



# Federal Register

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**Monday,  
December 20, 2010**

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**Part XVII**

## **Small Business Administration**

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**Semiannual Regulatory Agenda**

**SMALL BUSINESS ADMINISTRATION (SBA)**

**SMALL BUSINESS ADMINISTRATION**

*Specific*

**13 CFR Ch. I**

**Semiannual Regulatory Agenda**

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This Regulatory Agenda is a semiannual summary of all current and projected rulemakings, existing regulations, and completed actions of the Small Business Administration (SBA). This agenda provides the public with information about SBA’s regulatory activity. SBA expects that this information will enable the public to be more aware of, and effectively participate in, the SBA’s regulatory activity. SBA invites the public to submit comments on any aspect of this Agenda.

**FOR FURTHER INFORMATION CONTACT:**

*General*

Please direct general 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.

Please direct specific comments and inquiries on individual regulatory activities identified in this agenda to the person listed in the summary of the regulation as the point of contact for that regulation.

**SUPPLEMENTARY INFORMATION:**

SBA provides this notice under the requirements of the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 and Executive Order 12866, “Regulatory Planning and Review,” which require each agency to publish a semiannual agenda of regulations. The regulatory agenda is a summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the agency. The semiannual agenda of the SBA conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

SBA’s last semiannual regulatory agenda was published on April 26, 2010, at 75 FR 21890.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov.

As part of the Unified Agenda, federal agencies are also required to prepare a Regulatory Plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year. As in past years, for fall editions of the Unified Agenda, the entire regulatory plan, including SBA’s regulatory plan, is printed in the Federal Register.

The Regulatory Flexibility Act requires federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, “a brief description of the subject area of any rule, which is likely to have a significant economic impact on a substantial number of small entities.” SBA’s printed agenda entries include regulatory actions that are in the SBA’s regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

**Dated:** September 15, 2010.

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

**Small Business Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
465	Small Business Development Centers (SBDC) Program Revisions .....	3245-AE05
466	SBA Express Loan Program .....	3245-AF85
467	Small Business Investment Companies—Energy Saving Qualified Investments .....	3245-AF86
468	Implementation of Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 .....	3245-AF87
469	Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Expedited Disaster Assistance Program .....	3245-AF88
470	Implementation of Small Business Disaster Response and Loan Improvement Act of 2008: Private Loan Disaster Program .....	3245-AF99
471	Interest Rate—Resetting Fixed Interest Rate .....	3245-AG03
472	504 Program Governance Regulations .....	3245-AG04
473	Small Business Size Standards for Loan, Investment, and Surety Programs .....	3245-AG05
474	Small Business Size Standards: Professional, Scientific, and Technical Services .....	3245-AG07
475	Small Business Size Standards: Transportation and Warehousing Industries .....	3245-AG08
476	Small Business Jobs Act: Small Business Size Standards; Alternative Size Standard for 7(a) and 504 Business Loan Programs .....	3245-AG16
477	Small Business Jobs Act: Multiple Award Contracts and Small Business Set-Asides ( <b>Reg Plan Seq No. 160</b> ) .....	3245-AG20
478	Small Business Jobs Act: Bundling and Contract Consolidation .....	3245-AG21
479	Small Business Jobs Act: Subcontract Integrity .....	3245-AG22
480	Small Business Jobs Act: Small Business Size and Status Integrity .....	3245-AG23
481	Small Business Jobs Act: Small Business Mentor-Protégé Programs .....	3245-AG24

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 Identifier Number
482	Lender Oversight Program .....	3245-AE14
483	Small Business Size Regulations; (8)a Business Development/Small Disadvantaged Business Status Determination <b>(Reg Plan Seq No. 161)</b> .....	3245-AF53
484	Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Protest and Appeal Regulations. ....	3245-AF65
485	Small Business Jobs Act: 504 Loan Program Debt Refinancing <b>(Reg Plan Seq No. 162)</b> .....	3245-AG17
486	Small Business Jobs Act: Small Business Intermediary Lending Pilot Program <b>(Reg Plan Seq No. 163)</b> .....	3245-AG18

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
487	Women's Business Center Program .....	3245-AG02

