

and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

Specifically, the Exchange believes that the permanent approval of the Pilot Program, which eliminates minimum value size requirements for opening transactions in new FLEX series, would provide greater opportunities for investors to manage risk through the use of FLEX Options. Further, the Exchange notes that it has not experienced any adverse effects from the operation of the Pilot Program. The Exchange also believes that making the Pilot Program permanent does not raise any unique regulatory concerns.

The Exchange also believes that eliminating the minimum value size requirements for all other FLEX transactions and FLEX Quotes, thus affording market participants on NYSE Amex Options with an equal opportunity to tailor FLEX transactions to meet their own investment objectives without being encumbered by a minimum contract size, will help to remove impediments to and perfect the mechanism of a free and open market and a national market system. In addition, offering those same market participants similar investment tools available to their counterparts on the CBOE will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will help to remove impediments to a free and open market and a national market system. The Exchange believes that adopting rules similar to those approved for and utilized by the CBOE does not raise any unique regulatory concerns.

Lastly, the Exchange also believes that the proposed rule change, which provides all market participants, including public investors, with additional opportunities to trade customized options in an exchange environment and subject to exchange-based rules, is appropriate in the public interest and for the protection of investors.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the proposal is structured to offer the same enhancement to all market participants, regardless of account type, and will not impose a competitive burden on any participant. The Exchange believes that adopting similar FLEX rules to those [sic] the CBOE will

allow NYSE Amex Options to more efficiently compete for FLEX Options orders. In addition, the Exchange believes that adopting the Pilot Program on a permanent basis will enable the Exchange to compete with the OTC market, in which similar restrictions on minimum value size do not apply.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEMKT-2014-21 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEMKT-2014-21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEMKT-2014-21 and should be submitted on or before April 28, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Kevin M. O'Neill,**  
*Deputy Secretary.*

[FR Doc. 2014-07637 Filed 4-4-14; 8:45 am]

**BILLING CODE 8011-01-P**

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#### **SMALL BUSINESS ADMINISTRATION**

[License No. 07/07-0116]

#### **Eagle Fund III, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Eagle Fund III, L.P., 101 S. Hanley Road, Suite 1250, St. Louis, Missouri 63105, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107). Eagle Fund III, L.P., proposes to provide debt and equity financing to Oliver Street Dermatology Holdings, LLC, 5310 Harvest Hill Road, Suite 229, Dallas, TX 75230.

The financing was contemplated to provide capital that contributes to the growth and overall sound financing of

<sup>17</sup> 17 CFR 200.30-3(a)(12).

Oliver Street Dermatology Holdings, LLC. The financing is brought within the purview of § 107.730(a)(1) and § 107.730(d)(1) of the Regulations because, Oliver Street Dermatology Holdings, LLC is considered an Associate of Eagle Fund III, L.P., as defined in Sec.105.50 of the regulations due to common ownership.

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 Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

**Javier E. Saade,**

*Associate Administrator, Office of Investment and Innovation.*

[FR Doc. 2014-07666 Filed 4-4-14; 8:45 am]

**BILLING CODE P**

## SMALL BUSINESS ADMINISTRATION

### **Diamond State Ventures III, L.P.; License No. 06/06-0345; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Diamond State Ventures III, L.P., 200 River Market Avenue, Suite 400, Little Rock, AR 72201, a Federal Licensee under the Small Business Investment Act of 1958, as amended (“the Act”), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration (“SBA”) Rules and Regulations (13 CFR 107). Diamond State Ventures III, L.P. proposes to provide debt and equity financing to Whitworth Tool, LLC, 114 Industrial Park Road, Hardinsburg, KY 40143.

The financing is brought within the purview of § 107.730(a)(4) of the Regulations because the proceeds will be used to discharge an obligation to Diamond State Ventures II LP, an Associate of Diamond State Ventures III, L.P. Therefore this transaction requires prior SBA 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 Associate Administrator for Investment and Innovation, U.S. Small Business

Administration, 409 Third Street SW., Washington, DC 20416.

**Javier E. Saade,**

*Associate Administrator for Office of Investment and Innovation.*

[FR Doc. 2014-07667 Filed 4-4-14; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

### Public Notice 8682]

### **Bureau of Oceans and International Environmental and Scientific Affairs; Certifications Pursuant to Section 609 of Public Law 101-162**

**SUMMARY:** The Department of State, in consultation with the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS), determined that royal red shrimp (*Menopenaeus robustus*) harvested in the Mediterranean Sea may be imported into the United States from Spain pursuant to Section 609 of Public Law 101-162. The Department of State has communicated this information to the Office of Field Operations of U.S. Customs and Border Protection.

**DATES:** *Effective Date:* On Publication.

**FOR FURTHER INFORMATION CONTACT:** Stephen J. Wilger, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-3263; email: [wilgersj2@state.gov](mailto:wilgersj2@state.gov).

**SUPPLEMENTARY INFORMATION:** Section 609 of Public Law 101-162 (“Section 609”) prohibits imports of certain categories of shrimp unless the President certifies to the Congress by May 1, 1991, and annually thereafter, either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State (“the Department”). Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

Section 609 Certifications are determined on a national basis, rather than on a fishery by fishery basis within a particular country. In particular,

Certifications under Section 609(b)(2)(C) are granted only in cases where *no* shrimp fishery in a particular country poses a threat of the incidental taking of sea turtles. Since there are other shrimp fisheries in which Spanish vessels operate that could pose a threat to sea turtles, the Department is not able to determine that Spain qualifies for a national Certification pursuant to this Section.

Even in the absence of a national Certification, shrimp from non-certified countries that meet one of a set of specific criteria may be imported into the United States provided that certain additional conditions are met. The relevant exception in this case can be found in Section I(B)(d) of the Department of State’s Revised Guidelines for the Implementation of Section 609 of Public Law 101-162, which allows imports of:

“(d) Shrimp harvested in any other manner or under any other circumstances that the Department of State may determine, following consultation with the [NOAA/NMFS], does not pose a threat of the incidental taking of sea turtles.”

The Department of State has consulted with NMFS and determined that imports of royal red shrimp (*Menopenaeus robustus*) from the Spanish Mediterranean shrimp trawl fleet may be imported into the United States pursuant to the Section I(B)(d) of the Department’s implementing guidelines. Such imports must be accompanied by the State Department Form DS-2031 (“Shrimp Exporter’s/Importer’s Declaration”) and must indicate on the form that the import is eligible for importation into the United States by checking section 7(A)(4) for “shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles.” In addition, an official of the Government of Spain with knowledge of the method of harvest of the product must certify the DS-2031 forms accompanying any imports into the United States. All DS-2031 forms accompanying shrimp imports from Spain must be originals and signed by the competent domestic fisheries authority.

Dated: March 25, 2014.

**David A. Balton,**

*Deputy Assistant Secretary of State for Oceans and Fisheries, Department of State.*

[FR Doc. 2014-07707 Filed 4-4-14; 8:45 am]

**BILLING CODE 4710-09-P**