



# Federal Register

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**Monday,  
April 26, 2010**

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**Part XVI**

## **Small Business Administration**

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**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 the agency 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 and those that were completed since the fall 2009 edition of the agenda. As permitted by law, SBA is combining the publication of its agenda as 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.

The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, completed, or withdrawn by SBA. Accordingly, 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 fall 2009 agenda. The agenda is intended to facilitate comments and views by interested members of the public. SBA encourages public participation in its rulemaking process through various media including www.regulations.gov. This website allows SBA to place rules on the website and receive public comments through that medium. SBA also provides a link from www.sba.gov to that website.

SBA's regulations promote statutory mandates and Presidential directives, and are linked to SBA's goals to improve the economic environment for small business; drive business formation, job growth, and economic expansion, particularly in underserved

markets; provide financial assistance to individuals and businesses affected by disaster; and operate and manage SBA's programs and resources efficiently and effectively.

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.

The complete Unified Agenda will be available online at www.reginfo.gov in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. Publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602). SBA's printed agenda entries include rules that would be in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

**Dated:** March 2, 2010.

**Karen G. Mills,**  
*Administrator.*

**Small Business Administration—Proposed Rule Stage**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 279             | SBA Express Loan Program .....   | 3245-AF85                    |
| 280             | Implementation of Energy Independence and Security Act of 2007 .....   | 3245-AF86                    |
| 281             | Implementation of Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 .....                | 3245-AF87                    |
| 282             | Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Expedited Disaster Assistance Program ..... | 3245-AF88                    |
| 283             | Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Private Loan Disaster Program .....         | 3245-AF99                    |
| 284             | Women's Business Center Program .....  | 3245-AG02                    |
| 285             | Interest Rate—Resetting Fixed Interest Rate .....  | 3245-AG03                    |
| 286             | 504 Program Governance Regulations .....   | 3245-AG04                    |
| 287             | Small Business Size Standards for Loan, Investment, and Surety Programs .....  | 3245-AG05                    |
| 288             | Women-Owned Small Business Federal Contract Program .....  | 3245-AG06                    |
| 289             | Small Business Size Standards: Professional, Scientific and Technical Services .....   | 3245-AG07                    |

**SBA**

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 290             | Small Business Size Standards: Transportation and Warehousing Industries ..... | 3245-AG08                    |

## Small Business Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 291             | Lender Oversight Program .....   | 3245-AE14                    |
| 292             | 8(a) Business Development .....  | 3245-AF53                    |
| 293             | Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Protest and Appeal Regulations. ....   | 3245-AF65                    |
| 294             | Small Business Size Standards: Retail Trade Industries .....   | 3245-AF69                    |
| 295             | Small Business Size Standards: Other Services .....  | 3245-AF70                    |
| 296             | Small Business Size Standards: Accommodations and Food Service Industries .....  | 3245-AF71                    |
| 297             | Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Immediate Disaster Assistance Program ..... | 3245-AG00                    |

## Small Business Administration—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 298             | Small Business Development Centers (SBDC) Program Revisions ..... | 3245-AE05                    |

## Small Business Administration—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 299             | Women-Owned Small Business Federal Contract Assistance Procedures—Eligible Industries ..... | 3245-AF80                    |

**Small Business Administration (SBA)****Proposed Rule Stage****279. SBA EXPRESS LOAN PROGRAM**

**Legal Authority:** 15 USC 636(a)(31)

**Abstract:** SBA plans to issue regulations for the SBA Express loan program codified in section 7(a)(31) of the Small Business Act. The SBA Express loan program reduces the number of Government mandated forms and procedures, streamlines the processing and reduces the cost of smaller, less complex SBA loans. Particular features of the SBA Express loan program include: (1) SBA Express loans carry a maximum SBA guaranty of 50 percent; (2) a response to an SBA Express loan application will be given within 36 hours; (3) lenders and borrowers can negotiate the interest

rate, which may not exceed SBA maximums; and (4) qualified lenders may be granted authorization to make eligibility determinations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-7562  
Email: grady.hedgespeth@sba.gov.

**RIN:** 3245-AF85

**280. IMPLEMENTATION OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007**

**Legal Authority:** 15 USC 636(a)(32)

**Abstract:** SBA plans to issue regulations to implement the small business energy provisions in the Energy Independence and Security Act of 2007. The new regulations will provide guidance on several program changes, including larger 504 loan limits to help small businesses develop energy efficient technologies, investments in energy saving small businesses, and an energy saving debenture program.

