBA's approval. The proposed rule would also allow an SBIC to sell equity securities in a portfolio concern to a competitor to that portfolio concern.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Harry Haskins, Acting Associate Administrator for Investment, Small Business Administration, 409 Third Street SW, Suite 6300, Washington, DC 20416  
Phone: 202 205-6694  
Fax: 202 205-6959

**RIN:** 3245-AE88

**3474. • 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	FR Cite
NPRM	07/00/02	

**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

**RIN:** 3245-AE89

**3475. • NEW MARKETS VENTURE CAPITAL PROGRAM; AMENDMENTS**

**Priority:** Other Significant

**Legal Authority:** 15 USC 689-689q

**CFR Citation:** 13 CFR 108

**Legal Deadline:** None

**Abstract:** The SBA proposes to make several amendments to the regulations for the New Markets Venture Capital (NMVC) program. The majority of the proposed amendments make technical changes to the regulations, to correct typographical errors or to clarify language. SBA also proposes to make some substantive amendments to the regulations, which SBA believes will result in more efficient and effective delivery of NMVC program benefits to the targeted geographic areas.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Austin J. Belton, Director, Office of New Markets Venture Capital, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-7027

**RIN:** 3245-AE91

**3476. • 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:** The 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 new programs such as SBA's HUBZone program and the Governmentwide Small Disadvantaged Business Program. The proposed 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	FR Cite
NPRM	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Tribal

**Agency Contact:** Luz Hopewell, Associate Administrator for Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6463

**RIN:** 3245-AE92

**3477. • 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, allow more time to respond to requests, increase processing fees, etc.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

**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, Washington, DC 20416  
Phone: 202 401-8200  
Fax: 202 205-7059  
Email: lisa.babcock@sba.gov

**RIN:** 3245-AE94

## SBA

## Proposed Rule Stage

**3478. • SMALL BUSINESS SIZE STANDARDS; TRAVEL AGENCIES****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)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** The Small Business Administration proposes to increase the size standard for Travel Agencies (North American Industry Classification System (NAICS) code 561510) from \$1 million to \$3 million. This action will better define the size of businesses in this industry that the SBA believes should be eligible for Federal small business assistance programs.

**Timetable:**

Action	Date	FR Cite
NPRM	03/15/02	67 FR 11881

Action	Date	FR Cite
NPRM Comment	04/15/02	
Period End		
Final Action	08/00/02	

**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

**RIN:** 3245-AE95**3479. • 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	FR Cite
Notice of Proposed Policy Directive	07/00/02	

**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

## Small Business Administration (SBA)

## Final Rule Stage

**3480. PRE-DISASTER MITIGATION LOAN PROGRAM AMENDMENTS****Priority:** Other Significant**Legal Authority:** PL 106-24**CFR Citation:** 13 CFR 123.400 et seq**Legal Deadline:** None

**Abstract:** Necessary amendments to Pre-Disaster Mitigation Loan Program to permit implementation of the program. Amendments will clarify and add to existing regulations in areas of eligibility and process.

**Timetable:**

Action	Date	FR Cite
NPRM	06/14/00	65 FR 37307
NPRM Comment	07/14/00	
Period End		
Final Action	06/00/02	

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

**Agency Contact:** George Camp, Supervisory Program Analyst, Small Business Administration, Suite 6050, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-0734

Email: george.camp@sba.gov

**RIN:** 3245-AE44**3481. 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	FR Cite
NPRM	06/27/00	65 FR 39567
NPRM Comment	08/28/00	
Period End		
Final Action	06/00/02	

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

**Agency Contact:** Arnold Rosenthal, Assistant Administrator for Portfolio Management, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6481

**RIN:** 3245-AE50**3482. SIZE STANDARDS: INFLATION ADJUSTMENT****Priority:** Other Significant**Legal Authority:** 15 USC 632(a); 15 USC 634(b)(6)**CFR Citation:** 13 CFR 121**Legal Deadline:** None

**Abstract:** This final rule adjusts SBA's receipt-based size standards for inflation since the last time they were adjusted in 1994.

SBA

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/23/02	67 FR 3041
Interim Final Rule Comment Period End	02/22/02	
Final Action	07/00/02	

**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

**RIN:** 3245-AE56

**3483. 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 (CRRA) 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 CRRA's definition of "program or activity" and "program" into the Agency's title VI, section 504, and Age Discrimination Act regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/06/01	
Final Action	08/00/02	
Final Action Effective	09/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Carol L. Walker, Director, Office of Civil Rights Compliance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6750

**RIN:** 3245-AE59

**3484. 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 proposes to amend 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 proposes: (1) consolidating all subcontracting requirements into one regulation, (2) language on how to petition for changes in subcontracting requirements, (3) to apply nonmanufacturer rules consistently for all programs, (4) how small nonmanufacturers should submit products of any manufacturer for contracts below the simplified acquisition threshold, (5) addressing statutory amendments, and (6) making technical changes.

