

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2635

#### Standards of Ethical Conduct for Employees of the Executive Branch; Proposed Amendments Limiting Gifts From Registered Lobbyists and Lobbying Organizations; Extension of Comment Period

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On September 13, 2011, the Office of Government Ethics published in the **Federal Register** proposed amendments to the regulation governing standards of ethical conduct for executive branch employees of the Federal Government to impose limits on the use of gift exceptions by all employees to accept gifts from registered lobbyists and lobbying organizations, and to implement the lobbyist gift ban for appointees required to sign the Ethics Pledge prescribed by Executive Order 13490. The public comment period closes on November 14, 2011. OGE is extending the comment period to December 14, 2011.

**DATES:** The comment period for the proposed rule published September 13, 2011, at 76 FR 56330, is extended. Comments must be submitted in writing and be received by December 14, 2011.

**ADDRESSES:** You may submit written comments to OGE on the proposed rule, identified by RIN 3209-AA04, by any of the following methods:

- **Email:** [usoge@oge.gov](mailto:usoge@oge.gov). Include the reference "Proposed Amendments to Part 2635" in the subject line of the message.
  - **Fax:** (202) 482-9237.
  - **Mail/Hand Delivery/Courier:** Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, Attention: Julia L. Eirinberg, Associate General Counsel.
- Instructions:** All submissions must include OGE's agency name and the Regulation Identifier Number (RIN),

3209-AA04, for the proposed rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Julia L. Eirinberg, Associate General Counsel, Office of Government Ethics; telephone: (202) 482-9300; TTY: (800) 877-8339; FAX: (202) 482-9237.

**SUPPLEMENTARY INFORMATION:** A copy of the original proposed rulemaking notice is available at: <http://www.gpo.gov/fdsys/pkg/FR-2011-09-13/html/2011-23311.htm>.

Approved: November 9, 2011.

**Don W. Fox,**

*Acting Director, Office of Government Ethics.*

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**BILLING CODE 6345-03-P**

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

#### RIN 3245-AG29

#### Small Business Size Standards: Educational Services

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Small Business Administration (SBA) proposes to increase small business size standards for nine industries in North American Industry Classification System (NAICS) Sector 61, Educational Services. As part of its ongoing comprehensive size standards review, SBA has evaluated all size standards in NAICS Sector 61 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 size standards of industries grouped by NAICS Sector. SBA issued a White Paper entitled "Size Standards Methodology" and published a notice in the October 21, 2009 issue of the **Federal Register** that "Size Standards Methodology" is available on its Web site at <http://www.sba.gov/size> for public review and comments. The "Size Standards Methodology" White Paper explains how SBA establishes, reviews and modifies its receipts based and employee based small business size standards. In this proposed rule, SBA has applied its methodology that pertains to establishing, reviewing and modifying a receipts based size standard.

**DATES:** SBA must receive comments to this proposed rule on or before January 17, 2012.

**ADDRESSES:** You may submit comments, identified by RIN 3245-AG29 by one of the following methods: (1) Federal eRulemaking Portal: <http://www.regulations.gov>; follow the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Khem R. Sharma, Ph.D., Chief, Size Standards Division, 409 Third Street SW., Mail Code 6530, Washington, DC 20416. SBA will not accept comments to this proposed rule submitted by email.

SBA will post all comments to this proposed rule on <http://www.regulations.gov>. If you wish to submit confidential business information (CBI) as defined in the User Notice at <http://www.regulations.gov>, you must submit such information to U.S. Small Business Administration, Khem R. Sharma, Ph.D., Chief, Size Standards Division, 409 Third Street SW., Mail Code 6530, Washington, DC 20416, or send an email to [sizestandards@sba.gov](mailto:sizestandards@sba.gov). You should highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review your information and determine whether it will make the information public or not.

**FOR FURTHER INFORMATION CONTACT:** Khem R. Sharma, Ph.D., Chief, Size Standards Division, (202) 205-6618 or [sizestandards@sba.gov](mailto:sizestandards@sba.gov).

**SUPPLEMENTARY INFORMATION:** To determine eligibility for Federal small business assistance, SBA establishes small business size definitions (referred to as size standards) for private sector industries in the United States. SBA uses two primary measures of business size: average annual receipts and average number of employees. SBA uses financial assets, electric output, and refining capacity to measure the size for a few specialized industries. In addition, SBA's Small Business Investment Company (SBIC), Certified Development Company (504) and 7(a) Loan Programs use either the industry based size standards or net worth and net income based size standards to determine eligibility for those programs. At the beginning of SBA's comprehensive size standards review, there were 41 different size standards, covering 1,141 NAICS industries and 18