

Dated: June 9, 2009.

**Harry Haskins,**

*Acting Associate Administrator for Investment.*

[FR Doc. E9-14806 Filed 6-23-09; 8:45 am]

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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 Periodic Review of Approved Class Waivers from the Nonmanufacturer Rule for Products in Effect as of March 17, 2009.

**SUMMARY:** The U. S. Small Business Administration (SBA) conducted a periodic review of approved class waivers from the Nonmanufacturer Rule for products in effect as of March 17, 2009. The purpose of the notice was to determine if there were any small business manufacturers or processors for the products listed on the list of approved class waivers. The basis for a

waiver is that no small business manufacturers are supplying these classes of products to the Federal government. The effect of a waiver would 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 small businesses or participants in SBA's 8(a) Business Development (BD) Program.

**DATES:** This waiver is effective June 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Edith G. Butler, Program Analyst, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at *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 or Participants in SBA's 8(a) BD 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. SBA's regulations provided the same for procurements set aside for service-disabled veteran-owned small business concerns 13 CFR 125.15. This requirement is commonly referred to as the Nonmanufacturer Rule. See 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.

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 1202(c). The SBA defines "class of products" based on the Office of Management and Budget's North American Industry Classification System (NAICS), and product service codes.

The following are products listed on SBA's list of Approved Class Waivers in Effect as of March 17, 2009.

**U.S. SMALL BUSINESS ADMINISTRATION OFFICE OF GOVERNMENT CONTRACTING NONMANUFACTURER RULE**

[Class Waiver in Effect as of March 17, 2009]

Product service code	Date in Federal Register	NAICS	Product
210 .....	3/21/2008	335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing (Indoor and Outdoor Electrical Lighting Fixtures).
1395 .....	7/2/2002	332995	AMMUNITION/OTHER ORDNANCES.
2310 .....	7/15/1998	336111	AUTOMOBILE MOTOR VEHICLES, MOTOR TRUCKS.
2320 .....	1/24/1992	333924	TRUCKS, FOUR WHEEL DRIVE UTILITY.
2330 .....	12/5/2008	333924	Trailers and Heavy Truck Tractors.
2420 .....	2/24/1992	333111	TRACTOR, WHEELED.
2620 .....	5/18/1992	326211	TIRE, AIRCRAFT, PNEUMATIC.
2835 .....	7/15/1998	333611	TURBINES.
3110 .....	4/16/2001	332991	AEROSPACE BALL AND ROLLER BEARINGS, CONSISTING OF, BUT NOT LIMITED TO, ANNULAR BALL BEARINGS, CYLINDRICAL BALL BEARINGS, LINEAR BALL BEARINGS, LINEAR ROLLER BEARINGS, NEEDLE ROLLER BEARINGS, BALL OR ROLLER BEARING RACES, ROLLER BEARINGS, TAPERED ROLLER BEARINGS AND THRUST ROLLER BEARINGS.
3130 .....	9/27/2002	332991	BEARINGS, MOUNTED.
3610 .....	7/27/1994	333315	COPIER/DUPLICATING MACHINES.
3805 .....	12/28/1989	333120	CONSTRUCTION, BACKHOE.
3805 .....	5/15/1991	333120/333131	SHOVEL LOADERS, SCRAPER LOADERS.
3805 .....	12/28/1991	333120	CONSTRUCTION, ROAD GRADER.
3805 .....	12/28/1989	333120	CONSTRUCTION, SCRAPERS.
3805 .....	5/15/1991	333131	CONSTRUCTION, DRILL RIGS.
3810 .....	10/2/1991	333120	CONSTRUCTION, CRANE OVER 15 TON.
3825 .....	9/13/1990	333120	SWEEPERS, STREET.
4710 .....	5/15/1991	331491	PIPE & TUBING HIGH NICKEL ALLOY.
5805 .....	7/5/1991	334210	COMMUNICATION, DIGITAL EPBX EQUIP.
5805 .....	2/12/1997	334210	ROUTERS AND SWITCHES.
5805 .....	7/20/1998	334210	TELEGRAPH APPARATUS.
5805 .....	7/20/1998	334220	CELLULAR HANDSETS AND TELEPHONES.
5805 .....	7/20/1998	334220	RADIO TELEPHONE.
5820 .....	7/8/2008	334220	TELEVISIONS.
5821 .....	2/12/1997	334511	AIRBORNE INTEGRATED COMPONENTS.
5836 .....	2/8/1993	334310	VIDEO CASSETTE RECORDER.
5836 .....	1/28/1997	333315	8 MM TRI-DECK AIRBORNE RECORDER.
5920 .....	5/5/1997	335931	SURGE ARRESTERS.
5925 .....	5/5/1997	335313	POWER CIRCUIT BREAKERS.
5950 .....	5/5/1997	335311	CURRENT AND POTENTIAL TRANSFORMER AUTOTRANS—FORMER.