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
488	Small Business Size Standards: Retail Trade. ....	3245-AF69
489	Small Business Size Standards: Other Services .....	3245-AF70
490	Small Business Size Standards: Accommodation and Food Services Industries. ....	3245-AF71
491	Women-Owned Small Business Federal Contract Program .....	3245-AG06

**Small Business Administration (SBA)**

**Proposed Rule Stage**

**465. 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 by amending among things, the (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

**Agency Contact:** Antonio Doss, Director, Office of Small Business Development Centers, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-6766  
Email: antonio.doss@sba.gov

**RIN:** 3245-AE05

**466. 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. SBA also plans to issue regulations for the Export Express Program codified at 7(a)(35) of the Small Business Act. The Export Express Program, made permanent by the Small Business Jobs Act, makes guaranteed financing available for export development activities.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/11	

## SBA

## Proposed Rule Stage

**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

Fax: 202 481-0248

Email: grady.hedgespeth@sba.gov

**RIN:** 3245-AF85**467. SMALL BUSINESS INVESTMENT COMPANIES—ENERGY SAVING QUALIFIED INVESTMENTS****Legal Authority:** 15 USC 636(a)(32)

**Abstract:** In this proposed rule, the U.S. Small Business Administration (SBA) will set forth the new defined terms, “Energy Saving Qualified Investment” and “Energy Saving Activities”, for the Small Business Investment Company (SBIC) Program. The new definitions are being established to facilitate implementation of a provision of the Energy Independence and Security Act of 2007 (Energy Act), which allows an SBIC making an “energy saving qualified investment” to obtain SBA leverage by issuing a deferred interest “energy saving debenture.”

This rule would also implement a provision of the Energy Act that provides access to additional SBA leverage for SBICs that have made Energy Saving Qualified Investments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/11	

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

**Agency Contact:** Carol Fendler, Systems Accountant, Office of Investment, Small Business Administration, 409 Third Street SW, 6th Floor, Washington, DC 20416

Phone: 202 205-7559

Email: carol.fendler@sba.gov

**RIN:** 3245-AF86**468. 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	02/00/11	

**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

Fax: 202 481-1540

Email: dean.koppel@sba.gov

**RIN:** 3245-AF87**469. 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	08/00/11	

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

**Agency Contact:** Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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**RIN:** 3245-AF88**470. 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	08/00/11	

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

**Agency Contact:** Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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Email: grady.hedgespeth@sba.gov

**RIN:** 3245-AF99**471. 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 type of rate is currently available in the commercial market place and will help provide additional options for small

## SBA

## Proposed Rule Stage

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	07/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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**RIN:** 3245-AG03

**472. 504 PROGRAM GOVERNANCE REGULATIONS**

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

**Abstract:** SBA proposes to revise the regulations for the Agency's 504 Certified Development Company (CDC) Loan Program in order to (1) simplify processes and reduce the regulatory burdens on program participants while maintaining appropriate controls to mitigate risk; (2) expand access of other nonprofit economic development entities into the program both as independent CDCs or affiliates of CDCs, especially in communities not currently served; (3) be inclusive of existing CDCs by modifications enabling them to be in compliance with the regulations; (4) clarify current regulations; and (4) update the regulations with statutory requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/11	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Grady Hedgespeth, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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**RIN:** 3245-AG04

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

**Legal Authority:** 15 USC 632, 634(b)(6), 636(b), 637, 644, 662(5)

**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	08/00/11	

**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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Email: [khem.sharma@sba.gov](mailto:khem.sharma@sba.gov)

**RIN:** 3245-AG05

**474. 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) 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 Web site at <http://www.sba.gov/size>, to this proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/11	

**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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Email: [khem.sharma@sba.gov](mailto:khem.sharma@sba.gov)

**RIN:** 3245-AG07

**475. 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 Web site at <http://www.sba.gov/size>, to this proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/11	

**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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## SBA

## Proposed Rule Stage

Email: khem.sharma@sba.gov

RIN: 3245-AG08

**476. • SMALL BUSINESS JOBS ACT: SMALL BUSINESS SIZE STANDARDS; ALTERNATIVE SIZE STANDARD FOR 7(A) AND 504 BUSINESS LOAN PROGRAMS**

