

www.fedbizopps.gov on about July 8, 2010. All responsible sources may submit an offer that will be considered by the agency. Offerors need to be registered in the Central Contractor Registration database, which can be found at <http://www.ccr.gov>, and have a DUNS Number established by Dun & Bradstreet (see <https://fedgov.dnb.com>)

Meaghan Burdick,

Deputy Chief of Staff.

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BILLING CODE:P

SMALL BUSINESS ADMINISTRATION

Webinar About Advanced Defense Technologies RFP

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

ACTION: Notice of open webinar meeting to discuss Advanced Defense Technologies (ADT) Request for Proposals (RFP) No. SBAHQ-10-R-0022.

SUMMARY: The SBA is issuing this notice to announce the date of a webinar it is hosting to answer questions from potential Offerors about the Advanced Defense Technologies RFP. Please visit <http://www.sba.gov/clusters/index.html> for more information. The RFP may be found on <http://www.fedbizopps.gov>.

LOGISTICAL INFORMATION: The webinar will be held on Monday, July 19, 2010. For details, please visit <http://www.sba.gov/clusters/index.html>.

SUPPLEMENTARY INFORMATION: The Small Business Administration has issued a Request for Proposals (RFP) to solicit proposals from existing regional innovation clusters specializing in defense technologies to provide counseling, training, mentoring, matchmaking and other services to support small business development and growth in cluster areas and industries. SBA intends to make awards to multiple regional innovation clusters that can help meet critical Department of Defense technology needs. SBA intends to award fixed-price contracts with a one-year base term with an option for an additional year. Proposed annual costs should not exceed \$600,000, and all awarded contracts will be subject to applicable contract cost principles and procedures (Federal Acquisition Regulation Part 31). SBA will select regional innovation clusters in communities across the country with established cluster focus areas that meet its specified criteria. Some areas of high-growth potential include, but are not limited to, advanced robotics, advanced

defense systems, power/energy innovations, cyber-security and applied lightweight materials. Offerors should demonstrate that they have the partnerships, technical capacity, and local assets to support their existing regional innovation clusters, as well as experience fostering small business development and growth opportunities. Experience working with the Department of Defense Small Business Innovation Research and defense technology development programs is preferred. Offerors with Defense Security Service Facility Clearances who can hold security clearances and discuss classified material on site are preferred but not required. The RFP was posted on <http://www.fedbizopps.gov> on July 8, 2010. All responsible sources may submit an offer which will be considered by the agency. Offerors need to be registered in the Central Contractor Registration database, which can be found at <http://www.ccr.gov>, and have a DUNS Number established by Dun & Bradstreet (see <https://fedgov.dnb.com>).

Meaghan Burdick,

Deputy Chief of Staff.

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SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Waiver to the Nonmanufacturer Rule for Herbicides, Insecticides, and Fungicides, under Product Service Code (PSC) 6840, under North American Industry Classification System (NAICS) code 325320, Pesticides and Other Agricultural Chemical Manufacturing.

SUMMARY: The U.S. Small Business Administration (SBA) is granting a waiver of the Nonmanufacturer Rule for Herbicides, Insecticides, and Fungicides, under PSC 6840, under NAICS code 325320. The basis for waiver is that no small business manufacturers are supplying this class of product to the Federal government. The effect of this waiver will be to allow otherwise qualified small businesses to supply the products of any manufacturer on a Federal contract set aside for small businesses, Service-Disabled Veteran-Owned (SDVO) small businesses or Participants in SBA's 8(a) Business Development (BD) Program.

DATES: This waiver is effective July 29, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Garcia, Procurement Analyst, by telephone at (202) 205-6842; by FAX at (202) 481-1630; or by e-mail at amy.garcia@sba.gov.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations require that recipients of Federal supply contracts set aside for small businesses, SDVO small businesses, or Participants in the SBA's 8(a) BD Program must 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. 13 CFR 121.406(b), 125.15(c). 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.

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. 13 CFR 121.1202(c). The SBA defines "class of products" based on the Office of Management and Budget's NAICS. In addition, SBA uses PSCs to further identify particular products within the NAICS code to which a waiver would apply.

The SBA received a request on January 7, 2010, to waive the Nonmanufacturer Rule for Herbicides, Insecticides, and Fungicides, PSC 6840, under NAICS code 325320, Pesticides and Other Agricultural Chemical Manufacturing.

On May 19, 2010, SBA published in the **Federal Register** a notice of intent to waive the Nonmanufacturer Rule for the above listed items. SBA explained in the notice that it was soliciting comments and sources of small business manufacturers of this class of products. No comments were received in response to this notice. In addition, SBA conducted market research using the Dynamic Small Business Search database and no small business manufacturers that participate in the Federal market were identified. Thus, SBA has determined that there are no small business manufacturers of these classes of products, and is therefore granting the waiver of the Nonmanufacturer Rule for Herbicides, Insecticides, and Fungicides, under PSC

6840, under NAICS code 325320, Pesticides and Other Agricultural Chemical Manufacturing.