U.S. SMALL BUSINESS ADMINISTRATION OFFICE OF GOVERNMENT CONTRACTING NONMANUFACTURER RULE—Continued  
[Class Waiver in Effect as of March 17, 2009]

Product service code	Date in Federal Register	NAICS	Product
5805 .....	7/20/1998	334416	TOWERS.
5999 .....	11/2/2004	335999	MISCELLANEOUS ELECTRICAL EQUIPMENT AND COMPONENTS MANUFACTURING.
6015 .....	6/13/2003	334417/335921	OVERHEAD FIBER OPTIC GROUNDWIRE & ANCILLARY HARDWARE COMPONENTS .
6135 .....	2/24/1992	335911	STORAGE BATTERIES .
6145 .....	12/5/2008	335931	Control Cable and Conductors.
6145 .....	12/5/2008	335932	Line Hardware (insulator Strings).
6525 .....	12/20/2007	334510	Electromedical and Electrotherapeutic Apparatus Manufacturing.
6525 .....	12/26/2007	334517	Irradiation Apparatus Manufacturing.
6525 .....	12/20/2007	334510	Electromedical/Electrotherapeutic Apparatus Manufacturing (Diagnostic equipment, MRI (magnetic resonance imaging), manufacturing; Magnetic resonance imaging (MRI) medical diagnostic equipment manufacturing; Medical ultrasound equipment manufacturing; MRI (magnetic resonance imaging) medical diagnostic equipment manufacturing; Patient monitoring equipment (e.g., intensive care coronary care unit) manufacturing; PET (positron emission equipment tomography) scanners manufacturing; and Positron emission tomography (PET) scanners manufacturing).
6525 .....	12/26/2007	334517	Irradiation Apparatus Manufacturing (X-Ray Equipment/Supplies).
6525 .....	01/29/2008	334517	Irradiation Apparatus Manufacturing (Computerized axial tomography (CT/CAT) scanners manufacturing; CT/CAT (computerized axial tomography) scanners manufacturing; Fluoroscopes manufacturing; Fluoroscopic X-ray apparatus and tubes manufacturing; Generators, X-ray, manufacturing; Irradiation equipment manufacturing; X-ray generators manufacturing; and X-ray irradiation equipment manufacturing).
6240 .....	01/28/2008	335999	All Other Miscellaneous Electrical Equipment/Component Manufacturing (Fluorescent Lamps, Incandescent Lamps, etc.).
6250 .....	01/28/2008	335999	All Other Miscellaneous Electrical Equipment/Component Manufacturing (Electric Lamp Starters/Lamp Holders, etc.).
6770 .....	11/15/2005	325992	Photo-film, paper, plate & Chem. Manufacturing.
