



Federal Register

**Monday,
October 31, 2005**

Part XLIII

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 or 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 spring 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 prerulemaking, proposed rules, final rules, and rulemaking actions completed since the spring 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the agenda is to provide information to the public on regulations currently under review, being proposed, completed, or withdrawn by SBA.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 Web site.

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.

This edition of the agenda also includes SBA's Regulatory Plan, which contains the Agency's most important regulatory actions and 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.

Dated: August 25, 2005.

Hector V. Barreto,
Administrator.

Small Business Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3633	Small Business Size Regulations (Section 610 Review)	3245-AF32
3634	8(a) Business Development/Small Disadvantaged Business Status Determinations (Section 610 Review)	3245-AF33
3635	Government Contracting Programs (Section 610 Review)	3245-AF34
3636	HUBZone Program (Section 610 Review)	3245-AF35

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3637	Small Business Development Centers (SBDC) Program Revisions	3245-AE05
3638	Small Business Lending Company and Lender Oversight Regulations (Reg Plan Seq No. 135)	3245-AE14
3639	Small Business Investment Companies—Maximum Leverage Eligibility	3245-AE79
3640	Small Business Size Standards; Surety Bond Guarantee Program	3245-AE81
3641	Business Loans and Development Company Loans; Liquidation and Litigation Procedures	3245-AE83
3642	HUBZone Empowerment Contracting Program	3245-AF13
3643	Economic Injury Disaster Loans (EIDL)	3245-AF14
3644	Testimony and Production of Records; Office of Inspector General	3245-AF18

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Small Business Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
3645	Record Disclosure and Privacy/Subpart B—The Privacy Act	3245-AF20
3646	Premier Certified Lenders Program Proposed Rule	3245-AF23
3647	Small Business Size Standards; Nonmanufacturer Size Standard	3245-AF27
3648	Small Business Size Standards; Security Guards and Patrol Services	3245-AF28
3649	Small Business Size Standards; Support Activities for Air Transportation	3245-AF29
3650	Small Business Size Standards; Mapping Services	3245-AF30
3651	Amendments to the Surety Bond Guarantee Program Regulations	3245-AF39
3652	Women-Owned Small Business Federal Contract Assistance Program	3245-AF40
3653	Small Business Size Standards; Inflation Adjustment	3245-AF41

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

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3654	Small Business Technology Transfer Program Policy Directive (Reg Plan Seq No. 136)	3245-AE96
3655	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
3656	8(a) Business Development/Small Disadvantaged Business Status Determinations	3245-AF17
3657	Amendment to SBA's Regulations Regarding Administrative Offset	3245-AF19
3658	Small Business Innovation Research (SBIR) Policy Directive (Reg Plan Seq No. 137)	3245-AF21
3659	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
3660	Amendments to the HUBZone Program	3245-AF31
3661	Cosponsorships, Fee- and Non-Fee-Based, SBA-Sponsored Activities and Gifts	3245-AF37

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

Small Business Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3662	Small Business Size Standards; Selected Size Standards Issues	3245-AF22

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3663	Surety Bond Guarantee Program	3245-AE13
3664	Surety Bond Guarantee Program —Procedural Changes for Payment of Fees	3245-AF10
3665	Office of Hearings and Appeals—Change of Address	3245-AF36
3666	The Very Small Business Program	3245-AF38

Small Business Administration (SBA)

Prerule Stage

3633. SMALL BUSINESS SIZE REGULATIONS (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.

In May 2005, SBA initiated a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. This section 610 review is not related to either the ANPRM published by SBA on December 3, 2004, requesting comments on a variety of size standard issues (69 FR 70197) or the recent public hearings SBA held on those issues (70 FR 25133). In the course of the review, SBA will consider the following factors: (1) The continued need for the rule; (2) the comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. SBA solicited comments from the public on this rule. Comments identified by RIN and received by the agency contact listed in this entry not later than July 31, 2005, will be considered when SBA conducts its review.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
End Review	11/00/05	

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

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

RIN: 3245-AF32**3634. 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS (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.

In May 2005, SBA initiated a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. In the course of the review, SBA will consider the following factors: (1) The

continued need for the rule; (2) the comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. SBA solicits comments from the public on this rule. Comments identified by RIN and received by the agency contact listed in this entry not later than July 31, 2005, will be considered when SBA conducts its review.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
End Review	11/00/05	

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

Agency Contact: Dean Robert Koppel, Assistant Administrator, Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-7322
Email: dean.koppel@sba.gov

RIN: 3245-AF33**3635. GOVERNMENT CONTRACTING PROGRAMS (SECTION 610 REVIEW)****Priority:** Info./Admin./Other. Major status under 5 USC 801 is undetermined.**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

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Prerule Stage

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 the programs' statutory mandates.

