



Federal Register

**Monday,
December 9, 2002**

Part XLIV

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Regulatory Agenda

AGENCY: Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: The entries below represent SBA's 47th semiannual regulatory agenda (agenda). SBA drafted the agenda to meet both the criteria and the spirit of the regulatory review process. SBA publishes this agenda pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, SBA encourages the public to contact the individual agency official referenced in each entry. For information

concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin S. Conrey, Acting Assistant General Counsel for Legislation and Regulations, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, (202) 619-0638.

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

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

withdrawn and any reviews completed since the preceding agenda.

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

For this edition of SBA's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Hector V. Barreto,
Administrator.

Small Business Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
3773	Surety Bond Guarantee	3245-AE13
3774	Development Company Loan (504) Program Changes	3245-AE41

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3775	Supplemental Standards of Ethical Conduct for Employees of the Small Business Administration	3245-AC96
3776	Disclosure of Information Regulations; Subpart B	3245-AE03
3777	Small Business Development Centers (SBDC) Program Revisions	3245-AE05
3778	Small Business Lending Companies Regulations (Reg Plan Seq No. 155)	3245-AE14
3779	8(a) Business Development/Program Improvement and Technical Amendments	3245-AE38
3780	SDB Certification and Eligibility—Program Improvement and Technical Amendments	3245-AE47
3781	Small Business Investment Companies—Civil Penalties for Late Submission of Required Reports	3245-AE69
3782	Small Business Investment Companies—Amendment Under the Small Business Reauthorization Act of 2000	3245-AE70
3783	Small Business Size Regulations; Small Business Innovation Research Program	3245-AE76
3784	SBIC—Maximum Leverage Eligibility	3245-AE79
3785	Small Business Size Standards; Surety Bond Guarantee Program	3245-AE81
3786	Business Loans and Development Company Loans; Applications by Certified Development Companies (CDCs) for Liquidation and Litigation Authority/Uniform Liquidation and Litigation Procedures	3245-AE83
3787	Business Loans and Development Company Loans; Premier Certified Lender Program (PCLP)	3245-AE87
3788	Small Business Size Regulations: Rules of Procedure Governing Cases Before the Office of Hearings and Appeals	3245-AE92
3789	Record Disclosure and Privacy; The Electronic Freedom of Information Act Amendments of 1996	3245-AE94
3790	Small Business Technology Transfer Program Policy Directive	3245-AE96
3791	Small Business Size Standards; Tour Operators	3245-AE98
3792	Small Business Size Standards; New Car Dealers	3245-AF01
3793	Small Business Size Standards; Job Corp Centers	3245-AF02

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

SBA

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3794	Administrative Wage Garnishment and Administrative Offset	3245-AE50
3795	Size Standards: Inflation Adjustment	3245-AE56
3796	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs or Activities Receiving Federal Financial Assistance	3245-AE59
3797	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	3245-AE61
3798	HUBZone Empowerment Contracting Program (Reg Plan Seq No. 156)	3245-AE66
3799	Business Loans and Development Company Loans 2000 Act Changes	3245-AE68
3800	Small Business Size Standards; Testing Laboratories	3245-AE78
3801	Small Business Size Standards; Information Technology Value Added Resellers	3245-AE80
3802	Small Business Size Regulation; Petroleum Refineries	3245-AE84
3803	Small Business Size Standards; Forest Fire Suppression and Fuels Management Services	3245-AE89
3804	New Markets Venture Capital Program; Amendments	3245-AE91
3805	Disaster Loan Program—Disaster Mitigation Act of 2000	3245-AE97

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3806	Pre-Disaster Mitigation Loan Program Amendments	3245-AE44
3807	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
3808	Small Business Innovation Research (SBIR) Program Policy Directive	3245-AE72
3809	Small Business Investment Companies	3245-AE88
3810	Small Business Size Regulation; Travel Agencies Affected by September 11, 2001	3245-AE93
3811	Small Business Size Standards; Travel Agencies	3245-AE95
3812	Small Business Size Standards; Adoption of 2002 North American Industry Classification System for Size Standards	3245-AF00

Small Business Administration—Discontinued Entries

Regulation Identification Number	Title	Date	Comments
3245-AE57 3245-AE99	Size Standards: Subcontracting Size Standards Small Business Size Standards; Size Standards by 2002 North American Industry Classification System	08/06/2002 10/17/2002	Merged With RIN 3245-AE92 Withdrawn

Small Business Administration (SBA)

Prerule Stage

3773. 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	06/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dionne Neal, Acting AA, Office of Surety Guarantees, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6549

RIN: 3245-AE13

SBA

Prerule Stage

3774. 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	11/00/02	

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

3775. 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

3776. DISCLOSURE OF INFORMATION REGULATIONS; SUBPART B

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-231; 5 USC 552

CFR Citation: 13 CFR 102

Legal Deadline: None

Abstract: This proposed regulation will amend 13 CFR 102, amendments to subpart B "The Privacy Act" (PA). This action proposes to add new routine disclosures, correct the definition of "system of records," require identification of requestors, clarify when lack of social security number can cause benefit denial, and provide for one free copy of an official personnel file.