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**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** James W. Hammersley, Deputy Assistant Administrator, Office of Policy and Strategic Planning, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
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Email: james.hammersley@sba.gov

**RIN:** 3245-AF86

**281. IMPLEMENTATION OF MILITARY RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2008**

**Legal Authority:** 15 USC 632(q); 15 USC 636(j)

**Abstract:** SBA plans to issue regulations to implement section 205 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act. This Act provides that any time limitation on any qualification, certification, or period of participation imposed under the Small Business Act on any program that is available to small business concerns shall be extended for a small business concern that is owned and controlled by a veteran who was called or ordered to active duty or a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military duty. These regulations will provide guidance on tolling of time limitations for veteran-owned small businesses.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

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

**RIN:** 3245-AF87

**282. IMPLEMENTATION OF SMALL BUSINESS DISASTER RESPONSE AND LOAN IMPROVEMENT ACT OF 2008: EXPEDITED DISASTER ASSISTANCE PROGRAM**

**Legal Authority:** 15 USC 636(j)

**Abstract:** This proposed rule would establish and implement an expedited disaster assistance business loan program under which the SBA will guarantee short-term loans made by private lenders to eligible small businesses located in a catastrophic disaster area. The maximum loan amount is \$150,000, and SBA will guarantee timely payment of principal and interest to the lender. The maximum loan term is 180 days, and the interest rate is limited to 300 basis points over the Federal funds rate.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** James E. Rivera, Associate Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 619-0005  
Fax: 202 205-7728  
Email: james.rivera@sba.gov

**RIN:** 3245-AF88

**283. IMPLEMENTATION OF SMALL BUSINESS DISASTER RESPONSE AND LOAN IMPROVEMENT ACT OF 2008: PRIVATE LOAN DISASTER PROGRAM**

**Legal Authority:** 15 USC 636

**Abstract:** This proposed rule would establish and implement a private disaster loan program under which SBA will guarantee loans made by qualified lenders to eligible small businesses and homeowners located in a catastrophic disaster area. Private disaster loans made under this programs will have the same terms and conditions as SBA's direct disaster loans. In addition, SBA will guarantee timely payment of principal and interest to the lender. SBA may guarantee up to 85 percent of any loan under this program and the maximum loan amount is \$2 million.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** James E. Rivera, Associate Administrator for Disaster Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 619-0005  
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**RIN:** 3245-AF99

**284. WOMEN'S BUSINESS CENTER PROGRAM**

**Legal Authority:** 15 USC 656

**Abstract:** SBA plans to issue regulations for the Women's Business Center (WBC) Program. The WBC provides financial assistance to organizations that provide management and technical assistance to small business concerns owned and controlled by women, and to women wishing to start a small business. The purpose of this proposed rule is to codify a framework for the development, delivery, funding and measurement of management and technical assistance projects conducted by Women's Business Center program grantees.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Ana Harvey, Assistant Administrator, Office of Women's Business Ownership, Small Business Administration, 409 3rd Street SW, Washington, DC 20416  
Phone: 202 205-6677  
Email: ana.harvey@sba.gov

**RIN:** 3245-AG02

**285. INTEREST RATE—RESETTING FIXED INTEREST RATE**

**Legal Authority:** 15 USC 634

**Abstract:** SBA currently offers either a fixed or variable interest rate for 7(a) loans. In addition to these rates, the Agency is working to develop a shorter term fixed interest rate with the ability to be re-set at periodic intervals. This

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## Proposed Rule Stage

type of rate is currently available in the commercial market place and will help provide additional options for small business borrowers. By authorizing this option, SBA is recognizing a need to allow lenders to utilize market opportunities. For example, SBA recently revised its rules to allow the use of LIBOR.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3245-AG03

**286. 504 PROGRAM GOVERNANCE REGULATIONS**

**Legal Authority:** 15 USC 695 et seq

**Abstract:** The Small Business Investment Act of 1958 (the "Act") authorizes SBA to assist development company financings of small businesses in order to foster economic development and to create or preserve job opportunities in both urban and rural areas. SBA intends to propose a regulatory framework by analyzing the best CDC structure to improve the growth of CDC's and their ability to provide capital to small businesses by reducing the regulatory burden while maintaining appropriate controls to mitigate risk, and to encourage the expansion of CDC financings into communities not currently served. As part of this project, SBA will review existing regulations to determine what will be deleted or amended based upon the proposed regulatory framework. Also, SBA will review existing CDC loan program regulations unrelated to CDC corporate governance to identify any needed technical changes and appropriate clarifications.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/10 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Grady Hedgespeth, Director, Office of Financial Assistance,

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Phone: 202 205-7562

Email: grady.hedgespeth@sba.gov.