In May 2005, SBA initiated a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be continued without change, or should be amended or rescinded, to minimize adverse economic impacts on small entities. In the course of the review, SBA will consider the following factors: (1) The continued need for the rule; (2) the comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. SBA solicited comments from the public on this rule. Comments identified by RIN and received by the agency contact listed in this entry not later than July 31, 2005, will be considered when SBA conducts its review.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
End Review	11/00/05	

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

Agency Contact: Dean Robert Koppel, Assistant Administrator, Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-7322
Email: dean.koppel@sba.gov

RIN: 3245-AF34**3636. HUBZONE PROGRAM (SECTION 610 REVIEW)**

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

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.

In May 2005, SBA initiated a review of this rule under section 610 of the Regulatory Flexibility Act to determine if the rule should be amended or rescinded to minimize adverse economic impacts on small entities. In the course of the review, SBA will consider the following factors: (1) The continued need for the rule; (2) the comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. SBA solicited comments from the public on this rule. Comments identified by RIN and received by the agency contact listed in this entry not later than July 31, 2005, will be considered when SBA conducts its review.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/05	
End Review	11/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**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-AF35

Small Business Administration (SBA)

Proposed Rule Stage

3637. 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; (5) provisions regarding the collection and use of

individual SBDC client data; among other things.

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	
NPRM Comment Period End	05/00/06	

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

Agency Contact: Antonio Doss, Associate Administrator/SBDC, Small

SBA

Proposed Rule Stage

Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6766

RIN: 3245-AE05

3638. SMALL BUSINESS LENDING COMPANY AND LENDER OVERSIGHT REGULATIONS

Regulatory Plan: This entry is Seq. No. 135 in part II of this issue of the *Federal Register*.

RIN: 3245-AE14

3639. 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

Agency Contact: Jaime Guzman-Fournier, Acting Associate Administrator for Investment, Small Business Administration, 409 3rd Street SW, Suite 6300, Washington, DC 20416
Phone: 202 205-7583
Email: jaime.guzman-fournier@sba.gov

RIN: 3245-AE79

3640. 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 would propose revising the size standard applicable to

construction and service companies seeking assistance under SBA's Surety Bond Guarantee (SBG) Program. In particular, SBA proposes modifying the size standard for the SBG Program by replacing the \$6 million size standard with the requirement that the contractor meet the size standard for its primary industry. Changes in the program and economic trends suggest that an increase above the current \$6 million size standard may be warranted.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

RIN: 3245-AE81

3641. BUSINESS LOANS AND DEVELOPMENT COMPANY LOANS; LIQUIDATION AND LITIGATION PROCEDURES

Priority: Substantive, Nonsignificant

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 proposed 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.

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	03/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Walter C. Intlekofer, Director, Portfolio Management Division, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-7543
Email: walter.intlekofer@sba.gov

RIN: 3245-AE83

3642. HUBZONE EMPOWERMENT CONTRACTING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 657a

CFR Citation: 13 CFR 126

Legal Deadline: None

Abstract: On May 13, 2004, 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.

SBA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	05/13/04	69 FR 26511
ANPRM Comment Period End	07/12/04	
NPRM	01/00/06	

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-AF13**3643. 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: No**Government Levels Affected:** None

Agency Contact: Cheri L. Cannon, Deputy AA for Office of Disaster Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416
Phone: 202 205-6734

RIN: 3245-AF14**3644. TESTIMONY AND PRODUCTION OF RECORDS; OFFICE OF INSPECTOR GENERAL****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	02/00/06	

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

Agency Contact: Cherry W. Tolliver, Assistant Counsel to the Inspector General, Office of Inspector General, Counsel Division, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
Phone: 202 205-7200
Fax: 202-205-7127

RIN: 3245-AF18**3645. RECORD DISCLOSURE AND PRIVACY/SUBPART B—THE PRIVACY ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 13 CFR 102**Legal Deadline:** None

Abstract: This rule would amend SBA's Privacy Act regulations to provide guidance pertaining to Privacy Impact Assessment (PIA) Statements. The E-Government Act of 2002 requires Federal agencies to conduct privacy impact assessments before developing or procuring information technology or initiating any new electronic data collections containing personal information on 10 or more individuals. The purpose of those assessments is to help agencies determine whether the agency's information handling practices conform to the established legal, regulatory, and policy requirements regarding privacy; evaluate risks arising from electronic collection and maintenance of information about individuals; and evaluate protections or alternative processes needed to mitigate identified risks. Under this proposed rule, PIA Statements would be required to describe and analyze how the information is secured. SBA's Chief Information Office would be required to review the PIA Statement, and SBA must make it public.

