

guaranteed percentage to which a Floor Broker is entitled when facilitating a Customer Order at the quoted market. The Commission believes that these changes are generally consistent with rules in place variously at other exchanges or otherwise constitute reasonable modifications to the Exchange's procedures. In particular, the Commission notes that the increase in the percentage that the Floor Broker is entitled to facilitate at the quoted market would not exceed 40% of an order. The Commission has previously found that participation guarantees of as much as 40% of an order in options trading are not inconsistent with statutory standards of competition and free and open markets.<sup>11</sup>

The Commission further notes that the proposed rule change also would require a Floor Broker to fill the remainder of the Customer Order that is not filled by the trading crowd by executing it against the Facilitation Order, thus ensuring that the Customer Order will be executed at or between quoted markets.<sup>12</sup> The proposed rule change also clarifies the Exchange's facilitation procedures by setting forth explicit provisions regarding the method for allocating the contracts remaining after the Floor Broker executes his or her guaranteed percentage. Finally, the new commentaries regarding Floor Brokers' duties of best execution and due diligence contribute to the clarity of the facilitation rules by expressly defining violative conduct.

The Commission finds good cause for approving Amendments No. 3 and 5 to the proposed rule change prior to the thirtieth day after the amendment is published in the **Federal Register**, pursuant to Section 19(b)(2) of the Act.<sup>13</sup> With respect to the types of orders that may be Facilitation Orders, Amendment No. 3 eliminated a distinction between orders for the proprietary accounts of organizations under common control with LMMs and orders for the proprietary accounts of organizations under common control with Market Makers, and thus enhanced the proposed rule change. Amendment No. 3 also strengthened the proposal by

clarifying the method of allocation of the remaining 60% of a Customer Order in a situation where the crowd had not provided a response to Floor Broker's request for a market. Finally, Amendment No. 3 made a few minor technical and stylistic changes to the proposed rule text. In Amendment No. 5, the Exchange proposed to make the effective date of the proposal October 29, 2004 in order to allow the Exchange to provide proper notice and education to the Exchange OTP Holders and OTP Firms that are affected by the rule change. Acceleration of Amendments No. 3 and 5 will permit the Exchange to implement the proposal in an expeditious manner. The Commission, therefore, believes that good cause exists, consistent with Section 6(b)(5)<sup>14</sup> and Section 19(b)<sup>15</sup> of the Act, to accelerate approval of Amendment No. 3.

#### IV. Solicitation of Comments Concerning Amendment No. 3

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 3, including whether it 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 Number SR-PCX-2003-64 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609.

All submissions should refer to File Number SR-PCX-2003-64. 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 inspection and copying in the Commission's Public Reference Room. Copies of such 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-PCX-2003-64 and should be submitted on or before October 28, 2004.

#### V. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>16</sup> that the proposed rule change (File No. SR-PCX-2003-64) and Amendments No. 1 and 2 thereto are approved, and that Amendments No. 3, 4 and 5 thereto are approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. E4-2528 Filed 10-6-04; 8:45 am]

BILLING CODE 8010-01-P

## SMALL BUSINESS ADMINISTRATION

### Small Business Size Standards: Waiver of the Nonmanufacturer Rule

**AGENCY:** Small Business Administration.

**ACTION:** Notice of termination of waiver of the Nonmanufacturer Rule for Paint and Paint Manufacturing.

**SUMMARY:** The U. S. Small Business Administration (SBA) is terminating the waiver of the Nonmanufacturer Rule for Paint and Paint Manufacturing based on our recent discovery of a small business manufacturer for this class of products. Terminating this waiver will require recipients of contracts set aside for small or 8(a) businesses to provide the products of small business manufacturers or process on such contracts.

**DATES:** This termination of waiver is effective on October 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Edith Butler, Program Analyst, by telephone at (202) 619-0422; by Fax at (202) 205-7280; or by e-mail at [edith.butler@sba.gov](mailto:edith.butler@sba.gov).

<sup>11</sup> See, e.g., Securities Exchange Act Releases No. 42455 (February 24, 2000), 65 FR 11388 (March 2, 2000) at 11398; and No. 43100 (July 31, 2000), 65 FR 48778 (August 9, 2000) at notes 96-99 and accompanying text.

<sup>12</sup> The Exchange represents that any portion of a Customer Order executed pursuant to this rule would not be executed at a price inferior to the national best bid or offer. Telephone conversation between Mai S. Shiver, Director/Senior Counsel, PCX, and Ira L. Brandriss, Assistant Director, Division, Commission, September 29, 2004.