6810 .....	04/27/2006	324110	REFINERY GASES MADE IN PETROLEUM REFINERIES.
6810 .....	04/27/2006	332420	CRYOGENIC TANK, HEAVY GAUGE METAL, MANUFACTURING.
6810 .....	04/27/2006	332420	LIQUID OXYGEN TANKS MANUFACTURING.
6810 .....	04/27/2006	332420	LIQUEFIED PETROLEUM GAS (LPG) CYLINDERS MANUFACTURING.
6810 .....	04/27/2006	332420	BULK STORAGE TANKS, HEAVY GAUGE METAL, MANUFACTURING.
6810 .....	04/27/2006	332420	GAS STORAGE TANKS, HEAVY GAUGE METAL MANUFACTURING.
6810 .....	04/27/2006	332420	CYLINDERS, PRESSURE, HEAVY GAUGE METAL, MANUFACTURING.
6810 .....	04/27/2006	325120	INDUSTRIAL GASES MANUFACTURING.
6810 .....	5/15/1991	325181	CAUSTIC SODA.
6810 .....	5/15/1991	325181	SODA ASH.
6810 .....	2/24/1992	325181	SODIUM HYDROXIDE.
6810 .....	2/24/1992	325188	ACID, BORIC.
6810 .....	4/24/1992	325188	ACID, ENRICHED BORIC.
6810 .....	5/15/1991	325188	ACID, HYDROCHLORIC.
6810 .....	2/24/1992	325188	ACID, HYDROFLUORIC.
6810 .....	2/24/1992	325188	CALCIUM NITRATE (UNCOATED).
6810 .....	5/15/1991	325110	HEPTANE HPCL.
6810 .....	2/24/1992	325188	N-DODECANE.
6810 .....	5/15/1991	325199	ETHYL ACETATE.
6810 .....	5/15/1991	325110	BENZENE.
6810 .....	5/15/1991	325110	TOLUENE.
6810 .....	5/15/1991	325191/325199	ACETATE NATURAL SYNTHETIC.
6810 .....	5/15/1991	325311	AMMONIUM SULFATE.
6810 .....	5/15/1991	325199	METHYL ISOBUTYL KETONE.
6810 .....	5/15/1991	325191/325199	ACETONE.
6810 .....	2/24/1992	325199	METHYLENE CHLORIDE.
6810 .....	5/15/1991	325199	NN-DIMETHYL FORMAMIDE.
6810 .....	5/15/1991	325199	PROPYLENE GLYCOL.
6810 .....	5/15/1991	325199	METHANOL.
6810 .....	5/15/1991	325311	NITRIC ACID.
6810 .....	10/21/1996	325199	PURIFIED TEREPHTHALIC ACID GROUND.
6810 .....	5/15/1991	325199	PTAU.
6810 .....	5/15/1991	325199	TRICHLORETHANE.
6810 .....	5/15/1991	325311	AMMONIUM SULFATE.
6810 .....	2/24/1992	324110	HYDROCARBON DILUENT.
7021 .....	8/28/1991	334111	MAINFRAME COMPUTERS AND PERIPHERALS.*
7025 .....	8/8/1991	334119	COMPUTER LASER PRINTER.
7110 .....	6/27/2006	337215	Furniture Frames and Parts, Metal Manufacturing.
7110 .....	6/27/2006	337215	Furniture, Frames, Wood, Manufacturing.
7110 .....	6/27/2006	337215	Furniture Parts, Finished Metal Manufacturing.
7110 .....	6/27/2006	337215	Furniture Parts, Finished Plastics, Manufacturing.

