

**SMALL BUSINESS ADMINISTRATION****Data Collection Available for Public Comments and Recommendations**

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before June 21, 2010.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Carol Fendler, Systems Accountant, Office of Investment, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Carol Fendler, Systems Accountant, Office of Investment, 202-205-7559 [carol.fendler@sba.gov](mailto:carol.fendler@sba.gov) Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** SBA Forms 1405 and 1405A are used by SBA examiners as part of their examinations of licensed small business investment companies (SBIC's). This information collection provides independent third party confirmation of an SBIC's representations concerning its owners and helps SBA to evaluate the SBIC's compliance with applicable laws and regulations concerning capital requirements.

*Title:* "Stockholders Confirmation (Corporation); Ownership Confirmation (Partnership)."

*Description of Respondents:* Newly Licensed SBIC's.

*Form Numbers:* 1405, 1405A.

*Annual Responses:* 600.

*Annual Burden:* 600.

*Addresses:* Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Janis Ackerman, Financial Analyst, Office of Microloan, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

*For Further Information Contact:* Janis Ackerman, Financial Analyst, Office of

Microloan, 202-205-7798

[janis.ackerman@sba.gov](mailto:janis.ackerman@sba.gov) Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:**

Information collection is needed to ensure that Microloan Program activity meets the statutory goals of assisting the statutorily mandated target market. The information is used by the reporting participants and the SBA to assist with portfolio management, risk management, loan servicing and collections and to enable SBA to ensure that targeted groups are being served, and understand trends over time. It also allows SBA to monitor use of funds, ensure compliance, and provide education.

*Title:* "Microloan Program Electronic Reporting System (MPERS) (MPERSsystem)"

*Description of Respondents:* Microloan Program Intermediary Lenders.

*Form Number:* N/A,

*Annual Responses:* 2,500,

*Annual Burden:* 625

*Addresses:* Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Gail Hepler, Chief 7(a) Program Branch, Office of Financial Assistance, Small Business Administration, 409 3rd Street, 8th Floor, Washington, DC 20416.

*For Further Information Contact:* Gail Hepler, Chief 7(a) Program Branch, Office of Financial Assistance, 202-205-7530 [gail.hepler@sba.gov](mailto:gail.hepler@sba.gov) Curtis B. Rich, Management Analyst, 202-205-7030 [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** SBA requires the minimal information required on these forms from lenders and borrowers to carry out its loan monitoring portfolio risk management, and lender oversight activities associated with this loan pilot.

*Title:* "Loan Program business, Small Business, Reporting and recordkeeping requirements."

*Description of Respondents:* Application for an SBA Loan.

*Form Numbers:* 2276A, B, C, 2281.

*Annual Responses:* 180.

*Annual Burden:* 180.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 2010-9141 Filed 4-20-10; 8:45 am]

**BILLING CODE P**

**SMALL BUSINESS ADMINISTRATION**

[License No. 09/79-0428; License No. 09/79-0452]

**Montreux Equity Partners II SBIC, L.P.; Montreux Equity Partners III SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Montreux Equity Partners II SBIC, L.P. and Montreux Equity Partners III SBIC, L.P., 3000 Sand Hill Road, Building 1, Suite 260, Menlo Park, CA 94025, Federal Licensees under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the sale of an asset to an Associate, has sought an exemption under section 312 of the Act and section 107.730, which constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Montreux Equity Partners III SBIC, L.P. proposes to sell part of its equity interest in Renal CarePartners, Inc., 4000 Hollywood Blvd., Suite 300N, Hollywood, FL 33021 to Montreux Equity Partners II SBIC, L.P.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Montreux Equity Partners II SBIC, L.P. and Montreux Equity Partners III SBIC, L.P. are considered Associates by virtue of Common Control as defined at 13 CFR 107.50.

Therefore, this transaction is considered self-dealing requiring an exemption. Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publication to the Acting Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: April 7, 2010.

**Sean Greene,**

*Associate Administrator for Investment.*

[FR Doc. 2010-9145 Filed 4-20-10; 8:45 am]

**BILLING CODE 8025-01-P**

**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 Improved Outer Tactical Vests and related accessories under Product Service Code (PSC) 8470 (Armor Personal) under North American Industry Classification

System (NAICS) code 339113 (Surgical Appliance and Supplies Manufacturing).

**SUMMARY:** The U.S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for Improved Outer Tactical Vests. According to a request, no small business manufacturers supply these products to the Federal government. If granted, the waiver would allow an otherwise qualified nonmanufacturer to supply the products of any manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses, or Participants in the SBA's 8(a) Business Development (BD) Program.

**DATES:** Comments and source information must be submitted May 6, 2010.

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

**FOR FURTHER INFORMATION CONTACT:** Ms. Pamela M. McClam, by telephone at (202) 205-7408; by FAX at (202) 481-4783, or by e-mail at [Pamela.mcclam@sba.gov](mailto:Pamela.mcclam@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 provide that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned 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(1). The SBA defines "class of products" based on Office of Management and Budget's NAICS. In addition, SBA uses PSCs to identify

particular products within the NAICS code to which a waiver would apply.

The SBA is currently processing a request to waive the Nonmanufacturer Rule for Improved Outer Tactical Vests and related accessories under NAICS code 339113, Surgical Appliance and Supplies Manufacturing, PSC 8470—Armor Personal.

The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for this class of product within 15 days after date of publication in the **Federal Register**.

Dated: April 14, 2010.

**Randall S. Johnston,**  
*Deputy Director for Government Contracting.*  
[FR Doc. 2010-9142 Filed 4-20-10; 8:45 am]  
**BILLING CODE 8025-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-61905; File No. SR-Phlx-2010-55]

### Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a New Category of Fees for "Professionals"

April 14, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 31, 2010, NASDAQ OMX PHLX, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. 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 adopt fees for a new type of participant called "professional."<sup>3</sup>

While changes to the Exchange's Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated this proposal to be operative on April 1, 2010.

The text of the proposed rule change is available on the Exchange's Web site

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 61802 (March 30, 2010), 75 FR 17193 (April 5, 2010) (SR-Phlx-2010-05).

at <http://nasdaqtrader.com/micro.aspx?id=PHLXfilings>, at the principal office of the Exchange, at the Commission's Public Reference Room, and on the Commission's Web site at <http://www.sec.gov>.

#### 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 Exchange 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 these 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 aspects of such statements.

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

###### 1. Purpose

The purpose of the proposed rule change is to adopt a new category of fees, "professional." The Exchange believes that the proposed fees for professional orders will allow the Exchange to remain competitive with other options exchanges who apply fees to professional orders.

The Exchange defines a "professional" as any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s)<sup>4</sup> (hereinafter "Professional").

The Exchange proposes to add a "Professional" fee category to its transaction fees for equity options, index options and foreign currency options. The Exchange proposes to amend Categories II, III and IV of the Fee Schedule to assess a \$0.20 transaction fee on Professional orders in all equity option classes, a \$0.35 transaction fee on Professional orders in sector index options and a \$0.30 transaction fee on Professional orders in U.S. dollar-settled foreign currency options.

<sup>4</sup> A Professional will be treated in the same manner as an off-floor broker-dealer for purposes of Rules 1014(g) (except with respect to all-or-none orders, which will be treated like customer orders), 1033(e), 1064.02 (except professional orders will be considered customer orders subject to facilitation), and 1080.08 as well as Options Floor Procedure Advices B-6, B-11 and F-5. Member organizations must indicate whether orders are for professionals.