<sup>13</sup> 15 U.S.C. 78s(b)(2).

<sup>14</sup> 15 U.S.C. 78f(b)(5).

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

<sup>16</sup> 15 U.S.C. 78s(b)(2).

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

**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 SBA's 8(a) Business Development 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. This requirement is commonly referred to as the Nonmanufacturer Rule.

The SBA regulations imposing this requirement are found at 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.

As implemented in SBA's regulations at 13 CFR 121.1204, 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. The SBA defines "class of products" based on six digit coding systems. The first coding system is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code established by the Federal Procurement Data System.

The SBA received a request on June 29, 2004 to waive the Nonmanufacturer Rule for Paint and Paint Manufacturing. In response, on July 28, 2004, SBA published in the **Federal Register**, and FedBizOpps notices of intent to the waiver of the Nonmanufacturer Rule for Paint and Paint Manufacturing. In responses to these notices, SBA discovered the existence of a small business manufacturer of that class of products. Accordingly, based on the available information, SBA has determined that there is a small business manufacturer of this class of products, and is therefore terminating the class waiver of the Nonmanufacturer Rule for Paint and Paint Manufacturing, NAICS 325510.

**Authority:** 15 U.S.C. 637(a)(17).

Dated: October 4, 2004.

**Emily Murphy,**

*Acting Associate Administrator for Government Contracting.*

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**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

### [Public Notice 4854]

#### **Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Educational Adviser Training and Support Services**

*Announcement Type:* New Cooperative Agreement.

*Funding Opportunity Number:* ECA/A/S/A-05-05.

*Catalog of Federal Domestic Assistance Number:* 00.000.

*Key Dates:* January 1, 2005 to December 31, 2005.

*Application Deadline:* Friday, November 22, 2004.

*Executive Summary:* The Educational Information and Resources Branch of the Office of Global Educational Programs in the Bureau of Educational and Cultural Affairs announces an open competition for Educational Adviser Training and Support Services. Public and private non-profit organizations meeting the provisions described in Internal Revenue Code Section 26 U.S.C. 501(c)(3) may submit proposals to develop training programs and provide support services for the following:

#### 1. Department of State-Affiliated Overseas Educational Advisers

Overseas educational advisers provide accurate and objective information to foreign audiences on U.S. study opportunities at accredited academic institutions and guide students and professionals in selecting a program appropriate to their needs.

#### 2. Regional Educational Advising Coordinators

Regional Educational Advising Coordinators (REAC) provide training and needs assessment and serve as the chief resource to centers in their regions on advising and other educational issues.

Project proposals should be structured to focus on the following:

1. Short-term training for mid- and senior-level advisers.
2. Logistical support services for Regional Educational Advising Coordinators and educational advisers attending the national NAFSA: Association of International Educators conference in Seattle in May 2005.

The Department anticipates awarding one grant to administer this program.

The training component of the proposal should include a U.S.-Based Training program (USBT) for mid-level advisers and Professional Advising Leadership (PAL) fellowships for senior-level advisers.

The USBT for mid-level educational advisers should be approximately three weeks in duration in Fall 2005 and must include workshops on advising issues of concern, visits to a variety of U.S. academic institutions outside of the Washington, DC metropolitan area and attendance at a regional NAFSA: Association of International Educators conference or similar professional development opportunity.

Professional Advising Leadership (PAL) projects for senior-level advisers may take place three times throughout 2005 and include four advisers in each group. Advisers applying for a PAL fellowship will have at least four years of advising experience. Applicants will formulate a proposal outlining a project that will be of benefit to the adviser's center, region and the profession as a whole.

The Support Services portion of the program will include providing logistical support for the following activities in May/June 2005:

#### 1. Regional Educational Advising Coordinators (REAC) Meeting

Support will include making arrangements for lodging and other activities for up to eight REACs and Educational Information and Resources Branch (ECA/A/S/A) program staff for five days of consultations in Washington, DC before the 2005 NAFSA Conference to be held May 29-June 3, 2005 in Seattle, Washington,

#### 2. PAL Meeting

Support will include making arrangements for meetings with REACs, PAL Fellows and Branch program officers after the NAFSA conference in Seattle.

#### 3. Educational Adviser Pre-NAFSA Conference Campus Visits/Conference Attendance

Support will include (a) making hotel reservations for advisers not participating in the USBT and PAL programs and (b) providing grants to advisers for conference attendance and to the ECA/A/S/A-designated campus liaison coordinator for administration of pre-conference campus visits.

### **I. Funding Opportunity Description**

#### *Authority*

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States