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	

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-AF20**3646. 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

SBA

Proposed Rule Stage

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 (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	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

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-AF23

3647. 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	05/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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

Phone: 202 205-6618

Fax: 202 205-6390

Email: gary.jackson@sba.gov

RIN: 3245-AF27

3648. 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 would propose revising the \$10.5 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	05/00/06	

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

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Email: gary.jackson@sba.gov

RIN: 3245-AF28

3649. 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 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	05/00/06	

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

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

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RIN: 3245-AF29

3650. SMALL BUSINESS SIZE STANDARDS; MAPPING SERVICES

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

SBA

Proposed Rule Stage

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	05/00/06	

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

3651. • AMENDMENTS TO THE SURETY BOND GUARANTEE PROGRAM REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 694b(h)

CFR Citation: 13 CFR 115.32(c); 13 CFR 115.66

Legal Deadline: None

Abstract: SBA proposes to amend existing regulations governing the Surety Bond Guarantee Program in several ways. First, SBA proposes to increase the rate at which Prior Approval Sureties, as defined by SBA regulation, are reimbursed for losses incurred and paid on bonds issued on behalf of veteran-owned and service-disabled, veteran-owned small businesses. Second, SBA proposes to change the procedures Principals and Sureties use to remit fees to SBA. This proposed rule would also make housekeeping amendments to conform to recent changes in the Surety Bond Program under the Small Business Reauthorization and Manufacturing Assistance Act of 2004.

Timetable:

Action	Date	FR Cite
NPRM	03/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 3245-AF39

3652. • 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. The program would also establish a WOSB Mentor-Protégé

program, allowing approved large and small business mentors to provide financial, subcontracting, and other forms of assistance to help eligible WOSB protégés compete in the Federal marketplace.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

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RIN: 3245-AF40

3653. • SMALL BUSINESS SIZE STANDARDS; INFLATION ADJUSTMENT

Priority: Other Significant

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This rule would propose an adjustment to size standards to account for the effects of inflation. The last inflation adjustment occurred in January 2002 (67 FR 3041). Since then, the general level of prices affecting businesses and consumers has increased. The increased prices support a meaningful adjustment to size standards. The adjustment would restore the real value of size standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 3245-AF41

Small Business Administration (SBA)

Final Rule Stage

3654. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM POLICY DIRECTIVE

Regulatory Plan: This entry is Seq. No. 136 in part II of this issue of the Federal Register.

RIN: 3245-AE96

3655. 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 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.

Consequently, SBA proposes that a firm receiving a multiple award contract must certify annually that it continues to be a small business under a specified size standard. This means that a concern that is small at the time of the initial offer for a multiple award contract would be considered small for 1 year from the date of its certification. The concern would then have to re-certify its size each year for the duration of the contract.

Timetable:

Action	Date	FR Cite
NPRM	04/25/03	68 FR 20350
NPRM Comment Period End	06/24/03	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 3245-AF06

3656. 8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS

Priority: Substantive, Nonsignificant

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	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Albert Stubblefield, Associate Administrator for Business Development, Small Business Administration, 409 3rd Street SW, Washington, DC 20416

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RIN: 3245-AF17

3657. AMENDMENT TO SBA'S REGULATIONS REGARDING ADMINISTRATIVE OFFSET

Priority: Info./Admin./Other

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: On January 22, 1999, SBA proposed to amend its regulations on debt collection through offset to conform with the Debt Collection Procedures Act of 1996 and the Debt Collection Improvement Act of 1996 (64 FR 3454). This rule would allow SBA to participate in the Governmentwide Offset Program administered by the Department of Treasury. This rule also outlines procedures SBA must follow to initiate and offset action, including: (1) The number of days written notice SBA must give a debtor before initiating offset action and (2) substantive requirements for written notice of offset action; among other things.

Timetable:

Action	Date	FR Cite
NPRM	01/22/99	64 FR 3454
NPRM Comment Period End	02/22/99	
Final Action	10/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 3245-AF19

3658. SMALL BUSINESS INNOVATION RESEARCH (SBIR) POLICY DIRECTIVE

Regulatory Plan: This entry is Seq. No. 137 in part II of this issue of the Federal Register.

RIN: 3245-AF21

SBA

Final Rule Stage

3659. 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 (70 FR 8923). 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 statuses.

