

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

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.

<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).

The Exchange is also proposing that Payment For Order Flow Fees<sup>5</sup> not be assessed on Professional orders and is amending Category II of the Fee Schedule to reflect that. The Exchange would not assess a payment for order flow fee on professional orders, because the Exchange believes payment for order flow fees are not required to remain competitive with other options exchanges with respect to Professional orders.<sup>6</sup>

In Category V of the Fee Schedule, the Exchange is also proposing that Cancellation Fees<sup>7</sup> not be assessed on Professional orders. The Exchange is excluding professional orders from the computation of the Cancellation Fee, because the Exchange does not believe that these orders raise the types of issues that the Cancellation Fee is intended to address.<sup>8</sup>

The Exchange also proposes to add a notation to the Routing Fees in Category IX to indicate that Professional orders will be subject to the Routing Fees.

## 2. Statutory Basis

The Exchange believes that its proposal to amend its schedule of fees is consistent with Section 6(b) of the Act<sup>9</sup> in general, and furthers the objectives of Section 6(b)(4) of the Act<sup>10</sup> in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members. The Exchange believes that adding Professional fees to the fees applicable to the other equity options, sector index options and foreign currency options transaction fees is fair and reasonable, because the proposed fees are similar to the transaction fees applicable to broker-

dealers trading on Phlx<sup>11</sup> as well as fees assessed by other options exchanges. For example, CBOE assesses a \$0.20 per contract fee for professional orders in equity options,<sup>12</sup> the same as the Exchange's proposed Category II fees.

With regard to the sector index options fees and foreign currency options fees proposed for Professionals, these charges are similar to the current transaction fees assessed on the Exchange's Registered Options Traders pursuant to Categories III and IV of the Exchange's Fee Schedule; and therefore, the Exchange believes the proposed fee is fair and reasonable.

The Exchange believes that excluding Professional orders from the computation of the Cancellation Fee will continue to fairly allocate costs among members according to system use, which is the purpose of cancellation fees. In addition, the Exchange will not assess specialists, SQTs, RSQTs and ROTs a payment for order flow fee on Professional orders, in order to compete with other options exchanges.

The Exchange also proposes to specify that Routing Fees apply to Professional orders for purposes of clarity.

### 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 not necessary or appropriate in furtherance of the purposes of the Act.

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

No written comments were either solicited or received.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>13</sup> and paragraph (f)(2) of Rule 19b-4<sup>14</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

or otherwise in furtherance of the purposes of the Act.

## 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 e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-Phlx-2010-55 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File No. SR-Phlx-2010-55. This file number should be included on the subject line if e-mail 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Phlx. 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 No. SR-Phlx-2010-55 and should be submitted on or before May 12, 2010.

<sup>5</sup> The Exchange currently assesses \$.25 per contract for options that are executed in the penny pilot program and \$.70 for remaining equity options. These fees are assessed for trades resulting from either Directed or non-Directed Orders that are delivered electronically and executed on the Exchange: Assessed on ROTs, specialists and Directed ROTs on those trades when the specialist unit or Directed ROT elects to participate in the payment for order flow program.

<sup>6</sup> See Securities Exchange Act Release No. 61693 (March 11, 2010), 75 FR 13175 (March 18, 2010) (SR-ISE-2010-16).

<sup>7</sup> The Exchange currently assesses \$2.10 per order for each cancelled electronically delivered customer order in excess of the number of customer orders executed on the Exchange by a member organization in a given month. All customer orders from the same member organization that are executed in the same series on the same side of the market at the same price within a 300 second period will be aggregated and counted as one executed customer options order.

<sup>8</sup> See Securities Exchange Act Release No. 60188 (June 29, 2009), 74 FR 32986 (July 9, 2009) (SR-Phlx-2009-48).

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(4).

<sup>11</sup> The options transaction charge for firms is \$.25 per contract; see Category II of the Fee Schedule.

<sup>12</sup> See Securities Exchange Act Release No. 61329 (January 11, 2010), 75 FR 2901 (January 19, 2010) (SR-CBOE-2009-101).