**Legal Authority:** PL 111-240, sec 1116

**Abstract:** The Small Business Jobs Act directs SBA to establish a new alternative size standard based on tangible net worth and net income for determining size eligibility for its 7(a) and 504 loan programs. The law also established a new temporary alternative size standard that is in effect until SBA issues a new size rule. This rule will propose a new alternative size standard for the 7(a) and 504 loan programs.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/11	

**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-AG16

**477. • SMALL BUSINESS JOBS ACT: MULTIPLE AWARD CONTRACTS AND SMALL BUSINESS SET-ASIDES**

**Regulatory Plan:** This entry is Seq. No. 160 in part II of this issue of the **Federal Register**.

RIN: 3245-AG20

**478. • SMALL BUSINESS JOBS ACT: BUNDLING AND CONTRACT CONSOLIDATION**

**Legal Authority:** PL 111-240, sec 1312, 1313

**Abstract:** The U.S. Small Business Administration is proposing regulations that will set forth a government-wide policy on bundling, which will address teams and joint ventures of small businesses and the requirement that each federal agency must publish on its website the rationale for any

bundled contract. In addition, the proposed regulations will address contract consolidation and the limitations on the use of such consolidation in Federal procurement to include ensuring that the head of a Federal agency may not carry out a consolidated contract over \$2 million unless the Senior Procurement Executive or Chief Acquisition Officer ensures that market research has been conducted and determines that the consolidation is necessary and justified. Further, the proposed regulations will address two new pilot programs: the three year pilot program called the "Electronic Procurement Center Representative (ePCR) Program" and the Small Business Teaming Pilot Program for teaming and joint ventures involving small businesses.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/11	

**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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Fax: 202 481-1540  
Email: dean.koppel@sba.gov

RIN: 3245-AG21

**479. • SMALL BUSINESS JOBS ACT: SUBCONTRACT INTEGRITY**

**Legal Authority:** PL 111-240, secs 1321 and 1322, 1334

**Abstract:** The U.S. Small Business Administration is proposing regulations that address subcontracting compliance and the interrelationship between contracting offices, small business offices and program offices relating to oversight and review activities. The proposed regulation will also address the statutory requirement that a large business prime contractor must represent that it will make good faith efforts to award subcontracts to small businesses at the same percentage as indicated in the subcontracting plan submitted as part of its proposal for a contract and that if the percentage is not met, the large business prime contractor must provide a written justification and explanation to the contracting officer. Finally, the proposed regulation may also address

the statutory requirement that a prime contractor must notify the contracting officer in writing if it has paid a reduced price to a subcontractor for goods and services or if the payment to the subcontractor is more than 90 days past due.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/11	

**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-AG22

**480. • SMALL BUSINESS JOBS ACT: SMALL BUSINESS SIZE AND STATUS INTEGRITY**

**Legal Authority:** PL 111-240, sec 1341 and 1343

**Abstract:** The U.S. Small Business Administration is proposing regulations that will address the intentional misrepresentations of small business status as a "presumption of loss against the Government." In addition, the proposed rule will address the statutory requirement that no business may continue to certify itself as small on the Online Representation and Certifications Application (ORCA) without first providing an annual certification. Further, the proposed rule will set forth Governmentwide policy on the prosecution of small business size and status fraud.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/11	

**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-AG23

## SBA

## Proposed Rule Stage

**481. • SMALL BUSINESS JOBS ACT: SMALL BUSINESS MENTOR-PROTÉGÉ PROGRAMS****Legal Authority:** PL 111-240, sec 1347**Abstract:** The U.S. Small Business Administration is proposing regulations to establish mentor-protégé programs for the Service Disabled Veteran-Owned, HUBZone, and Women-Owned Small Business Programs. These

mentor-protégé programs will be comparable to the 8(a) Business Development mentor-protégé program set forth in 13 CFR part 124.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/11	

**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  
Fax: 202 481-1540  
Email: dean.koppel@sba.gov**RIN:** 3245-AG24

## Small Business Administration (SBA)

## Final Rule Stage

**482. 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

Action	Date	FR Cite
Interim Final Rule	03/11/09	
Comment Period End		
Interim Final Rule Effective	01/12/09	
Final Action	02/00/11	