**RIN:** 3245-AG04

**287. SMALL BUSINESS SIZE STANDARDS FOR LOAN, INVESTMENT, AND SURETY PROGRAMS**

**Legal Authority:** 15 USC 632, 634(b)(6), 636(b), 637, 644, 662(5); PL 105-135, sec. 401 et seq.

**Abstract:** SBA currently sets different size standards for participation in its financial assistance programs. 7(a) borrowers use the standards set out for procurement programs or a temporary alternate standard; 504 borrowers may use the 7(a) standards or an alternate standard; SBIC investment may be made to small businesses that qualify through another standard; and Surety Bond program participants must meet still different requirements. As part of an overall Agency program, SBA will review financial program eligibility regulations in order to update size eligibility requirements among these programs.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Khem Sharma, Division Chief, Division of Size Standards, Office of Government Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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Fax: 202 205-6390

Email: khem.sharma@sba.gov

**RIN:** 3245-AG05

**288. WOMEN-OWNED SMALL BUSINESS FEDERAL CONTRACT PROGRAM**

**Legal Authority:** 15 USC 637(m)

**Abstract:** This proposed rule will establish regulations to implement the Women-Owned Small Business (WOSB) 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 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 eligible industries in which WOSBs are underrepresented or substantially underrepresented; 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 WOSB eligibility; the contractual and business development assistance available under the program; the relevant protest and appeal procedures; and the applicable penalties.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/04/10 | 75 FR 10030 |
| NPRM Comment Period End | 05/03/10 |             |
| Final Action            | 10/00/10 |             |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Agency Contact:** Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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**RIN:** 3245-AG06

**289. • SMALL BUSINESS SIZE STANDARDS: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES**

**Legal Authority:** 15 USC 632(a)

**Abstract:** The U.S. Small Business Administration (SBA) proposes to modify small business size standards for industries in the North American Industry Classification System (NAICS)

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Sector 54, Professional, Scientific and Technical Services. As part of its ongoing initiative to review all size standards, SBA will evaluate each industry in Sector 54 to determine whether the existing size standards should be retained or revised. This is one of a series of proposed rules that will examine industries grouped by an NAICS Sector. SBA has applied its "Size Standards Methodology," which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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 Fax: 202 205-6390  
 Email: [khem.sharma@sba.gov](mailto:khem.sharma@sba.gov)  
**RIN:** 3245-AG07

**290. • SMALL BUSINESS SIZE STANDARDS: TRANSPORTATION AND WAREHOUSING INDUSTRIES**

**Legal Authority:** 15 USC 632(a)

**Abstract:** The U.S. Small Business Administration (SBA) proposes to modify small business size standards for industries in the North American Industry Classification System (NAICS) Sector 48-49, Transportation and Warehousing Industries. As part of its ongoing initiative to review all size standards, SBA will evaluate each industry in Sector 48-49 to determine whether the existing size standards should be retained or revised. This is one of a series of proposed rules that will examine industries grouped by an

NAICS Sector. SBA has applied its "Size Standards Methodology," which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Khem Sharma, Division Chief, Division of Size Standards, Office of Government Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
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**RIN:** 3245-AG08

Small Business Administration (SBA)

Final Rule Stage

**291. LENDER OVERSIGHT PROGRAM**

**Legal Authority:** 15 USC 634(5)(b)(6),(b)(7),(b)(14),(h) and note; 687(f),697(e)(c)(8), and 650.

**Abstract:** This rule implements the Small Business Administration's (SBA) statutory authority under the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (Reauthorization Act) to regulate Small Business Lending Companies (SBLCs) and non-federally regulated lenders (NFRLs). It also conforms SBA rules for the section 7(a) Business Loan Program and the Certified Development Company (CDC) Program.

In particular, this rule: (1) Defines SBLCs and NFRLs; (2) clarifies SBA's authority to regulate SBLCs and NFRLs; (3) authorizes SBA to set certain minimum capital standards for SBLCs, to issue cease and desist orders, and revoke or suspend lending authority of SBLCs and NFRLs; (4) establishes the Bureau of Premier Certified Lender Program Oversight in the Office of Credit Risk management; (5) transfers existing SBA enforcement authority over CDCs from the Office of Financial Assistance to the appropriate official in the Office of Capital Access; and (6) defines SBA's oversight and enforcement authorities relative to all

