

**SMALL BUSINESS ADMINISTRATION****Small Business Size Standards:  
Waiver of the Nonmanufacturer Rule**

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

**ACTION:** Notice of intent to Waive the Nonmanufacturer Rule for certain Petroleum Products.

**SUMMARY:** The U.S. Small Business Administration (SBA) is considering granting a request for a waiver of the Nonmanufacturer Rule for Industrial Gases Manufacturing; Refinery Gases made in Petroleum Refineries; Cryogenic Tanks, Heavy Gauge Metal Manufacturing; Liquid Oxygen Tanks Manufacturing; Liquefied Petroleum Gases (LPG) Cylinders Manufacturing; Bulk Storage Tanks, Heavy Gauge Metal, Manufacturing; Gas Storage Tanks, Heavy Gauge Metal, Manufacturing; and Cylinders, Pressure, Heavy Gauge Metal, Manufacturing.

According to the request, no small business manufacturers supply these classes of products to the Federal government. If granted, the waiver would allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses; service-disabled veteran-owned small business or SBA's 8(a) Business Development Program.

**DATES:** Comments and source information must be submitted by March 13, 2006.

**ADDRESSES:** You may submit comments and source information to Edith Butler, Program Analyst, U.S. Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at [edith.butler@sba.gov](mailto:edith.butler@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the

Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on six digit coding systems. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS).

The SBA is currently processing a request to waive the Nonmanufacturer Rule for Industrial Gases Manufacturing; Refinery Gases made in Petroleum Refineries; Cryogenic Tanks, Heavy Gauge Metal Manufacturing; Liquid Oxygen Tanks Manufacturing; Liquefied Petroleum Gases (LPG) Cylinders Manufacturing; Bulk Storage Tanks, Heavy Gauge Metal, Manufacturing; Gas Storage Tanks, Heavy Gauge Metal, Manufacturing; and Cylinders, Pressure, Heavy Gauge Metal, Manufacturing. North American Industry Classification System (NAICS) codes 325120, 324110 and 332420. The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for these classes of NAICS codes within 15 days after date of publication in the **Federal Register**.

Dated: February 17, 2006.

**Arthur Collins,**

*Deputy Associate Administrator for Government Contracting.*

[FR Doc. E6-2658 Filed 2-23-06; 8:45 am]

**BILLING CODE 8025-01-P**

**SMALL BUSINESS ADMINISTRATION****Surety Bond Guarantee Program Fee**

**AGENCY:** Small Business Administration.

**ACTION:** Notice of change to fee increase.

**SUMMARY:** This notice amends the **Federal Register** notice published on September 28, 2005 regarding the guarantee fee charged under SBA's Surety Bond Guarantee (SBG) Program. Upon further review, and in the interest of mitigating the impact of the required fee increase on a single group (Surety companies), effective April 3, 2006, the following guarantee fees will be effective:

(1) The guarantee fee payable by Principals (small businesses) will be

\$7.29 per thousand dollars of the contract amount, in lieu of \$6.00 per thousand dollars of the contract amount, as is currently required.

(2) The guarantee fee payable by Prior Approval Sureties and by Preferred Surety Bond (PSB) Sureties will be 26% of the bond premium, in lieu of 20% of the bond premium, as is currently required, or 32% of the bond premium as was announced in the prior **Federal Register** notice.

SBA has determined that the fee increases are necessary to supplement reserves in the SBG Program's revolving fund and offset unfunded program liabilities resulting from defaults under guaranteed bonds. SBA invites public comments on this fee change.

**DATES:** *Effective Date:* This fee increase is effective on April 3, 2006.

*Comment Period:* The Agency must receive comments on or before March 27, 2006.

**ADDRESSES:** You may submit comments by any of the following methods: Mail or Hand Delivery/Courier: Barbara Brannan, Special Assistant, U.S. Small Business Administration, Office of Surety Guarantees, 409 Third Street, SW., Washington, DC 20416; Fax (202) 205-7600; Email: [Barbara.Brannan@sba.gov](mailto:Barbara.Brannan@sba.gov).

**FOR FURTHER INFORMATION CONTACT:** Barbara Brannan, Special Assistant, Office of Surety Guarantees, (202) 205-6545; E-mail: [Barbara.Brannan@sba.gov](mailto:Barbara.Brannan@sba.gov).

**SUPPLEMENTARY INFORMATION:** Reserves in the SBG Program's revolving fund have declined significantly, and are currently not sufficient to cover projected, unfunded liabilities. An increase in fees is required to maintain the program. Initially, the required adjustment was to be covered by increasing the fees to Sureties from 20% of the bond premium, to 32% of the bond premium. This amounted to a 60% increase over the rate established in 1998.

Upon further review and analysis, distributing the required increase in fees among Surety companies and small businesses mitigates the impact that would otherwise fall on a single group (the Surety companies) and achieves a more balanced distribution of costs and benefits. In accordance with 13 CFR 115.32(b) and 115.66, the guarantee fee payable by Principals (small businesses) will be \$7.29 per thousand dollars of the contract amount, in lieu of \$6.00 per thousand dollars of the contract amount. The guarantee fee payable by Prior Approval Sureties addressed under 13 CFR 115.32(c) and Preferred Surety Bond (PSB) Sureties addressed under 13 CFR 115.66 will be 26% of the bond

premium, in lieu of 20% of the bond premium.

The proposed increase in fees to Surety companies and small businesses will take effect on April 3, 2006.