Karen Hontz,

Director, Office of Government Contracting.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-62461; File No. SR-NYSE-2010-50]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange LLC Amending NYSE Rule 46 To Permit the Exchange Chairman To Designate More or Less Than Twenty (20) Floor Governors, as Needed

July 7, 2010.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that on June 25, 2010, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Rule 46 to permit the Exchange Chairman to designate more or less than twenty (20) Floor Governors, as needed. The text of the proposed rule change is available at the Exchange, the Commission's Web site at <http://www.sec.gov>, the Commission's Public Reference Room, and <http://www.nyse.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text

of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend NYSE Rule 46 (Floor Officials—Appointment) to permit the Exchange Chairman to designate more or less than twenty (20) Floor Governors, as needed.⁴

Current NYSE Rule 46:

NYSE Rule 46 permits the Chairman of the Exchange to, in consultation with the Executive Floor Governors of the Exchange and the NYSE Regulation ("NYSE") Board of Directors, designate twenty (20) individual members as Floor Governors, subject to approval by the Exchange's Board of Directors.

Pursuant to Rules 46 and 46A, Floor Governors are one of several ranks of the broader category of Floor Officials, including, in order of increasing seniority, Floor Officials, Senior Floor Officials, Executive Floor Officials, Floor Governors and Executive Floor Governors. As such, Floor Governors are drawn from the ranks of experienced NYSE Floor members.⁵

As part of the NYSE Board's advisory function, NYSE staff examine the fitness of the individuals designated as prospective Floor Officials and administer a mandatory education program, which all candidates for Floor Official, including Floor Governor, must complete. NYSE also administers a qualifying examination to newly-named Floor Officials, who must pass the exam prior to being recommended by the NYSE Board for appointment; however, upon being named as a Floor Governor, an individual does not need to retake the exam.⁶

In addition to their regular obligations as either Floor brokers or Designated Market Makers, Floor Governors, who serve as volunteers, are empowered to perform such duties as are prescribed to them under the Rules of the Exchange.

As noted above, under Rule 46 Floor Governors are also considered Floor Officials and may perform such duties as are prescribed to Floor Officials under Exchange Rules. In addition, Floor Governors may, as needed, perform any duty, make any decision, or take any action assigned to or required of an Executive Floor Governor in accordance with Exchange Rules, or as may be designated by the Exchange Board.

For example, Floor Governors play a role in managing the Exchange's Trading Floor during unusual or volatile market situations. Under NYSE Rule 123D, members are to consult with a Floor Governor when the opening (reopening) price in a stock is anticipated to be at a significant disparity from the prior close. In addition, under Rule 123D an intra-day trading halt requires approval from a Floor Governor (or two Floor Officials). Under Rule 18, Floor Governors are part of the Compensation Review Panel for resolving claims due to Exchange system failures. Pursuant to Rule 75, Floor Governors are sometimes involved in the resolution of certain trade disputes. And, pursuant to Rule 123C(9), a Floor Governor is sometimes also needed to supervise extreme order imbalances at the Close of trading when an Executive Floor Governor is unavailable.

Proposed Amendments to NYSE Rule 46:

The Exchange proposes to amend NYSE Rule 46 to permit the Chairman of the Exchange to appoint more or less than twenty (20) Floor Governors, as needed.

Currently, the Exchange has seventeen (17) Floor Governors. At the present time, the Exchange believes that adding more Floor Governors, as needed, will help the Exchange to manage the Trading Floor more effectively and, consequently, to better serve investors and the public interest. As the recent market events of May 6, 2010, demonstrated, swift response to unusual and volatile market events on the Trading Floor helped to limit the disruption of the market for Exchange-listed securities and the harm to Exchange customers, as well as the market as a whole, and Floor Governors were involved in this process.

Notwithstanding the foregoing, removing the requirement to appoint a specific number of Floor Governors will not change the Exchange's goal of having, at all times, enough personnel on the Trading Floor, including Floor Officials, Senior Floor Officials, Executive Floor Officials, Floor Governors and Executive Floor

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ The Exchange's corporate affiliate, NYSE Amex LLC ("NYSE Amex"), submitted a companion rule filing proposing corresponding amendments to NYSE Amex Equities Rule 46. See SR-NYSEAmex-2010-65.

⁵ See Securities Exchange Act Release No. 57627 (April 4, 2008), 73 FR 19919 (April 11, 2008) (SR-NYSE-2008-19, describing amendments to NYSE Rule 46).

⁶ See Securities Exchange Act Release No. 57627 (April 4, 2008), 73 FR 19919 (April 11, 2008).