SBA lenders participating in the 7(a) and CDC programs and intermediaries in the Microloan program.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| NPRM                                  | 10/31/07 | 72 FR 61752 |
| NPRM Comment Period Extended          | 12/20/07 | 72 FR 72264 |
| NPRM Comment Period End               | 02/29/08 |             |
| Interim Final Rule                    | 12/11/08 | 73 FR 75498 |
| Interim Final Rule Comment Period End | 03/11/09 |             |
| Interim Final Rule Effective          | 01/12/09 |             |
| Final Action                          | 08/00/10 |             |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Bryan Hooper, Director, Office of Credit Risk Management, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
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 Fax: 202 205-6831  
 Email: [bryan.hooper@sba.gov](mailto:bryan.hooper@sba.gov)

**RIN:** 3245-AE14

**292. 8(A) BUSINESS DEVELOPMENT**

**Legal Authority:** 15 USC 634(b)(6), 636(j), 637(a) and (d)

**Abstract:** This rule proposes to make a number of changes to the regulations governing the 8(a) Business Development (8(a) BD) Program and several changes to SBA's size regulations. Some of the changes involve technical issues, such as changing the term "SIC code" to "NAICS code" to reflect the national conversion to the North American Industry Classification System. SBA has learned through experience that certain of its rules governing the 8(a) BD program are too restrictive and serve to unfairly preclude firms from being admitted to the program. In other cases, SBA has determined that a rule is too expansive or indefinite and has sought to restrict or clarify that rule. Changes are also being proposed to correct past public or agency misinterpretation. Also, new situations have arisen that were not anticipated when the current rules were drafted and the proposed rule seeks to cover those situations. Finally, one of the changes, involving Native Hawaiian Organizations, implements recently enacted legislation.

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**Timetable:**

| Action                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| NPRM                            | 10/28/09 | 74 FR 55694 |
| NPRM Comment<br>Period End      | 12/28/09 |             |
| NPRM Comment<br>Period Extended | 12/09/09 | 74 FR 65040 |
| Hearing; Tribal<br>Consultation | 12/07/09 | 74 FR 64026 |
| Hearing                         | 12/14/09 | 74 FR 66176 |
| Hearing                         | 01/11/10 | 75 FR 1296  |
| NPRM Comment<br>Period End      | 01/28/10 |             |
| Final Action                    | 08/00/10 |             |

**Regulatory Flexibility Analysis****Required:** Yes

**Agency Contact:** Joe Loddo, Associate Administrator, Office of Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
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Email: joe.loddo@sba.gov

**RIN:** 3245-AF53**293. SMALL BUSINESS, SMALL DISADVANTAGED BUSINESS, HUBZONE, AND SERVICE-DISABLED VETERAN-OWNED PROTEST AND APPEAL REGULATIONS.****Legal Authority:** 15 USC 632; 15 USC 634

**Abstract:** SBA is proposing to standardize protest and appeal regulations across all small business programs and clarify the effect of a negative determination on the procurement in question. SBA's proposed rule will clarify that an award should not be made to an ineligible concern, and in cases where an award has been made prior to an SBA final decision finding a business to be ineligible, the contracting agency shall either terminate the contract, not exercise an option, or not award further task or delivery orders to the ineligible concern. SBA is also proposing to clarify how contracting officers select NAICS codes for multiple award task and delivery order contracts. The changes recommended were prompted by recent bid protest litigation, a survey of cases handled by SBA's Government Contracting Area Offices, and recent rulings by SBA's Office of Hearings and Appeals.

**Timetable:**

| Action | Date     | FR Cite    |
|--------|----------|------------|
| NPRM   | 03/01/10 | 75 FR 9129 |

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment<br>Period End | 03/31/10 |         |
| Final Action               | 08/00/10 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Khem Sharma, Division Chief, Division of Size Standards, Office of Government Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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**RIN:** 3245-AF65**294. SMALL BUSINESS SIZE STANDARDS: RETAIL TRADE INDUSTRIES****Legal Authority:** 15 USC 632(a)

**Abstract:** The U.S. Small Business Administration (SBA) proposes to increase small business size standards for 48 industries in North American Industry Classification System (NAICS) Sector 44-45, Retail Trade, and retain the current standards for the remaining 28 industries in the Sector. As part of its ongoing initiative to review all size standards, SBA has evaluated each industry in Sector 44-45 to determine whether the existing size standards should be retained or revised. This proposed rule is one of a series of proposals that will examine industries grouped by an NAICS Sector. SBA has established its "Size Standards Methodology" available on SBA's Web site at <http://www.sba.gov/size>. SBA has applied its "Size Standards Methodology" to this proposed rule.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/21/09 | 74 FR 53924 |
| NPRM Comment<br>Period End | 12/21/09 |             |
| Final Action               | 08/00/10 |             |

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3245-AF69**295. SMALL BUSINESS SIZE STANDARDS: OTHER SERVICES****Legal Authority:** 15 USC 632(a)

**Abstract:** The U.S. Small Business Administration (SBA) proposes to increase the small business size standards for 18 industries in North American Industry Classification System (NAICS) Sector 81, Other Services, and retain the current standards for the remaining 30 industries in the Sector. As part of its ongoing initiative to review all size standards, SBA has evaluated each industry in Sector 81 to determine whether the existing size standards should be retained or revised. This proposed rule is one of a series of proposals that will examine industries grouped by an NAICS Sector. SBA has established its "Size Standards Methodology" available on SBA's website at <http://www.sba.gov/size>. SBA has applied its "Size Standards Methodology" to this proposed rule.