SBA invites public comments on the above stated fee increase. Please clearly identify paper and electronic comments as "Public Comments on Fee Increases under the SBG Program," and send them to the contact person listed in the ADDRESSES section of the preamble.

**Authority:** 13 CFR 115.32(b) and (c) and 115.66.

**Frank Lalumiere,**

*Associate Administrator, Office of Surety Guarantees.*

[FR Doc. E6-2679 Filed 2-23-06; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34834]

#### State of Texas, Acting by and Through the Texas Department of Transportation—Acquisition Exemption—Union Pacific Railroad Company

The State of Texas, acting by and through the Texas Department of Transportation (TXDOT), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire the rights, title, and interest in certain personal and real property of a line of railroad from Union Pacific Railroad Company (UP). The line consists of a portion of the Bonham Subdivision extending between milepost 94.0 near Paris, and milepost 127.5 near Bonham, in Lamar and Fannin Counties, TX, a distance of approximately 33.5 miles.

The Board previously authorized the Fannin Rural Rail Transportation District (FRRTD), a political subdivision of the State of Texas, to acquire from UP and operate the above-described rail line through the offer of financial assistance process.<sup>1</sup> After having reached an agreement with UP for the sale of the line but before consummating the transaction, FRRTD sold its interests in the rail line to TXDOT. In consideration of FRRTD's agreement to sell its interests, TXDOT agreed to provide the funds to acquire the rail line from UP and to lease back the properties so that FRRTD, or its operator could perform freight rail service over the rail

line.<sup>2</sup> The sale of the line by UP to TXDOT was consummated and closed on September 21, 2005.

TXDOT states that it will retain the residual common carrier obligation as part of its lease and operating agreement with FRRTD to ensure the viability of the corridor should FRRTD fail in its efforts to restore the line. TXDOT has filed this notice of exemption to cure its inadvertent failure to obtain prior Board approval of the sale to TXDOT rather than FRRTD.

The exemption authorized by this notice became effective on February 9, 2006 (7 days after the notice was filed).

TXDOT certifies that its projected revenues as a result of this transaction will not exceed those of a Class III rail carrier.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34834, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Richard H. Streeter, Barnes & Thornburg LLP, 750 17th Street, NW., Suite 900, Washington, DC 20006.

Board decisions and notices are available on our Web site at "<http://www.stb.dot.gov>."

Decided: February 15, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 06-1598 Filed 2-23-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34435]

#### Ameren Energy Generating Company—Construction and Operation Exemption—in Coffeen and Walshville, IL

By petition filed on February 5, 2004, Ameren Energy Generating Company (AEGC or petitioner), a wholly owned subsidiary of Ameren Corporation (Ameren), on behalf of itself and Coffeen and Western Railroad Company

(CWRC), its railroad subsidiary,<sup>1</sup> seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901, to allow the construction and operation of approximately 13 miles of rail line. The line would run between AEGC's Coffeen Power Plant near Coffeen, IL, and separate connections with the Union Pacific Railroad Company (UP) and BNSF Railway Company (BNSF) near Walshville, IL.

In a decision served on May 5, 2004, the Board instituted a proceeding under 49 U.S.C. 10502(b). On May 26, 2004, Norfolk Southern Railway Company (NS) filed a notice of appearance and initial comments, to which AEGC and CWRC replied on June 22, 2004.<sup>2</sup>

The Board's Section of Environmental Analysis (SEA) conducted an environmental review of the proposed construction and alternatives to the proposal. A detailed Environmental Assessment (EA), prepared by SEA, was issued for public review and comment on May 25, 2005. SEA then prepared a Post Environmental Assessment (Post EA) dated January 13, 2006. The Post EA considers all the comments received on the EA, reflects SEA's further independent analysis, and sets forth SEA's final recommended environmental mitigation.

After considering the entire record, including both the transportation aspects of the petition and the potential environmental issues, we will grant the requested exemption, subject to the environmental mitigation measures recommended in the Post EA, which are set forth in the Appendix.

### Background

Ameren's electric generating facilities provide energy services to 1.7 million electric customers and have a net generating capacity of more than 14,500 megawatts. The Coffeen Power Plant is a 900-megawatt facility and, at full capacity, can burn approximately 450 tons of coal to produce 6.7 million

<sup>1</sup> Through a wholly owned subsidiary, Ameren ERC, Inc., Ameren controls the Missouri Central Railroad Company (MCRR). See *Ameren Corporation—Control Exemption—Missouri Central Railroad Company*, STB Finance Docket No. 33805 (STB served Nov. 5, 1999). In addition, Ameren owns a 60% interest in Electric Energy, Inc. (EEI), an exempt wholesale generator with 1,087 megawatts of capacity. Through EEI, Ameren controls the Joppa & Eastern Railroad (JERR). Ameren has obtained authority to control MCRR, JERR, and CWRC. *Ameren Corporation—Control Exemption—Coffeen and Western Railroad Company*, STB Finance Docket No. 34498 (STB served May 10, 2004).

<sup>2</sup> By decision served July 9, 2004, the Board denied a motion filed June 2, 2004, by CWRC to strike as irrelevant and inappropriate NS's initial comments.

<sup>1</sup> See *Union Pacific Railroad Company—Abandonment Exemption—In Lamar and Fannin Counties, TX*, STB Docket No. AB-33 (Sub-No. 163X) (STB served Aug. 19, 2003).

<sup>2</sup> TXDOT states that an appropriate notice will be filed in the event an operator is hired by FRRTD.