U.S. SMALL BUSINESS ADMINISTRATION OFFICE OF GOVERNMENT CONTRACTING NONMANUFACTURER RULE—Continued  
[Class Waiver in Effect as of March 17, 2009]

Product service code	Date in Federal Register	NAICS	Product
7110 .....	6/27/2006	337127	Furniture, Factory-type (e.g., cabinets, stools, tool stands, work benches) Manufacturing.
7195 .....	6/27/2006	339111	Furniture, hospital (e.g., hospital beds, operating room furniture), Manufacturing.
7195 .....	6/27/2006	339111	Furniture, Laboratory-type (e.g., benches, cabinets, stools, tables) Manufacturing.
7220 .....	1/15/1991	314110	CARPET TILE.
7220 .....	5/15/1991	314110	CARPET, WOVEN, 6-FT VINYL BACK BROADLOOM.
7220 .....	1/15/1991	314110	CARPET, 6 FT VINYL BACK BROADLOOM.
7220 .....	5/15/1991	326192	TILE AND ROLL, VINYL SURFACE.
7290 .....	11/15/2005	333415	COMMERCIAL REFRIGERATOR EQUIPMENT.
7320 .....	11/15/2005	335221	HOUSEHOLD REFRIGERATOR EQUIPMENT.
7290 .....	10/21/2005	333312	COMMERCIAL LAUNDRY EQUIPMENT.
7320 .....	10/21/2005	335522	HOUSEHOLD REFRIGERATOR EQUIPMENT.
7320 .....	10/21/2005	335221	HOUSEHOLD COOKING EQUIPMENT.
7510 .....	1/12/2006	335222, 339940, 325992, 322231, 339940	OFFICE SUPPLIES, PAPER & TONER.
7610 .....	8/3/1990	323117	THESAURUSES & DICTIONARIES.
7730 .....	7/27/1994	334310	DISC PLAYERS, COMPACT.
7730 .....	7/27/1994	334310	TELEVISION RECEIVING SETS.
8040 .....	02/09/2005	325520	ADHESIVES AND SEALANTS MANUFACTURING.
8905 .....	10/2/1991	311711	TUNA, CANNED.
8915 .....	9/23/1991	311421	APRICOTS, CANNED.
8915 .....	10/2/1991	311421	CITRUS SECTIONS, CANNED.
8915 .....	10/2/1991	311421	SPINACH, CANNED.
8915 .....	9/23/1991	311421	TOMATO PASTE, CANNED.
8925 .....	10/2/1991	311312	SUGAR, GRANULATED & BROWN.
9310 .....	10/2/1991	322224	PAPER BAGS (SMALL HARDWARE TYPE).
9510 .....	5/15/1991	331491	BARS & ROD, HIGH NICKEL ALLOY.
9515 .....	5/15/1991	331491	PLATE, SHEET, STRIP & FOIL; STAINLESS STEEL & HIGH NICKEL ALLOY.
9515 .....	9/25/1990	331315	PLATE, SHEET, STRIP, FOIL & WIRE; HIGH NICKEL ALLOY.
9520 .....	5/15/1991	331111	STAINLESS STEEL SHAPES.
9525 .....	5/15/1991	331491	WIRE, NONELECTRICAL HIGH NICKEL ALLOY.
9530 .....	5/15/1991	331491	BARS & RODS, HIGH NICKEL ALLOY.
9530 .....	8/23/1991	331491	ALUMINUM.
9530 .....	8/23/1991	331312	NICKEL-COPPER NICKEL.
9535 .....	6/8/2004	331315	ALUMINUM, SHEET, PLATE AND FOIL MANUFACTURING.
9650 .....	9/25/1990	331411	COPPER & NICKEL CATHODES.
9650 .....	9/25/1990	331411	COPPER CATHODES.
9650 .....	9/25/1990	331419	NICKEL BRICKETTES.
9999 .....	8/11/2004	333415	ICE MAKING MACHINERY MANUFACTURING.

\* This waiver covers only peripheral equipment when purchasing a mainframe computer (PSC 7021).

The SBA posted a notice in the **Federal Register** on March 26, 2009 and April 22, 2009 in the Federal Business Opportunities. SBA received five (5) responses from small business concerns. A review of the responses determined that there were no small business manufacturing sources for any of the products on the approved class waivers in effect as of March 17, 2009. Therefore, the list of approved class waivers for these products will remain in effect until such time of the discovery of small business manufacturing sources.

Dated: June 19, 2009.

**James Gambardella,**

*Acting Director for Government Contracting.*  
[FR Doc. E9-14889 Filed 6-23-09; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60122; File No. SR-NYSEAmex-2009-26]

### Self-Regulatory Organizations; NYSE Amex LLC; Notice of Filing of Proposed Rule Change to Charge a \$500 Monthly Fee to Recipients of the NYSE Amex Order Imbalance Information Datafeed

June 17, 2009.

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 June 5, 2008, the NYSE Amex LLC (“NYSE Amex” or “Exchange”) filed with the Securities and Exchange Commission

(“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

NYSE Amex LLC (“NYSE Amex” or the “Exchange”), formerly the American Stock Exchange LLC, proposes to charge a \$500 monthly fee to recipients of the NYSE Amex Order Imbalance Information Datafeed. The text of the proposed rule change is available at the Exchange, the Commission’s Public Reference Room, and <http://www.nyse.com>.

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

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