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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

RIN: 3245-AE03

3777. SMALL BUSINESS DEVELOPMENT CENTERS (SBDC) PROGRAM REVISIONS

Priority: Other Significant

Legal Authority: 15 USC 634(b)(6); 15 USC 648

CFR Citation: 13 CFR 130

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	

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

SBA

Proposed Rule Stage

3778. SMALL BUSINESS LENDING COMPANIES REGULATIONS

Regulatory Plan: This entry is Seq. No. 155 in part II of this issue of the **Federal Register**.

RIN: 3245-AE14

3779. 8(A) BUSINESS DEVELOPMENT/PROGRAM IMPROVEMENT AND TECHNICAL AMENDMENTS

Priority: Other Significant

Legal Authority: 15 USC 631

CFR Citation: 13 CFR 124

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/03	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 3245-AE38

3780. 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	02/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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

RIN: 3245-AE47

3781. 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	04/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 3245-AE69

3782. SMALL BUSINESS INVESTMENT COMPANIES—AMENDMENT UNDER THE SMALL BUSINESS REAUTHORIZATION ACT OF 2000

Priority: Substantive, Nonsignificant

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

CFR Citation: 13 CFR 107

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 3245-AE70

SBA

Proposed Rule Stage

3783. 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	12/00/02	

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**3784. 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 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	01/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 3245-AE79**3785. 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	12/00/02	

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**3786. 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	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 3245-AE83**3787. 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 will identify 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	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 3245-AE87**3788. 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

SBA

Proposed Rule Stage

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	11/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Tribal

Agency Contact: Linda Williams, AA, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 401-8150
Fax: 202 205-7259

RIN: 3245-AE92

3789. RECORD DISCLOSURE AND PRIVACY; THE ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552

CFR Citation: 13 CFR 102, subpart A

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/11/02	67 FR 57539

Action	Date	FR Cite
NPRM Comment Period End	11/12/02	
Final Action	02/00/03	

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

3790. 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	12/00/02	

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

3791. • SMALL BUSINESS SIZE STANDARDS; TOUR OPERATORS

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule proposes to modify how SBA calculates the size of a tour operator for determining small business eligibility. SBA uses gross receipts from all sources to measure the size of a business, except for a limited number of industries. This rule calculates the size of a tour operator based only on commissions and fees.

Timetable:

Action	Date	FR Cite
NPRM	10/02/02	67 FR 61829
NPRM Comment Period End	11/01/02	
Final Action	02/00/03	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 3245-AE98

3792. • SMALL BUSINESS SIZE STANDARDS; NEW CAR DEALERS

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	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-AF01

SBA

Proposed Rule Stage

3793. • SMALL BUSINESS SIZE STANDARDS; JOB CORP CENTERS**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 management and operation of a Federal Job Corp Center. The

activities of operating a Job Corp Center include training, counseling, outreach, food services, lodging, facilities maintenance, and general management.

Timetable:

Action	Date	FR Cite
NPRM	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-AF02

Small Business Administration (SBA)

Final Rule Stage

3794. 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 Period End	08/28/00	
Final Action	11/00/02	

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**3795. 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.**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	11/00/02	

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**3796. 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	12/00/02	
Final Action Effective	01/00/03	

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

SBA

Final Rule Stage

3797. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549 (3 CFR, 1986 Comp, p 189); EO 11738 (3 CFR, 1973 Comp, p 799); EO 12689 (3 CFR, 1989 Comp, p 235); Drug Free Workplace Act of 1988, sec 5151 to 5160; PL 100-690, title V, subtitle D; 41 USC 701 et seq; 15 USC 634(b)(6); 5 USC 301 et seq; 15 USC 631 et seq; PL 103-355, sec 2455, 108 Stat 3327 (31 USC 6160 note)**CFR Citation:** 13 CFR 145**Legal Deadline:** None**Abstract:** This amendment proposes substantive changes and amendments to the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule for implementing the Drug-Free Workplace Act of 1988. This amendment also proposes optional lower tier suspension and debarment coverage by including paragraph 145.220(d) for all contracts that equal or exceed the \$25,000 award threshold under SBA nonprocurement transactions.**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Final Rule	01/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michael Campilongo, Attorney Advisor, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6879**RIN:** 3245-AE61**3798. HUBZONE EMPOWERMENT CONTRACTING PROGRAM****Regulatory Plan:** This entry is Seq. No. 156 in part II of this issue of the Federal Register.**RIN:** 3245-AE66**3799. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS 2000 ACT CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); 15 USC 696(3); 15 USC 697(a)(2)**CFR Citation:** 13 CFR 120**Legal Deadline:** None**Abstract:** Recently enacted statutory amendments require changes to SBA rules concerning loan guaranty and loan amounts, minimum guaranteed dollar amount of 7(a) loans, percentages of financing which can be guaranteed by SBA, guarantee fees paid by lenders, real estate occupancy rules, and borrower prepayment penalties. This direct final rule would implement the statutory provisions. This Direct Final Rule was withdrawn due to the possibility that SBA would receive an adverse comment concerning SBA's interpretation of the statutory language. SBA is redrafting a new Direct Final Rule.**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** James W. Hammersley, Director, Office of Loan Policy, Small Business Administration, 8th Floor, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6490**RIN:** 3245-AE68**3800. 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**3801. 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	07/24/02	67 FR 48419
NPRM Comment Period End	08/23/02	
Final Action	02/00/03	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6618**RIN:** 3245-AE80