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>14</sup> 17 CFR 240.19b-4(f)(2).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Florence E. Harmon,**  
Deputy Secretary.

[FR Doc. 2010-9115 Filed 4-20-10; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice: 6961]

### 60-Day Notice of Proposed Information Collection: DS-2020 Retail Price Schedule, Part 3 and Part 4, 1405-XXXX

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Retail Price Schedule.
- *OMB Control Number:* No OMB Control Number has yet been assigned.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Administration Office of Allowances (A/OPR/ALS).
- *Form Number:* DS-2020.
- *Respondents:* Respondents are managers of retail price outlets in the Washington, DC area and at 96 foreign locations.
- *Estimated Number of Respondents:* 3888 annually. The estimate represents the number of outlets visited annually worldwide.
- *Estimated Number of Responses:* 4032.
- *Average Hours Per Response:* It is estimated that the average in Washington, DC is one hour. The estimate for foreign locations is twenty minutes.
- *Total Estimated Burden:* 1,376 hours.
- *Frequency:* Biennially at foreign posts. Quarterly in Washington, D.C.
- *Obligation to Respond:* Responses from outlets is Voluntary. However, the collection and submission of the data by USG posts is required for Federal employees to obtain/retain a benefit.

**DATES:** The Department will accept comments from the public up to 60 days from April 21, 2010.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [AllowancesO@state.gov](mailto:AllowancesO@state.gov).
  - *Mail (paper, disk, or CD-ROM submissions):* Office of Allowances (A/OPR/ALS), Room L314 SA-1, Department of State, Washington, DC 20522-0103
  - *Fax:* (202) 261-8707 or (202) 261-8708
  - *Hand Delivery or Courier:* Office of Allowances (A/OPR/ALS) Room L314, Department of State, 2401 E Street, NW., Washington, DC 20037
- You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

#### FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to George W. Indyke, Director, Office of Allowances, Room L314 SA-1, Washington, DC 20522-0103, who may be reached on (202) 261-8700 or at [AllowancesO@state.gov](mailto:AllowancesO@state.gov).

**SUPPLEMENTARY INFORMATION:** We are soliciting public comments to permit the *Department to:*

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

*Abstract of proposed collection:* The collected data is used by the Department of State to carry out its responsibilities under 5 U.S.C. 5924(1), and Executive Orders 10903 and by the Department of Defense to carry out responsibilities under 37 USC 405. It is the primary source of information used to establish/justify post (cost of living) allowances for all Federal civilian employees assigned abroad and cost of living allowances for uniformed service members. The respondents are the store/departments managers of approximately 40 retail outlets at each foreign post and approximately 48 retail outlets in the Washington, DC area.

*Methodology:* U.S.G. employees or contractors visit the retail outlets and gather prices personally. The estimated burden for respondents is based on the time the Price Collectors may spend with them to explain the purpose of the

data collection and seek their cooperation with having the price collector gather prices. Once the price collector has completed the cost data collection, the information is entered in the eAllowances program for electronic submission to the Department of State's Office of Allowances.

Dated: April 16, 2010.

**Steven J. Rodriguez,**

Deputy Assistant Secretary for Operations,  
Bureau of Administration, Department of State.

[FR Doc. 2010-9183 Filed 4-20-10; 8:45 am]

BILLING CODE 4710-24-P

## DEPARTMENT OF STATE

[Public Notice 6960]

### Culturally Significant Objects Imported for Exhibition Determinations: "The Glory of Ukraine: Golden Treasures and Lost Civilizations"

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "The Glory of Ukraine: Golden Treasures and Lost Civilizations," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Russian Art, Minneapolis, MN, from on or about September 3, 2010, until on or about January 23, 2011; the Joslyn Museum of Art, Omaha, NE, from on or about January 2011 until on or about May 2011; the Houston Museum of Natural Science, Houston TX, from on or about May 27, 2011, to on or about September 5, 2011, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/632-6473). The address