**Timetable:**

Action	Date	FR Cite
NPRM	01/28/02	67 FR 3826
NPRM Comment Period Extended	02/26/02	67 FR 8739

**Action Date FR Cite**

NPRM Comment Period End	02/27/02	
NPRM Comment Period End	03/29/02	
Final Action	05/00/02	

**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

**3485. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS**

**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.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	11/14/01	66 FR 56985
Direct Final Rule Comment Period End	12/14/01	
Direct Final Rule Withdrawn	12/14/01	66 FR 64739
Direct Final Rule	06/00/02	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** James W. Hammersley, Director for Secondary Market Sales, Small Business Administration, 8th Floor, 409 Third Street SW, Washington, DC 20416

## SBA

## Final Rule Stage

Phone: 202 205-6490

RIN: 3245-AE68

**3486. • SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM POLICY DIRECTIVE**

Priority: Other Significant

Legal Authority: 15 USC 638; PL 102-564, sec 202(d), 106 Stat 4294

CFR Citation: None

Legal Deadline: None

**Abstract:** This document proposes revisions to the Small Business Innovation Research (SBIR) Program Policy Directive. This revised proposed policy directive reflects recently enacted statutory requirements. It is proposed to provide guidance to participating Federal agencies for the general conduct of the SBIR Program.

**Timetable:**

Action	Date	FR Cite
Notice of Proposed Policy Directive	05/18/01	66 FR 27721
Comment Period End	06/18/01	

Action	Date	FR Cite
Comment Period Reopened	06/22/01	66 FR 33598
Comment Period End	07/23/01	
Final Action	06/00/02	

**Regulatory Flexibility Analysis Required: No**

Government Levels Affected: None

**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-AE72

**3487. • SMALL BUSINESS SIZE REGULATION; PETROLEUM REFINERIES**

Priority: Other Significant

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

CFR Citation: 13 CFR 121

Legal Deadline: None

**Abstract:** This rule proposes to increase the size standard for petroleum refiners to 155,000 barrels per calendar day from 75,000 barrels per day. This size standard applies to only refiners competing on Federal contracts to provide petroleum products.

**Timetable:**

Action	Date	FR Cite
NPRM	02/12/02	67 FR 6437
NPRM Comment Period End	03/14/02	
Final Action	09/00/02	

**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

RIN: 3245-AE84

## Small Business Administration (SBA)

## Long-Term Actions

**3488. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**

Priority: Substantive, Nonsignificant

CFR Citation: 13 CFR 145

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Next Action	Undetermined	

**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

**3489. SIZE STANDARDS FOR COMPLIANCE WITH PROGRAMS OF OTHER AGENCIES**

Priority: Substantive, Nonsignificant

CFR Citation: 13 CFR 121

**Completed:**

Reason	Date	FR Cite
Final Action	03/26/02	67 FR 13714
Final Action Effective	04/25/02	

**Regulatory Flexibility Analysis Required: No**

Government Levels Affected: None

Agency Contact: Carl Jordan

Phone: 202 205-6093

Fax: 202 205-6390

RIN: 3245-AE42

**3490. • DISASTER LOAN PROGRAM**

Priority: Other Significant

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, 1864; PL 103-75, 107 Stat 739; PL 106-50, 113 Stat 245

CFR Citation: 13 CFR 123

Legal Deadline: None

**Abstract:** This interim final rule allows SBA to make economic injury disaster loans to eligible small business concerns outside the declared disaster areas that suffered substantial economic injury as a direct result of the destruction of the World Trade Center or damage to the Pentagon on September 11, 2001, or as a direct result of any related Federal action taken between September 11, 2001, and October 22, 2001.

## SBA

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/22/01	66 FR 53329
Interim Final Rule	11/21/01	
Comment Period		
End		

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

**Agency Contact:** Herbert L. Mitchell,  
Associate Administrator for Disaster  
Assistance, Small Business  
Administration, 409 Third Street SW,  
Washington, DC 20416  
Phone: 202 205-6734

**RIN:** 3245-AE82

**3491. • SMALL BUSINESS SIZE  
REGULATION; TRAVEL AGENCIES  
AFFECTED BY SEPTEMBER 11, 2001**

**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:** SBA is increasing the size  
standard for Travel Agencies from \$1  
million to \$3 million for purposes of  
eligibility of economic injury disaster  
loan assistance to small business  
concerns affected as a result of the  
terrorist attacks on the World Trade  
Center and the Pentagon.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/15/02	67 FR 11874
Interim Final Rule	04/15/02	
Comment Period		
End		

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

**Agency Contact:** Gary M. Jackson,  
AA/Size Standards, Small Business  
Administration, 409 Third Street SW,  
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**RIN:** 3245-AE93

[FR Doc. 02-7687 Filed 05-10-02; 8:45 am]

**BILLING CODE 8025-01-S**