SBA

Final Rule Stage

3802. 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	02/00/03	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6618**RIN:** 3245-AE84**3803. 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	07/19/02	67 FR 47480

Action	Date	FR Cite
NPRM Comment Period End	08/19/02	
Final Action	02/00/03	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson, AA/Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6618**RIN:** 3245-AE89**3804. NEW MARKETS VENTURE CAPITAL PROGRAM; AMENDMENTS****Priority:** Other Significant**Legal Authority:** 15 USC 689-689q**CFR Citation:** 13 CFR 108**Legal Deadline:** None**Abstract:** 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 and 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	05/20/02	67 FR 35449
NPRM Comment Period End	06/19/02	
Final Action	11/00/02	

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**3805. • DISASTER LOAN PROGRAM—DISASTER MITIGATION ACT OF 2000****Priority:** Other Significant**Legal Authority:** PL 96-390**CFR Citation:** 13 CFR 123**Legal Deadline:** None**Abstract:** Under this interim final rule, SBA will implement its disaster loan program when the President declares a major disaster, or declares an emergency, and activates the Assistance to Individuals and Household Program in an emergency disaster declaration. Under the Disaster Mitigation Act of 2000, if the President declares a major disaster that includes, or is limited to, public assistance, a private nonprofit facility which provides non-critical services must first apply for disaster loan assistance from SBA before it could seek grant assistance for permanent repairs and/or replacements from the Federal Emergency Management Agency. SBA is also implementing this legislative change, and is making certain technical changes.**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/15/02	
Interim Final Rule	10/21/02	67 FR 64517
Interim Final Rule Comment Period End	12/20/02	
Final Action	01/00/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Becky Celeste Brantley, Loan Specialist, Small Business Administration, 409 Third Street, SW, Suite 6050, Mail code 2991, Washington, DC 20416
Phone: 202 205-6734
Fax: 202 205-7725
Email: becky.brantley@sba.gov**RIN:** 3245-AE97

Small Business Administration (SBA)

Completed Actions

3806. PRE-DISASTER MITIGATION LOAN PROGRAM AMENDMENTS**Priority:** Other Significant**CFR Citation:** 13 CFR 123.400 et seq**Completed:**

Reason	Date	FR Cite
Final Action	10/07/02	67 FR 62335

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** George Camp

Phone: 202 205-0734

Email: george.camp@sba.gov

RIN: 3245-AE44**3807. 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**CFR Citation:** 13 CFR 134**Completed:**

Reason	Date	FR Cite
Final Action	07/18/02	67 FR 47244

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**Agency Contact:** Gloria Blazsik

Phone: 202 401-8200

RIN: 3245-AE71**3808. SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM POLICY DIRECTIVE****Priority:** Other Significant**CFR Citation:** None**Completed:**

Reason	Date	FR Cite
Final Action	09/24/02	67 FR 60071

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Maurice Swinton

Phone: 202 205-6450

RIN: 3245-AE72**3809. SMALL BUSINESS INVESTMENT COMPANIES****Priority:** Substantive, Nonsignificant**CFR Citation:** 13 CFR 107**Completed:**

Reason	Date	FR Cite
NPRM	05/17/02	67 FR 35055
Final Action	10/22/02	67 FR 64789

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Jeffrey D. Pierson

Phone: 202 205-6510

Fax: 202 205-6959

RIN: 3245-AE88**3810. • 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 increased 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 Comment Period End	04/15/02	
Final Rule	05/31/02	67 FR 38184
Final Rule Effective	05/31/02	

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, Washington, DC 20416

Phone: 202 205-6618

RIN: 3245-AE93**3811. SMALL BUSINESS SIZE STANDARDS; TRAVEL AGENCIES****Priority:** Other Significant**CFR Citation:** 13 CFR 121**Completed:**

Reason	Date	FR Cite
Final Action	05/31/02	67 FR 38186
Final Action Effective	07/01/02	

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson

Phone: 202 205-6618

RIN: 3245-AE95**3812. • SMALL BUSINESS SIZE STANDARDS; ADOPTION OF 2002 NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM FOR SIZE STANDARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 632(a)**CFR Citation:** 13 CFR 121**Legal Deadline:** None**Abstract:** This rule incorporates the January 2002 revisions of the North American Industry Classification System (NAICS) into SBA's table of size standards. SBA establishes size standards by NAICS industry.**Timetable:**

Action	Date	FR Cite
Direct Final Rule	08/13/02	67 FR 52597
Comment Period End	09/12/02	

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-AF00

[FR Doc. 02-23898 Filed 12-06-02; 8:45 am]

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