**Regulatory Flexibility Analysis Required:** Yes**Agency Contact:** Janet A. Tasker, Deputy Associate Administrator, Office of Capital Access, Small Business Administration, 409 Third Street SW, Washington, DC 20416  
Phone: 202 205-3049  
Email: janet.tasker@sba.gov**RIN:** 3245-AE14**483. SMALL BUSINESS SIZE REGULATIONS; (8)A BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATION****Regulatory Plan:** This entry is Seq. No. 161 in part II of this issue of the **Federal Register**.**RIN:** 3245-AF53**484. 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 to clarify the effect of a negative determination on the procurement in question. The 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
NPRM Comment Period End	03/31/10	
Final Action	02/00/11	

**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  
Phone: 202 205-7189  
Fax: 202 205-6390  
Email: khem.sharma@sba.gov**RIN:** 3245-AF65**485. • SMALL BUSINESS JOBS ACT: 504 LOAN PROGRAM DEBT REFINANCING****Regulatory Plan:** This entry is Seq. No. 162 in part II of this issue of the **Federal Register**.**RIN:** 3245-AG17

## SBA

## Final Rule Stage

**486. • SMALL BUSINESS JOBS ACT:  
SMALL BUSINESS INTERMEDIARY  
LENDING PILOT PROGRAM**

**Regulatory Plan:** This entry is Seq. No. 163 in part II of this issue of the **Federal Register**.

**RIN:** 3245-AG18

**Small Business Administration (SBA)****Long-Term Actions****487. 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	02/00/12	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Ana Harvey  
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**RIN:** 3245-AG02

**Small Business Administration (SBA)****Completed Actions****488. SMALL BUSINESS SIZE STANDARDS: RETAIL TRADE.**

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

**Abstract:** The United States Small Business Administration (SBA) is modifying 47 small business size standards for industries in North American Industry Classification System (NAICS) Sector 44 45, Retail Trade, and retaining the current standards for the remaining industries in the Sector. In this final rule, SBA is increasing 46 of the size standards and converting the measure of size for one industry (NAICS 441110, New Car Dealers) from annual receipts to number of employees. As part of its ongoing initiative to review all size standards, SBA has evaluated every industry in NAICS Sector 44 45 to determine whether the existing size standards should be retained or revised. This rule also modifies SBA's Small Business Size Regulations to clarify that an NAICS code that represents a Wholesale Trade (NAICS Sector 42) or Retail Trade (NAICS Sector 44 45) Industry shall not be used for the Federal government's procurement of supplies.

**Completed:**

Reason	Date	FR Cite
Final Rule	10/06/10	75 FR 61597
Final Rule Effective	11/05/10	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Carl Jordan  
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**RIN:** 3245-AF69

**489. SMALL BUSINESS SIZE STANDARDS: OTHER SERVICES**

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

**Abstract:** The United States Small Business Administration (SBA) is increasing the small business size standards for 18 industries in North American Industry Classification System (NAICS) Sector 81, Other Services, and retaining 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 every industry in NAICS Sector 81 to determine whether the existing size standards should be retained or revised.

**Completed:**

Reason	Date	FR Cite
Final Action	10/06/10	75 FR 61591
Final Rule Effective	11/05/10	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 3245-AF70

**490. SMALL BUSINESS SIZE STANDARDS: ACCOMMODATION AND FOOD SERVICES INDUSTRIES.**

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

**Abstract:** The United States Small Business Administration (SBA) is increasing small business size standards for five industries in North American Industry Classification System (NAICS) Sector 72, Accommodation and Food Services — namely NAICS 721110, 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



## SBA

## Completed Actions

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 every industry in Sector 72 to determine whether the existing size standards should be retained or revised.

**Completed:**

Reason	Date	FR Cite
Final Action	10/06/10	75 FR 61604
Final Rule Effective	11/05/10	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3245-AF71

#### 491. 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.

**Completed:**

Reason	Date	FR Cite
Final Action	10/07/10	75 FR 62258
Final Rule Effective	02/04/11	

**Regulatory Flexibility Analysis**

**Required:** Yes

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**RIN:** 3245-AG06

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