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 10/21/09 | 74 FR 53941 |
| NPRM Comment<br>Period End | 12/21/09 |             |
| Final Action               | 08/00/10 |             |

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Khem Sharma, Division Chief, Division of Size Standards, Office of Government Contracting/Business Development, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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**RIN:** 3245-AF70**296. SMALL BUSINESS SIZE STANDARDS: ACCOMMODATIONS AND FOOD SERVICE INDUSTRIES****Legal Authority:** 15 USC 632(a)

**Abstract:** The U.S. Small Business Administration (SBA) proposes to increase small business size standards for five industries in North American Industry Classification System (NAICS) Sector 72, Accommodation and Food Services—namely NAICS 721110,

**SBA**

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Hotels and Motels, from \$7.0 million to \$30 million; NAICS 721120, Casino Hotels, from \$7.0 million to \$30 million; NAICS 722211, Limited Service Restaurants, from \$7.0 million to \$10 million; NAICS 722212, Cafeterias, from \$7.0 million to \$25.5 million; and NAICS 722310, Food Service Contractors, from \$20.5 million to \$35.5 million. As part of its ongoing initiative to review all size standards, SBA has evaluated each industry in Sector 72 to determine whether the existing size standards should be retained or revised. This proposed rule is one of a series of proposals that will examine industries grouped by an NAICS Sector. SBA has established its "Size Standards Methodology" available on SBA's Web site at <http://www.sba.gov/size>. SBA has applied its "Size Standards Methodology" to this proposed rule.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 10/21/09 | 74 FR 53913 |

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 12/21/09 |         |
| Final Action            | 08/00/10 |         |

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 3245-AF71

**297. IMPLEMENTATION OF SMALL BUSINESS DISASTER RESPONSE AND LOAN IMPROVEMENT ACT OF 2008: IMMEDIATE DISASTER ASSISTANCE PROGRAM**

**Legal Authority:** 15 USC 636(b), 636(c), 636(d)

**Abstract:** This proposed rule would establish and implement an immediate

disaster assistance bridge loan program under which SBA will guarantee loans made by private lenders to eligible businesses located in a disaster area that also apply for a loan under SBA's direct disaster loan program or new private disaster loan program. SBA may guarantee 85 percent of any loan under this program and the maximum loan amount is \$25,000. SBA will process applications for immediate disaster assistance bridge loans within 36 hours of receipt.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 08/00/10 |         |

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 3245-AG00

**Small Business Administration (SBA)**

**Long-Term Actions**

**298. SMALL BUSINESS DEVELOPMENT CENTERS (SBDC) PROGRAM REVISIONS**

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

**Abstract:** This rule would update Small Business Development Center (SBDC) program regulations. This rule would amend: (1) procedures for approving and funding of SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S.

territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new and renewal applications for SBDC awards, including the requirements for electronic submission through the approved electronic Government submission facility; and (5) provisions regarding the collection and use of individual SBDC client data.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 08/00/11 |         |

**Regulatory Flexibility Analysis Required: Yes**

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**RIN:** 3245-AE05

**Small Business Administration (SBA)**

**Completed Actions**

**299. WOMEN-OWNED SMALL BUSINESS FEDERAL CONTRACT ASSISTANCE PROCEDURES—ELIGIBLE INDUSTRIES**

**Legal Authority:** 15 USC 637(m)

**Abstract:** SBA plans to withdraw this proposed rule and promulgate a new rule in order to establish and implement an effective WOSB

procurement program. The new rule, titled "Women-Owned Small Business Federal Contract Program" is identified as RIN 3245-AG06. SBA is committed to moving forward to implement a successful WOSB procurement program.

**Completed:**

| Reason                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| Withdrawal and New Rule | 03/04/10 | 75 FR 10030 |

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Dean R. Koppel  
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 Fax: 202 481-1540



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**SBA**

**Completed Actions**

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Email: dean.koppel@sba.gov

**RIN:** 3245-AF80

[FR Doc. 2010-8943 Filed 04-23-10; 8:45 am]

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