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	01/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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Related RIN: Split from 3245-AF16

RIN: 3245-AF25

3660. 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 would implement 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 would: (1) Authorize HUBZone firms to be at least 51 percent owned and controlled by U.S. citizens; (2) amend the definition of the term "HUBZone small business concern" to include small agricultural cooperatives organized and incorporated in the U.S.; (3) designate base closure areas that have undergone final closure as qualified HUBZones for a period of 5 years; (4) amend 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) extend the redesignation period for HUBZone areas through the release of the 2010 census data. This interim final rule would also amend 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	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Tribal

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RIN: 3245-AF31

3661. • COSPONSORSHIPS, FEE- AND NON-FEE-BASED, SBA-SPONSORED ACTIVITIES AND GIFTS

Priority: Info./Admin./Other

Legal Authority: PL 108-447

CFR Citation: 13 CFR 106

Legal Deadline: NPRM, Statutory, June 5, 2005.

Abstract: On July 11, 2005, SBA published a proposed rule to implement provisions under the Small Business Reauthorization and Manufacturing Assistance Act of 2004, which authorized SBA to provide assistance for the benefit of small business through activities sponsored with outside entities (for-profit and not-for-profit entities and Federal, State, and local government officials or entities) as well as activities solely sponsored by SBA. The proposed rule also established minimum requirements for those activities and the Agency's solicitation and acceptance of gifts. SBA requested public comments on

SBA

Final Rule Stage

this proposed rule. SBA will consider all comments received on or before the deadline specified in the notice and deliberate policy internally to support the final rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/05	

Action	Date	FR Cite
NPRM Comment Period End	09/09/05	
Final Action	12/00/05	

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

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RIN: 3245-AF37

Small Business Administration (SBA)

Long-Term Actions

3662. SMALL BUSINESS SIZE STANDARDS; SELECTED SIZE STANDARDS ISSUES**Priority:** Other Significant**CFR Citation:** Not Yet Determined**Timetable:**

Action	Date	FR Cite
ANPRM	12/03/04	69 FR 70197

Action	Date	FR Cite
ANPRM Comment Period Extended	01/19/05	70 FR 2976
ANPRM Comment Period End	04/03/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Gary M. Jackson

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RIN: 3245-AF22

Small Business Administration (SBA)

Completed Actions

3663. SURETY BOND GUARANTEE PROGRAM**Priority:** Substantive, Nonsignificant**CFR Citation:** 13 CFR 115**Completed:**

Reason	Date	FR Cite
Withdrawn	08/02/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Johnnie L. Albertson
Phone: 202 205-6540**Related RIN:** Merged with 3245-AF39**RIN:** 3245-AE13**Government Levels Affected:** None**Agency Contact:** Johnnie L. Albertson
Phone: 202 205-6540**Related RIN:** Merged with 3245-AF39**RIN:** 3245-AF10**3665. • OFFICE OF HEARINGS AND APPEALS—CHANGE OF ADDRESS****Priority:** Info./Admin./Other**Legal Authority:** 15 USC 634 (b)(6)**CFR Citation:** 13 CFR 102 and 134**Legal Deadline:** None

Abstract: The Office of Hearings and Appeals and Freedom of Information Act and Privacy Acts Office amended their regulations to reflect a change in their address. This action was editorial in nature and was intended to improve the accuracy of the Agency's regulations.

Timetable:

Action	Date	FR Cite
Direct Final Rule	05/25/05	70 FR 29936

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

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RIN: 3245-AF36**3666. • THE VERY SMALL BUSINESS PROGRAM****Priority:** Info./Admin./Other**Legal Authority:** PL 103-403**CFR Citation:** 13 CFR 121; 12 CFR 125**Legal Deadline:** None

Abstract: The purpose of this action is to remove from title 13 of the Code of Federal Regulations those regulations governing the Very Small Business (VSB) program. The VSB program was created as a pilot program under section 304 of SBA's Reauthorization and Amendments Act of 1994, Public Law 103-403, to give small businesses with 15 or fewer employees and average annual revenues of less than \$1 million, increased access to Federal contracting opportunities. Under the VSB program Federal agencies with procurement needs valued at \$2,500 to \$50,000 were required to give very small businesses located in certain

3664. SURETY BOND GUARANTEE PROGRAM —PROCEDURAL CHANGES FOR PAYMENT OF FEES**Priority:** Substantive, Nonsignificant**CFR Citation:** 13 CFR 115**Completed:**

Reason	Date	FR Cite
Withdrawn	08/02/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses

SBA

Completed Actions

designated areas the first opportunity to meet those needs. The pilot was originally scheduled to end on September 30, 1998, but was continued until December 2004 through a series of reauthorizations. On December 8, 2004, SBA received program reauthorization through the "Small Business Administration Reauthorization and Manufacturing Assistance Act of 2004." However, because the VSB program was not one of the programs reauthorized through

that legislation, the authority to continue the program expired. Since the statutory authority has expired, the applicable regulations are no longer necessary and are being removed from title 13 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	09/29/05	70 FR 56813

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

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RIN: 3245-AF38

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